

Operational Services

Waiver of Student Fees ¹

The Superintendent will recommend to the School Board a schedule of fees, if any, to be charged students for the use of textbooks, consumable materials, extracurricular activities, and other school student fees. Students must also pay for the loss of or damage to school books or other school-owned materials.

Fees for textbooks, other instructional materials, and driver education are waived for students who meet the eligibility criteria for a fee waiver as described in this policy. ² In order that no student is denied educational services or academic credit due to the inability of parents/guardians to pay student fees, the Superintendent will recommend to the Board which additional fees, if any, the District will waive for students who meet the eligibility criteria for fee waiver. ³ Students receiving a fee waiver are not exempt from charges for lost and damaged books, locks, materials, supplies, and equipment. ⁴

Notification

The Superintendent shall ensure that applications for fee waivers are widely available and distributed according to State law and ISBE rule and that provisions for assisting parents/guardians in completing the application are available.

¹ State law requires this subject matter be covered by policy and controls its content (105 ILCS 5/10-20.13; 23 Ill.Admin.Code §1.245). State law provides that “[n]o discrimination or punishment of any kind, including the lowering of grades or exclusion from classes, may be exercised against a student whose parents or guardians are unable to purchase required textbooks or instructional materials or to pay required fees,” (105 ILCS 5/28-19.2). This policy concerns an area in which the law is unsettled (see footnotes 2 and 3).

² Districts must waive textbooks fees (105 ILCS 5/10-20.13) and driver education fees (105 ILCS 5/27-23) for students whose parents/guardians are unable to afford them. In order to effectuate the law’s intent, the term “textbook” should be interpreted broadly to include fees for instructional materials, laboratory fees, and workbooks. The enforceability of 105 ILCS 5/10-20.13(b) and implementing ISBE regulations (23 Ill.Admin.Code §1.245) requiring districts to waive “other fees” is questionable because they are unfunded mandates. ISBE regulations on school fees may not be enforceable because the General Assembly failed to make necessary appropriations (see the Weekly Message from State Superintendent Robert Schiller, 8-15-03).

A school district may charge up to \$50 for district residents between 15 and 21 years of age who participate in the driver education course. The fee must be waived for any such resident who is unable to pay. When space permits, the district also may provide driver education for residents above age 55 who have never been licensed to drive and may charge a fee not to exceed actual costs of the course (105 ILCS 5/27-23).

Resident tuition fees are not permissible. Hamer v. Board of Education, School District No. 109, 292 N.E.2d 569 (Ill.App. 2, 1977); Polzin v. Rand, McNally & Co., 95 N.E. 623 (1911).

³ 105 ILCS 5/10-20.13(b) was added in 1983 to require districts to waive “other fees” in addition to the costs of textbooks (P.A. 83-603). The General Assembly, however, never appropriated the necessary funds. Thus, the amendment may be unenforceable because it violated the State Mandates Act (30 ILCS 805/1; see above footnote). Use the following alternative if the board wants to make a longstanding commitment to waive specific fees, amending the list of fees that will be waived as desired. Alternatively a board may decide to waive all school student fees and substitute the following sentence for the first 2 sentences of this paragraph:

All school student fees as defined by the Illinois State Board of Education (ISBE) are waived for students who meet the eligibility criteria for a fee waiver contained in this policy.

In order that no student is denied educational services or academic credit due to the inability of parents/guardians to pay fees, the following fees are also waived for students who meet the eligibility criteria for fee waiver: athletic participation fees, lock fees, towel fees, shop fees, laboratory fees, and registration fees.

⁴ Districts in which a referendum was approved to provide students with free textbooks must have a policy on textbook care and preservation (105 ILCS 5/28-17). The textbook loan program operated by the ISBE is found at 105 ILCS 5/18-17.

Eligibility Criteria

A student shall be eligible for a fee waiver when the student currently lives in a household that meets the same income guidelines, with the same limits based on household size, that are used for the federal free meals program. ⁵

The Superintendent or designee will give additional consideration where one or more of the following factors are present: ⁶

- Illness in the family;
- Unusual expenses such as fire, flood, storm damage, etc.;
- Unemployment;
- Emergency situations;
- When one or more of the parents/guardians are involved in a work stoppage.

