



2023

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Recommended Citation

Skousen, Jacob D. and Rodriguez, Ellianna (2023) "The Costs of a Free and Public Education: An Analysis of a School District's Student Fees," *BYU Education & Law Journal*: Vol. 2023: Iss. 1, Article 4.
Available at: https://scholarsarchive.byu.edu/byu_elj/vol2023/iss1/4

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THE COSTS OF A FREE AND PUBLIC EDUCATION: AN ANALYSIS OF A SCHOOL DISTRICT'S STUDENT FEES

Jacob D. Skousen*

Ellianna Rodriguez**

INTRODUCTION

Since the late 1800s U.S. states have provided a “centrally administered organization of public schools, overseen by a state superintendent or department of education and financed by state income tax revenues in addition to local taxes.”¹ States have governed a system of public schools through the states’ constitutions. Each state’s constitution has a statement identifying the state as being responsible to provide its citizenry with a public education and in the majority of states’ constitutions there is further

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¹ Barry Friedman & Sara Solow, *The Federal Right to an Adequate Education*, 81 GEO. WASH. L. REV. 92, 121–22 (2013).

clarification noting that this education is provided free of charge.² An example of this statement can be found in Nevada's State Constitution, "The legislature shall provide for a uniform system of common schools."³

While state constitutions require a "uniform system of common schools,"⁴ the mechanisms for financing this system have undergone many changes over the years.⁵ Some of these changes have been the result of litigation and court orders.⁶ One reason for some of these changes has been concerns about equity in education.⁷ In addition to challenges to the ways in which schools have been funded, there are some who have argued that schools have been underfunded.⁸

² See Derek W. Black, *The Constitutional Compromise to Guarantee Education*, 70 STAN. L. REV. 735, 781–83 (2018); Holly J. Foster, *School Fees in Public Education*, BYU Educ. L. J. 149, 149 (1993); Christine Kiracofe, *Isn't School Supposed to Be Free?: An Analysis of State Constitutional Language and School Fees*, 253 WEST'S ED. L. REP. 1, 1–2 (2010); Taurus Myhand, *A Dream Still Deferred: The Unlawful Use of Student Fees for Instructional Technology in an Alabama Public School Causing a Disparate Impact for Minority Children*, 19 RUTGERS RACE & L. REV. 77, 80 (2018).

³ NEV. CONST. art. II, § 2 (1938).

⁴ *Id.*

⁵ See Robert M. Howard et. al., *Leaders and Followers: Examining State Court-Ordered Education Finance Reform*, 39 L. & POL'Y 142 (2017).

⁶ *Id.*

⁷ Michael Heise, *State Constitutions, School Finance Litigation, and the "Third Wave": From Equity to Adequacy*, 68 TEMPLE L. REV. 1151, 1151 (1995).

⁸ See Stephen Blake et. al., *Not Enough Adults to Go Around: Underfunded California Schools Provide Less Support for Kids*, CHILD. NOW (Oct. 2019), <https://files.eric.ed.gov/fulltext/ED603000.pdf>; Kreag Danvers, *The Effects of Underfunded Legislative Mandates on Fiscal Stability of School Districts*, 19 J. OF HIGHER EDUC. THEORY & PRAC. 19, 20 (2019); See Sandra Feldman, *Children in Crisis: The Tragedy of Underfunded Schools and the Students They Serve*, 16 AM. EDUC.:PRO. J. AM. FED'N OF TCHR. 8 (1992); See Xinghua Wang

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Further complicating the underfunding of PK-12 public schools is the plethora of research about the ways in which schools have been critiqued because of inequality,⁹ the “achievement gap” between White and non-White students,¹⁰ and inequity.¹¹ Although the terms “equality” and “equity” have been used interchangeably in some of the scholarship in education,¹² in this study equality is solely a quantitative evaluation for which treatment and resources are the same, or equal, for all; while equity is linked with fairness and includes both a quantitative evaluation and a subjective moral assessment in which individual circumstances are taken

& Becky Wong, *Bridging Knowledge Divides Utilizing Cloud Computing Learning Resources in Underfunded Schools: Investigating the Determinants*, 57 J. EDUC. COMPUTING RSCH. 591 (2019).

