**Section 1.245 Waiver of School Fees**

This Section provides the rules required by Section 2-3.96 of the School Code [105 ILCS 5] under which each school district must adopt a written policy for the waiver of school fees and fines as required by Sections 10-20.13 and 34-21.6 of the School Code.

a) For the purposes of this Section, "school fees" or "fees" means any monetary charge collected by a public school or public school district from a student or the parents or guardian of a student as a prerequisite for the student's participation in any curricular or extracurricular program of the school or school district. A school or school district does not impose a "fee" when it requires students provide ordinary supplies or materials (e.g., pencil, paper, notebooks), which are necessary to participate in any curricular or extracurricular program. "Fines" includes charges for the loss of school property assessed by a district.

1) "School fees" include, but are not limited to, the following:

A) All charges for required textbooks and instructional materials.

B) All charges and deposits collected by a school for use of school property (e.g., locks, towels, laboratory equipment).

C) Charges for field trips made during school hours, or after school hours if the field trip is a required or customary part of a class or extracurricular activity (e.g., annually scheduled trips to museums, concerts, places of business and industry or field trips related to instruction in social studies, the fine arts, career and technical education, or the sciences).

D) Charges or deposits for uniforms or equipment related to varsity and intramural sports or fine arts programs.

E) Charges for supplies required for a particular class (e.g., shop or home economics materials, laboratory or art supplies).

F) Graduation fees (e.g., caps, gowns).

G) School records fees.

H) School health services fees.

I) Driver's education fees assessed pursuant to Section 27-24.2 of the Code.

2) "School fees" do not include:

A) Library fines and other charges for the loss, misuse, or destruction of school property (e.g., musical instruments).

B) Charges for the purchase of class rings, yearbooks, pictures, diploma covers, or similar items.

C) Charges for optional travel undertaken by a school club or group of students outside of school hours (e.g., a trip to Spain by the Spanish club or a senior class trip).

D) Charges for admission to school dances, athletic events, or other social events.

E) Optional community service programs for which fees are charged (e.g., preschool, before-school and after-school child care, recreation programs).

b) School boards that do not charge school fees must adopt a policy so stating. Parents must be notified of this policy as provided in this Section.

c) School boards that charge school fees or fines must adopt a policy and procedures containing at least the following elements:

1) Eligibility Criteria

A) Eligibility criteria must include a waiver of fees and fines for all students who qualify for free lunches or breakfasts under the School Breakfast and Lunch Program Act [105 ILCS 125] (students must meet the income requirements of the program but need not participate to receive a waiver) and homeless children and youth as defined in Section 11434a of the federal McKinney-Vento Homeless Assistance Act [42 U.S.C. 11434a].

B) Eligibility criteria must also include a description of other extenuating circumstances under which the district will grant a waiver of school fees or fines. Examples include students who are eligible to receive reduced-price lunch or breakfast; very significant loss of income due to severe illness or injury in the family or unusual expenses such as fire, flood, or storm damage; or similar emergency situations that the district determines to include in its policy.

2) Notification of Parents

A) The district's policy for the waiver of school fees and fines shall be communicated in writing to the parents of all students enrolling in the district for the first time and with every bill for fees or fines. A fee or fine waiver application form also may be included with this notice when it is sent to parents. The notification must be in English or the home language of the parents if it is needed to ensure their understanding of the district's policy (if translation of the notice is not feasible, the use of interpreters is permitted, e.g., other students or neighbors). The notice shall at least describe:

i) the district's policy, including the criteria and other circumstances under which the district will waive school fees or fines;

ii) the fees or fines subject to waiver under the district's policy;

iii) the procedure to be used by parents in applying for a waiver of school fees or fines, including the availability of forms that may be used to request a fee or fine waiver and the documents whose use is required by the school district in verifying income as permitted under subsection (d); and

iv) the procedure to be used by parents in resolving disputes concerning the waiver of school fees or fines.

B) The district's policy also shall provide that the first bill or notice of each school year sent to parents who owe fees or fines shall state:

i) the district waives fees or fines for persons unable to afford them in accordance with its policy; and

ii) the procedure for applying for a fee or fine waiver, or the name, address, and telephone number of the person to contact for information concerning a fee or fine waiver.

3) Procedures for the Resolution of Disputes

A) The district's policy must provide that if it denies a request for a fee or fine waiver, then it shall mail a copy of its decision to the parents within 30 calendar days after receipt of the request. The decision shall state the reason for the denial and shall inform the parents of their right to appeal, including the process and timelines for that action. The denial notice shall also include a statement informing the parents that they may reapply for a waiver any time during the school year if circumstances change.

B) An appeal shall be decided within 30 calendar days after the receipt of a parent's request for an appeal. Parents shall have the right to meet with the person who will decide the appeal to explain why the fee waiver should be granted. The person who decides the appeal shall not be the person who initially denied the fee or fine waiver or a subordinate of this person. If the appeal is denied, then the district shall mail a copy of its decision to the parents. The decision shall state the reason for the denial.

C) No fee or fine shall be collected from any parent who is seeking a fee or fine waiver in accordance with the district's policy until the district has acted on the initial request or appeal (if any is made), and the parents have been notified of its decision.

d) A school district may make reasonable requirements for verifying a family's income (e.g., payroll stubs, tax returns, evidence of receipt of food stamps or Temporary Assistance for Needy Families) in accordance with the restrictions set forth in Sections 10-20.13 and 34-21.6 of the School Code. If a student receiving a waiver of school fees or fines is found to be no longer eligible during the school year, then the district shall charge the student a prorated amount based on the number of school days remaining in the school year. The process for proration shall be set forth in the district's waiver policy adopted in accordance with subsection (c) of this Section.

e) If the fee or fine waiver policy or procedures are substantively amended, then parents of students enrolled in the district must be notified in writing within 30 calendar days following the adoption of the amendments.

f) School records that identify individual students as applicants for or recipients of fee or fine waivers are subject to the Illinois School Student Records Act [105 ILCS 10]. Information from such records is confidential and may be disclosed only as provided in that Act.

g) *No discrimination or punishment of any kind, including the lowering of grades, exclusion from classes, or withholding of student records, transcripts, or diplomas may be exercised against a student whose parents or guardians are unable to purchase required textbooks or instructional materials or to pay required fees* [Section 28-19.2(a) of the School Code].

(Source: Amended at 47 Ill. Reg. 18457, effective November 28, 2023)