Verification ⁷

The Superintendent or designee shall establish a process for determining a student's eligibility for a waiver of fees in accordance with State law requirements. The Superintendent or designee may require family income verification at the time an individual applies for a fee waiver and anytime thereafter but not more often than once every 60 calendar days. The Superintendent or designee shall not use any information from this or any independent verification process to determine free or reduced-price meal eligibility.

If a student receiving a fee waiver is found to be no longer eligible during the school year, the Superintendent or designee shall notify the student's parent/guardian and charge the student a prorated amount based upon the number of school days remaining in the school year.

⁵ Required by 105 ILCS 5/10-20.13, amended by P.A. 96-360. The federal free meals program is found at 42 U.S.C. §1758; 7 C.F.R. Part 245. A board has a choice regarding verification – it may: (1) establish a process to determine eligibility for fee waivers that is completely independent of the federal free meals eligibility guidelines, or (2) tie the application for fee waivers to the free meals program and only ask for *verification* in accordance with the free or reduced-price meals program. This sample policy assumes that option #1 will be chosen but would allow for option #2 if the alternative is used in the *Verification* section. See footnote 7.

⁶ This paragraph is optional and may be omitted.

⁷ By using a process for determining eligibility for fee waivers that is completely separate from the process for determining eligibility for free meals, a district may require income verification at the time an application is submitted for a fee waiver and may do so thereafter, but not more than once every 60 calendar days. 105 ILCS 5/10-20.13, amended by P.A. 96-360; 23 Ill.Admin.Code §1.245(d). Income verification may include such things as payroll stubs, tax returns, or evidence of receipt of food stamps or Temporary Assistance for Needy Families.

An application for fee waivers that is completely separate from the application for free lunches cannot ask whether a student lives in a household that meets free lunch eligibility guidelines and request income verification with reference to *free lunch* eligibility guidelines. In the completely separate fee waiver application, the district should supply its own income guidelines with the same limits based on household size that are used for the federal meals program and have the parents indicate if they meet the income guidelines used to determine eligibility for *fee waivers*. The independent fee waiver income guidelines should not be any higher than those for eligibility for free lunch (or reduced-price, if the district voluntarily provides fee waivers for those students who qualify), but the district should not reference or indicate that the guidelines are for the free meals program. In this completely separate application process for fee waivers, the district may ask for verification, but cannot use any information it receives for fee waiver verification though this process for determining eligibility for free or reduced meals.

Alternatively, a board should replace both paragraphs in this section with the following alternative if it wants to use eligibility for free meals as the basis for waiving school fees:

The Superintendent or designee must follow the verification requirements of 7 C.F.R. 245.6a when using the free lunch or breakfast eligibility guidelines pursuant to The National School Lunch Act as the basis for waiver of the student's fee(s).

Determination and Appeal **8**

Within 30 calendar days after the receipt of a waiver request, the Superintendent or designee shall mail a notice to the parent/guardian whenever a waiver request is denied. The denial notice shall include: (1) the reason for the denial, (2) the process and timelines for making an appeal, and (3) a statement that the parent/guardian may reapply for a waiver any time during the school year if circumstances change. If the denial is appealed, the District shall follow the procedures for the resolution of appeals as provided in the Illinois State Board of Education rule on waiver of fees.

LEGAL REF.: 105 ILCS 5/10-20.13, 5/10-22.25 and 5/28-19.2.
23 Ill.Admin.Code §1.245 [may contain unenforceable provisions].

CROSS REF.: 4:130 (Free and Reduced-Price Food Services)

8 An ISBE rule requires that the policy state that the district will mail a copy of a denial notice within 30 calendar days after the receipt of the waiver request (23 Ill.Admin.Code §1.245(c)(3). This rule also specifies timelines and procedures, including a requirement that “the person who decides the appeal shall not be the person who initially denied the fee waiver or a subordinate of this person.” Thus, a board may be required to hear an appeal if the superintendent made the initial decision to deny a fee waiver. The board’s participation is avoided by the principal making initial fee waiver decisions and the superintendent or other main office administrator deciding the appeals.