9 See Shani Evans, *When Schools Choose: Evaluation and Educational Inequality*, 61 SOCIO. Q. 727 (2020); JONATHAN KOZOL, *SAVAGE INEQUALITIES: CHILDREN IN AMERICA'S SCHOOLS* (Harper Perennial ed., 1st ed. 1991); JONATHAN KOZOL, *THE SHAME OF THE NATION: THE RESTORATION OF APARTHEID SCHOOLING IN AMERICA* (1st ed. 2005); JEANINE OAKES, *KEEPING TRACK: HOW SCHOOLS STRUCTURE INEQUALITY* (2nd ed. 2005); See Thurston Domina et. al., *Categorical Inequality: Schools As Sorting Machines*, 43 ANN. REV. SOCIO. 311 (2017).

10 See Tyrone C. Howard, *Why Race and Culture Matter in Schools: Closing the Achievement Gap in America's Classrooms* (New York: Tch. College Press 2010); Gloria Ladson-Billings, *From the Achievement Gap to the Education Debt: Understanding Achievement in U.S. Schools*. 35 EDUC. RSCH. 3 (2006).

11 See Vernita Mayfield, *The Burden of Inequity—and What Schools Can Do About It*, 98 PHI DELTA KAPPEN 8 (2017); GARY ORFIELD, *DROPOUTS IN AMERICA: CONFRONTING THE GRADUATION RATE CRISIS* (2004); BEVERLY DANIEL TATUM, *WHY ARE ALL THE BLACK KIDS SITTING TOGETHER IN THE CAFETERIA?: AND OTHER CONVERSATIONS ABOUT RACE* (1997).

12 See Oscar Espinoza, *Solving the Equity-Equality Conceptual Dilemma: A New Model for Analysis of the Educational Process*, 49 EDUC. RSCH. 343 (2007).

into consideration. While schools face challenges in overcoming decades of inequality, inequity, and the achievement gap, these are confronted while trying to balance the ever-changing landscape of PK-12 public education¹³ and school funding.¹⁴

One of the ways that schools may increase course offerings and balance their school budgets is through the charging of fees.¹⁵ In spite of the state's responsibility to administer the school system and the legal arguments that schools should remain without costs to students, parents, or guardians,¹⁶ many PK-12 public schools have school fees. Whether the fees that a school may charge students violate the state's constitution has been debated and litigated as a violation of the Equal Protection Clause of the Fourteenth Amendment,¹⁷ which established the guarantee of rights, including the right to education;¹⁸ nevertheless, many PK-12 public schools continue to charge students a variety of fees.

13 RICHARD ALLAN FRY, *THE CHANGING LANDSCAPE OF AMERICAN PUBLIC EDUCATION: NEW STUDENTS, NEW SCHOOLS* (2006).

14 Julien Lafortune et. al., *School Finance Reform and the Distribution of Student Achievement*, 10 AM. ECON. J.: APPLIED ECON. 1, 20 (2018).

15 Myhand, *supra* note 2.

16 Lafortune et al., *supra* note 14.

17 See Black, *supra* note 2; Friedman & Solow, *supra* note 1; Kiracofe, *supra* note 2; Myhand, *supra* note 2; R. Craig Wood, *Kadmas v. Dickinson Public Schools: A Further Retreat from Equality of Educational Opportunity*, 15 J. OF EDUC. FIN. 429, 429 (1990).

