



State of Rhode Island and Providence Plantations  
**DEPARTMENT OF EDUCATION**  
Shepard Building  
255 Westminister Street  
Providence, Rhode Island 02903-3400

Peter McWalters  
Commissioner

October 26, 1999

Rhode Island Public School Superintendents

**Re: *Charging Fees for Participation in Extracurricular Activities***

Dear Colleagues:

Recently, this Department has received several inquires concerning schools imposing fees upon students who wish to participate in extracurricular activities. In responding to these inquiries collectively, I am enclosing two sources of information on this topic.

As you will read in the attached note regarding School Fees, historically, Rhode Island has prohibited the charging of fees for participation in public school activities by school districts. Please note specifically the following quote:

"No member, officer or agent of a school committee, no town or city treasurer has authority to become a custodian [of fees]. As custodian of public school money the town or city treasurer cannot credit to school account because fees are not "school money," nor can he pay on order of school committee because the payment is not for a school purpose. However, such registration fee violates a fundamental principal of Rhode Island school law. Tuition charges were abolished in 1868, and free textbooks were ordered in 1893, with the object of making the schools absolutely free. Such a registration fee also violates a fundamental principle of Rhode Island school administration by interposing an obstacle against free attendance and by discriminating against the boy and girl who have not a dollar, and the boy and girl who cannot afford to risk a dollar. It amounts to a retroaction to conditions prevailing forty years ago,

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and introduces anew one of the greatest evils of the public school system [the charging of fees]." (Board of Education, Report of 1917, page 21) (*emphasis supplied*)

This view has been affirmed during the 20<sup>th</sup> Century. In correspondence dated June 26, 1981 (enclosed), the Acting Commissioner of Education, Arthur R. Pontarelli, stated:

"...That is to say that public schools may not become involved in situations where their resources and good offices are being deployed in support of only those children who have parents able and willing to pay additional fees, while excluding from participation in extra-curricular activities those children who are not as fortunate.

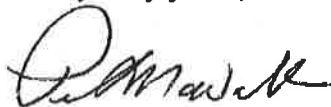
This reasoning applies to inter-scholastic activities Bond v. Public Schools of Ann Arbor School District, 383 Mich. 693, 179 N.W. 2d 484 (1970).

While we recognize that there may be marginal and special situations where some money charges may be in order (e.g., 16-38-6, purchases of articles made in industrial arts classes), the general rule should be one that does not allow charging fees for participation in extra-curricular activities."

Based upon this consistent, long-term policy, it is the determination of the Department that districts may not charge fees to students for participating in extracurricular activities.

In the event you need any further clarification on this matter, please contact Jennifer Wood, Chief Legal Counsel for the Department of Education at (401) 222-4600 ext. 2507. Thank you.

Very truly yours,



Peter McWalters  
Commissioner

c: Jennifer L. Wood, Chief Legal Counsel

television commercial advertising necessarily incidental to the use and display of electronic news or educational programming by school officials in connection with the curriculum of the public schools in the cities and towns.

#### 20.04 SCHOOL FEES – PROHIBITED

School committees only have the authority, which has been delegated to them through statutes of the General Assembly. The Rhode Island Supreme Court has said:

“ The power of school committees is coextensive with the authority conferred upon them by the General Assembly to foster education as agents of the state. [Citations omitted] School committees do not enjoy a residual font of power beyond the dimensions of this authority over matters that may incidentally have an impact upon school operations. The extent of their control over school affairs is fixed by their *specifically enumerated powers and duties as set out in title 16 of the General Laws and elsewhere.*”<sup>3</sup> (Emphasis added)

The only school fees presently authorized by statute are found at R.I.G.L. 16-38 –6. Under this statute school committees may require deposits for the safe keeping of school property, except for the books and school supplies which must be made available under the Free Textbook Law.<sup>4</sup> The same law also allows school committees to require a shop student to pay for the cost of material used in making an article, which the student wishes to keep. There is no statutory authority to charge any other fees. And without statutory authority the school has no power to charge them. There has been no statutory authority to charge fees since 1868 when the authority to charge tuition fees was repealed.

#### 20.05 HISTORICAL NOTE – SCHOOL FEES

The Rhode Island State Board of Education explained in its 1917 Report why Rhode Island public schools can not charge fees:

No member, officer or agent of a school committee, no town or city treasurer has authority to become a custodian. As custodian of public school money the town or city treasurer cannot credit to school account because fees are not “school money,” nor can he pay on order of school committee because the payment is

<sup>3</sup> *Greenhalg v. City Council*, 603 A.2d 1090 (R.I.1992)  
R.I.G.L.16-32-1, *et seq*

not for a school purpose. However, such registration fee violates a fundamental principle of Rhode Island school law. Tuition charges were abolished in 1868, and free textbooks were ordered in 1893, with the object of making the schools absolutely free. Such a registration fee also violates a fundamental principle of Rhode Island school administration by interposing an obstacle against free attendance and by discriminating against the boy and girl who have not a dollar, and the boy and girl who cannot afford to risk a dollar. It amounts to a retroaction to conditions prevailing forty years ago, and introduces anew one of the greatest evils of the public school system.

(Board of Education,  
Report of 1917, page 21)

#### 20.06 DONATIONS

The Rhode Island Supreme Court has said: "A public school is a school which is established and maintained at public expense."<sup>5</sup> Still, the statutes do allow municipalities to receive gifts of educational facilities.<sup>6</sup> While no statute seems to specially deal with other gifts to school committees, the Department of Education has never prohibited school districts from receiving gifts as long as the gift did not mark a departure from the premise that "[a] public school is a school which is established and maintained at public expense."<sup>7</sup> School systems may, therefore, receive gifts *that supplement* the public education program of the system. At the request of the donor, the donor's identity does not have to be disclosed.<sup>8</sup>

<sup>5</sup> *Pizza Hut of America, Inc. v. Pastore*, 519 A.2d 592 (R.I. 1987).

<sup>6</sup> R.I.G.L. 45-38-1.

<sup>7</sup> *Pizza Hut of America, Inc. v. Pastore*, *supra*.

<sup>8</sup> R.I.G.L. 38-2-2.