Operational Services

Administrative Procedure - Fines, Fees, and Charges - Waiver of Student Fees ⁹

Actor	Action
<p>Superintendent or designee</p>	<p>Prepares and recommends to the School Board a list of school fees to be charged to students for the use of textbooks, consumable materials, field trips, extracurricular activities, graduation fees, and similar items. See 23 Ill.Admin.Code §1.245(a) for a definition of <i>school fees</i>.</p> <p>Initial notice: For all students enrolling in the District for the first time, notifies their parents/guardians that the District will waive school fees for persons unable to afford them in accordance with policy 4:140, <i>Waiver of Student Fees</i>. 23 Ill.Admin.Code §1.245(c)(2)(A).</p> <p>The initial notice must at least describe: (1) the Board’s policy, including the criteria and other circumstances under which the District will waive school fees; (2) the school fees subject to a waiver; (3) the procedure to apply for a fee waiver, including the availability of a fee waiver request form and the documents whose use is required by the District in verifying income; and (4) the dispute resolution procedure. 23 Ill.Admin.Code §1.245(c)(2)(A).</p> <p>Annual notice: Includes a notice with the first statement sent to parents/guardians who owe school fees that the District will waive school fees for persons unable to afford them in accordance with policy 4:140, <i>Waiver of Student Fees</i>.</p> <p>The annual notice must include a description of the fee waiver application process or the name, address and telephone number of the person to contact for information concerning a fee waiver. 23 Ill.Admin.Code §1.245(c)(2)(B).</p> <p>Determines whether the required inclusions in these notices will be satisfied by providing parents/guardians with a written copy of Board policy 4:140, <i>Waiver of Student Fees</i>, and form 4:140-E1, <i>Application for Fee Waiver</i>.</p>
<p>Parent(s)/Guardian(s) seeking a school fee waiver</p>	<p>Completes 4:140-E1, <i>Application for Fee Waiver</i>, and returns it to the Building Principal along with documents that will verify the family’s income, such as, payroll stubs, tax returns, or evidence of</p>

⁹ School districts have two options for school fee waiver applications. 105 ILCS5/10-20.13. Option 1 allows a district to establish a separate application process to determine students’ eligibility based upon the income guidelines established by the federal meals program that does not rely on a student’s application for, eligibility for, or participation in the free meals program. By using this option, a district is relieved from the verification thresholds set by the federal program. Option 2 allows a district to use students’ application for free meals. Under this option, federal requirements significantly restrict the number of applications that may be verified.

Both this procedure and the sample 4:140-E1, *Application for Fee Waiver*, assume that the board policy 4:140, *Waiver of Student Fees*, uses option 1. The relevant staff must check the adopted board policy to assure that this procedure and the application for a fee waiver are in alignment with it.

	<p>receipt of food stamps or Temporary Assistance for Needy Families. 23 Ill.Admin.Code §1.245(d).</p> <p>May apply for a waiver of school fees by completing 4:140-E1, <i>Application for Fee Waiver</i>, at any time.</p>
Building Principal or designee	<p>Determines the student's eligibility for fee waiver based on policy 4:140, <i>Waiver of Student Fees</i>.</p> <p>Notifies the parent(s)/guardian(s) within 30 calendar days if their <i>Application for Fee Waiver</i> is denied. 23 Ill.Admin.Code §1.245(c)(3).</p> <p>A rejection notice must include: (1) the reason for the denial; (2) a notification of their right to appeal as well as the appeal process and timelines (4:140-E2, <i>Response to Application for Fee Waiver, Appeal, and Response to Appeal</i>); and (3) a statement that they may reapply at anytime if circumstances change. 23 Ill.Admin.Code §1.245(c)(3)(A).</p> <p>Ensures that any completed 4:140-E1, <i>Application for Fee Waiver</i>, and the 4:140-E2, <i>Response to Application for Fee Waiver, Appeal, and Response to Appeal</i>, are confidentially treated and maintained. 23 Ill.Admin.Code §1.245(f).</p>
Parent(s)/Guardian(s) seeking a school fee waiver	<p>May appeal the denial of a fee waiver request.</p> <p>If desired, meets with the person who will decide the appeal in order to explain why the fee waiver should be granted. 23 Ill.Admin.Code §1.245(c)(3)(B).</p>
Superintendent or designee	<p>Contacts the parent(s)/guardian(s) to determine if they want to meet to explain why the fee waiver should be granted. 23 Ill.Admin.Code §1.245(c)(3)(B). If so, meets with the parent(s)/guardian(s) at a prearranged date and time.</p> <p>Ensures that the person who decides the appeal is not the person who initially denied the fee waiver or a subordinate of this person. 23 Ill.Admin.Code §1.245(c)(3)(B).</p> <p>Responds in writing to the parent/guardian's appeal within 30 calendar days of receipt of the appeal. 23 Ill.Admin.Code §1.245(c)(3)(B).</p> <p>Ensures that no discrimination or punishment of any kind, including the lowering of grades or exclusion from classes, is exercised against a student whose parent(s)/guardian(s) are unable to purchase required textbooks or instructional materials or to pay required fees. 105 ILCS 5/28-19.2.</p>

