

# Minnesota's Public School Fee Law

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## State policy is that public K-12 education must be free to all students

Minnesota's Public School Fee Law, Minnesota Statutes, sections [123B.34](#) to [123B.39](#), regulates the fees that public schools may and may not charge to students. The law declares that it is the policy of the state of Minnesota that public school education must be free, and no student may be denied an education based on inability to furnish books or other educational supplies needed to complete high school graduation or other related educational requirements. The law applies to both school districts and charter schools.

## Public school fee law defines prohibited and authorized fees

The Minnesota Public School Fee Law authorizes certain fees and prohibits certain fees. Public schools must hold a hearing before imposing fees that are neither authorized nor prohibited. Schools may not suspend or exclude students or withhold students' grades or diplomas for failing to pay school fees.

Schools may accept voluntary contributions and may charge fees for extracurricular and noncurricular activities, or activities that supplement a class or educational program. The commissioner of education has adopted rules defining curricular, cocurricular, noncurricular, extracurricular, and supplementary activities for purposes of the public school fee law ([Minnesota Rules, part 3500.1050](#)); "extracurricular," "noncurricular," and "supplementary" activities have the same meaning. Extracurricular activities are:

- not for credit or required for graduation;
- conducted for the most part during other than school hours, or if partly during school hours, at times agreed by the participants, and approved by school authorities;
- determined primarily by the interests of the student participants and their parents with only the guidance of the staff member or other adult; and
- self-sustaining through dues, admissions, or other pupil fund raising events, except for salaries or indirect costs of the use of school facilities.

## Schools are prohibited from charging fees for necessary goods and services

Minnesota's guarantee of a free public school education for all eligible students means schools are prohibited from charging fees for necessary goods and services. State law defines necessary goods and services to include instructional materials and supplies, required library books, required school activities, lockers, graduation caps and gowns, diplomas, and bus fees for students who live more than two miles from school. However, schools may charge bus fees to students who live within two miles of school and wish to ride the school bus.

Schools may not withhold the grades or diplomas of students who fail to pay fees, but may seek court action to collect unpaid fees. It is unclear whether remedial instruction that is not required by the school, conducted outside of the school day, and in a program separate from an extended time program constitutes supplemental education, where a fee is permitted, or core curricula, where a fee is prohibited.

## **Schools may charge students for certain school-related costs**

Schools may require students to pay for certain school-related costs including fees for school uniforms, extracurricular activities, security deposits, personal athletic equipment, supplementary field trips, voluntary student insurance, musical instruments, student publications, graduation announcements, class rings, community education programs (other than adult basic education programs), and personal stationery supplies.

A school may charge fees for lost or destroyed textbooks, workbooks, and library books if the school annually informs parents and students about its fee policy regarding lost and destroyed books. Schools may waive fees for students from low-income families, and for students whose parents serve in or recently served in active military service.

## **School nutrition programs are subject to the public school fee law**

Schools may charge a student for meals, unless the student qualifies for a free meal based on family income. School nutrition programs receive substantial state and federal funding, and state law requires schools that participate in the school lunch program to provide lunch at no cost to all students that qualify for free or reduced-price lunch.

A 2019 opinion by the attorney general states that a charge for a meal by a public school is a “fee” subject to the Public School Fee Law, and that schools cannot restrict participation in graduation ceremonies based on outstanding school meal balances. The opinion also found that denying students the opportunity to participate in school graduation due to nonpayment of meals would demean or stigmatize students, in violation of state lunch aid laws. (Op. Att’y Gen. 169j, May 14, 2019)