18 Black *supra* note 2.

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While often litigated in state courts, there was one case regarding transportation fees in a school district in North Dakota – *Kadrmas v. Dickinson Public Schools*¹⁹ – that was argued before the U.S. Supreme Court. The court’s split decision was in favor of the state court’s ruling that certain North Dakota public school districts could charge a fee for bus services without violating the equal protection clause. The majority opinion noted that the “appellants have failed to carry the heavy burden of demonstrating that the statute is arbitrary and irrational.”²⁰ In contrast, “The minority opinion pointed out that the effect of such a ruling would be to discriminate against the poor.”²¹

It may appear that public schools have found a loophole in the charging for a public education, or that the public has simply become accustomed to paying school fees when registering their children for school. Regardless of the cause, the fact remains that many public schools charge fees. The primary purpose of this study was to examine the costs associated with attending public school in the fifth largest school district in the U.S. Additionally, this study sought to address the paucity of empirical literature regarding the practice of assessing fees in schools. While state

19 *Kadrmas v. Dickinson Pub. Schs.*, 487 U.S. 450 (1988).

20 *Id.*

21 Wood, *supra* note 17.

constitutions require the creation of a free public education, attending school is not always free.²² This analysis sheds light upon a specific way public schools contribute to the growing inequities between wealthy and poor students. This study was guided by the research question: What school fees are charged in middle schools and high schools in one large, urban public school district?

PUBLIC EDUCATION, FINANCE, AND EQUITY

It has been argued that education is the most critical feature administered by state and local governments.²³ While there is something of an agreement among legal scholars that there is no federal requirement to provide an “adequate education,”²⁴ some law scholars have posited that this legal argument should be revisited.²⁵ Nevertheless, every state in the US has an article in their respective state constitutions requiring the state

²² Martha C. White, *Not free, after all: Public school fees add up*, NBC NEWS (August 6, 2013, 6:50 AM), <https://www.nbcnews.com/businessmain/not-free-after-all-public-school-fees-add-6c10851880>

²³ Rebekah Elliott, *The Real School Safety Debate: Why Legislative Responses Should Focus on Schools and Not on Guns*, 57 ARIZ. L. REV. 523, 525 (2015).

²⁴ See Julius Chambers, *Adequate Education for All: A Right, an Achievable Goal*, 22 HARV. C.R.-C. L. L. REV. 55, 55–74 (1987); Elliott, *supra* note 23; Heise, *supra* note 7; Myhand, *supra* note 2.

²⁵ Friedman & Solow, *supra* note 1.

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to provide an education.²⁶ Within this system, states have the authority to determine educational policy and school districts have the authority to determine its implementation.²⁷ Among the systems the state governments have created are the systems that fund schools.²⁸ Alexander and Alexander argued that the primary goal of all public school finance systems should be to ensure equitable treatment for all school children.²⁹

Equitable funding ensures a sufficient level of support distributed within states that accounts for additional needs based on student characteristics.³⁰ Yet, school finance systems have been found to sometimes create unequal and inequitable funding formulas³¹ that may have led to further inequality and inequity of children in schools.³² Gillespie noted,

26 See Friedman & Solow, *supra* note 1; Kiracofe, *supra* note 2; Myhand, *supra* note 2.

27 Elliott, *supra* note 23.

28 See KERN M. ALEXANDER & M. DAVID ALEXANDER, *AMERICAN PUBLIC SCHOOL LAW* (5th ed. 2001).

29 See *id.*

30 Micah S. Stohlmann, *Educational Funding Practices in Nevada and the United States*, 1 POL'Y ISSUES NEV. EDUC. 33, 33–56 (2015).

31 See Rachel R. Ostrander, *School Funding: Inequality in District Funding and the Disparate Impact on Urban and Migrant School Children*, 2015 BYU EDUC. & L.J. 271, 279 (2015); See Breanne N. Wesche, *Putting the American Education System to the Test: Recognizing Education as a Fundamental Right and Abolishing Unequal School Funding*, 41 T. MARSHALL L. REV. 5 (2015).

32 See Black *supra* note 2; Linda Darling-Hammond, *Race, Inequality and Educational Accountability: The Irony of 'No Child Left Behind'*, 10 RACE, ETHNICITY & EDUC. 245, 245–60 (2007).

