

## **Student Tuition and Fees**

The following information is intended to assist schools in understanding the state law related to charging tuition and fees to students participating in the Private School Choice Programs.

### **Tuition**

Wis. Stat. §§ 118.60(3m) and 119.23(3m), which became effective for the 2011-12 school year under 2011 Act 47, establish two categories of students with respect to tuition:

Category 1. Students in grades kindergarten through 8 regardless of family income and students in grades 9 to 12 whose family income does not exceed 2.2 times the applicable poverty level. With respect to these students, the school may not charge or receive any additional tuition payments for a pupil participating in the program other than the amount of the voucher.

Category 2. Students in grades 9 to 12 whose family income exceeds 2.2 times the applicable poverty level. With respect to these students, the state law explicitly permits schools to charge tuition in addition to the voucher amount.

For students in Category 2, the amount of tuition charged is determined by the school; however, the school must establish a process for the governing body of the private school to accept appeals of the school's determination to charge tuition. These requirements do not apply to the private school's students who are not attending under the Private School Choice Program. New students participating in the WPCP cannot be charged tuition because the parents' adjusted gross income may not exceed 1.85 times the poverty level. Continuing students in the WPCP may be considered in Category 2 because the parents' income may be higher than 2.2 times the applicable poverty level.

A private school may not deny a choice student application from any choice pupil or withhold the pupil's grades because the pupil or the pupil's family cannot pay or has not paid tuition charged. Under §§119.23(2)(a), and 118.60(2)(a) and (bm)Wis. Stats., only income, residency and date of birth can be used to deny a choice application. Under §§119.23(7)(b)5. and 118.60(7)(b)5. Wis. Stats., schools must provide a student's progress record upon request.

**Fees (Applies to all choice students.)**

Under 2011 Act 47, starting on November 19, 2011 a school may charge choice students (MPCP, RPCP and WPCP students), regardless of their income, fees to recover the cost of the following as set forth in statute. [Note: A school may not retroactively recover any uncollected costs incurred prior to November 19, 2011.]

- a. Personal use items, such as uniforms, gym clothes, and towels.
- b. Social and extracurricular activities if not necessary to the private school's curriculum.
- c. Musical instruments.
- d. Meals consumed by pupils of the private school.
- e. High school classes that are not required for graduation and for which no credits toward graduation are given.
- f. Transportation.
- g. Before-school and after-school child care.

According to Wis. Stat. §§ 119.23(3m)(am)2. and 118.60(3m)(am)2., “[a] private school may not prohibit an eligible pupil from attending the private school, expel or otherwise discipline the pupil, or withhold or reduce the pupil’s grades because the pupil or the pupil’s parent or guardian cannot pay or has not paid fees charged under subd. 1[allowable choice fees].” One available remedy for collecting a valid nonpaid fee is small claims court.

A private school may not deny a choice student application from any choice pupil or withhold the pupil’s grades because the pupil or the pupil’s family cannot pay or has not paid fees charged. Under §§119.23(2)(a) , and 118.60(2)(a) and (bm) Wis. Stats., only income, residency and date of birth can be used to deny a choice application. Under §§119.23(7)(b)5. and 118.60(7)(b)5. Wis. Stats., schools must provide a student’s progress record upon request.

If a school has any questions about the legality of charging a fee, the school administrator should contact the department prior to imposing a fee. Additional guidance follows for some specific examples.

Registration/Application Fee: No student applying for the choice program may be charged a fee for applying. Schools have a responsibility to determine choice program eligibility of a family before they charge applicants any fee. An eligible family may choose not to apply for the choice program and file a regular (non-choice) application with any associated fee; however, the school should make them aware of the existence and nature of the choice program before they do so.

School Supplies: A school may have a policy requiring students bring personal use supplies to school and may charge students the cost of personal use school supplies.

School Breakfast, Lunch, and Milk: A school may charge choice students for the cost of lunches, after school snacks, breakfasts, or milk not covered by other programs or funds. Schools may submit claims for reimbursement if they participate in Federal Child Nutrition Programs, but **must** continue to follow **all** federal regulations and departmental policies governing school meals.

Transportation: A school may charge choice students for the school’s cost of providing transportation.

Before and After School Care: A school may charge for before or after school care provided outside the regular school day and school hours. The costs of the before and after school care are not considered to be eligible choice costs.

Graduation caps and gowns: A school may not charge a choice student for caps and gowns required for graduation.

School pictures: A school may not charge parents or guardians for the photo the school requires for its records or yearbook. The family may choose to order and pay the photographer for additional prints.

Field Trips: A school may not charge choice students for field trips if the trip is part of the school's curriculum.

Fines: If a school has a written policy in which it may collect a fine for lost, damaged or unreturned school property, a school may enforce its policy. The amount of the fine cannot exceed the cost of the item.

Under Wis. Stats. §§ 118.60(10)(d) and 119.23(10)(d), the state superintendent may withhold choice payments from a school if the requirements related to fees and tuition are not followed.

### **Fundraising and Required Volunteerism**

Chapter PI 35.03(6)(d) states that, "A school may not impose any sanctions on a parent or pupil participating in the program for failure to engage in fundraising." A school may ask a parent to raise funds for or contribute volunteer time to the school, but the school cannot require it as a condition of admission or impose any penalties on a parent or child in the choice program for failure to do fundraising or volunteer time.

If a school orally or in writing represents that parents must pay certain fees or fundraise, it must also represent in the same fashion that these provisions do not apply to choice applicants or participants. A school cannot require parents of choice pupils to choose between paying a fee or volunteering their services. If the school encourages voluntary fundraising, it must make clear to applicants or participants who do not choose to fundraise that the school will not impose any penalty or treat applicants or participants any differently as a result of their choice.

If a participating choice school has inadvertently charged fees to choice students that are not authorized or are specifically prohibited, the school must immediately remit such fees to the parents. Additionally, schools should explain the provisions regarding fees in materials distributed to choice-eligible parents. If a school has any questions about the legality of charging a fee or requiring parental fundraising and volunteering, the school administrator should contact the department prior to requiring fundraising or volunteering.