REWRITTEN

Operational Services

Exhibit - Application for Fee Waiver 10

This application for a school fee waiver is completely independent from the District process for determining eligibility for free meals. The information must be provided for your application to be considered. Submit completed application and income verification documents to the Building Principal.

Student's Name (please print)

School

Parent/Guardian Name (please print)

Address (please print)

1. The student named above lives in my household? Yes No
2. Total number of people living in my home _____
3. Total gross annual household income (before deductions) from all people living in my home
\$ _____

Income includes all:

- Compensation for services, wages, salary, commissions or fees;
- Net income from self-employment;
- Social Security;
- Dividends or interest on savings or bonds or income from estates or trusts;
- Net rental income;
- Public assistance or welfare payments;
- Unemployment compensation;
- Government civilian employee or military retirement, or pensions or veterans payments;
- Private pensions or annuities;
- Alimony or child support payments;
- Regular contributions from persons not living in the household;
- Net royalties; and
- Other cash income (including cash amounts received or withdrawn from any source including savings, investments, trust accounts and other resources).

4. My household meets the federal income guidelines for free meals (attached)? Yes No
See www.isbe.net/nutrition/htmls/data.htm#income.

If you answered "No" to any of the previous questions, please indicate the reason(s) you are applying for a waiver of school fees.

10 105 ILCS5/10-20.13 provides two options for school fee waiver applications. Option 1 allows a district to establish a separate application process to determine a student's eligibility based upon the income guidelines established by the federal meals program that does not rely on a student's application for, eligibility for, or participation in the free meals program. By using this option, a district is relieved from the verification thresholds set by the federal program. This application assumes that the board policy 4:140, *Waiver of Student Fees*, uses option 1. Option 2 allows a district to use student's application for free meals. Under this option, federal requirements significantly restrict the number of applications that may be verified and this form may not be used. The relevant staff must check the adopted board policy to assure that this application is in alignment with it. The documents listed for verification are suggestions and may be amended.

4:140

Income Verification for Fee Waiver

You must present one of the following documents to verify income:

- | | |
|---|-------------------------|
| Two current pay stubs for all working members of the household benefits | Disability showing |
| Unemployment statement showing benefits | Current tax returns |
| Medicaid Card showing case number | Foster placement papers |
| Direct Certification letter from the State of Illinois | Food Stamp Evidence |
| Temporary Food assistance for needy families | |

You may be requested to provide updated income verification at any time, but no more often than once every 60 calendar days.

Supplying false information to obtain a fee waiver is a Class 4 felony (720 ILCS 5/17-6).

I attest that the statements made herein are true and correct.

Parent/Guardian (*signature*)

Date

Policy Adopted: December 10, 1984
Policy Reviewed: December 2002
Policy Adopted: January 2003
Policy Reviewed: August 2008
Policy Adopted: September 2008
Policy Reviewed: November 2009
Policy Adopted: December 2009
Policy and Exhibits Reviewed: August 2010
Policy and Exhibits Adopted: September 2010