The federal government provides approximately seven percent of funding for public education, making local property taxes a major source of funds for public schools and resulting in substantial funding disparities among school districts. Therefore, the amount of money available for school funding is primarily a function of the tax rate and the assessed value of the property taxed. Because no state draws its school districts to equalize the value of the property base from which it raises taxes, the variation in the amount of money available for school funding from one district to the next reflects the substantial disparities in local property values.³³

Despite the skepticism exhibited towards the ability of school funding reform to create equitable access,³⁴ there have been many state-level reforms in school finance that have led to changes in schools, including increased instructional spending, new curriculum, new pre-kindergarten programs, or a reduction in class size.³⁵ The increased spending from state-level reforms in school funding to increase equitable access may be supported by the a recent finding from Lafortune and colleagues that “money can and does matter in education.”³⁶

Equity and educational finance are complex and entail several issues related to equitable educational opportunity.³⁷ Equity and access in

33 Lauren Nicole Gillespie, *The Fourth Wave of Education Finance Litigation: Pursuing a Federal Right to an Adequate Education*, 95 CORNELL L. REV. 989, 989–1020 (2010).

34 Eric A. Hanushek, *Is the 'Evidence-Based Approach's Good Guide to School Finance Policy* (Mar. 2007), <http://hanushek.stanford.edu/sites/default/files/publications/Effective%20schools%20%28LKB%2C%202011%29%20%282%29.pdf>.

35 Lafortune et al., *supra* note 14.

36 Lafortune et al., *supra* note 14, at 24.

37 ALEXANDER & ALEXANDER, *supra* note 28.

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education are important, as Myhand contended, “Educational opportunities directly affect an individual’s ability to exercise First Amendment rights and they provide the tools necessary for the type of engagement in governmental processes.”³⁸ When it comes to education, “to grant all individuals the same opportunity was to perpetuate the inequalities of the past.”³⁹ Therefore, as Verstegen found, “equal educational opportunity implied governments not only would provide access to learning but compensate for the basis of environmental inequality.”⁴⁰ However, that is not always the case and the disparities in funding have been found to create an inequitable distribution of many factors, including qualified teachers.⁴¹ Researchers have found that less qualified teachers often teach in schools serving low-income and minoritized populations of students⁴² and students

38 Myhand, *supra* note 2, at 1.

39 Deborah A. Verstegen, *Leaving Equity Behind? A Quantitative Analysis of Fiscal Equity in Nevada's Public Education Finance System*, 39 J. EDUC. FIN. 132, 132–49 (2013).

40 *Id.*

41 Frank Adamson & Linda Darling-Hammond, *Funding Disparities and the Inequitable Distribution of Teachers: Evaluating Sources and Solutions*, EDUC. POL’Y ANALYSIS ARCHIVES, Nov. 19, 2012, at 1.

42 Hamilton Lankford, Susanna Loeb, & James Wyckoff, *Teacher Sorting and the Plight of Urban Schools: A Descriptive Analysis*, 24 EDUC. EVALUATION & POL’Y ANALYSIS 37, 37–62 (2002).

of color in high-poverty schools are more likely to have teachers who are uncertified, underprepared, or teaching outside their area of certification.⁴³

Because of disparate school funding, and the inequitable outcomes that result, some state courts of last resort have found the school financing systems to be unconstitutional, forcing states to alter their funding systems so as to redistribute aid to lower income districts.⁴⁴ As equalization debates and court cases recur, states seem to have abandoned trying to understand school finance in favor of trial-and-error methods of finding suitable schemes.⁴⁵ However, standardization, in many ways, is antithetical to the diversity inherent in various communities because it suggests that all students live and operate in homogeneous environments, and, therefore, experience equal and equitable educational opportunities.⁴⁶ Adequacy-based decisions have also not produced measurable changes in the extent of cross-district inequality in per pupil expenditures even as they

43 See LINDA DARLING-HAMMOND, *THE FLAT WORLD AND EDUCATION: HOW AMERICA'S COMMITMENT TO EQUITY WILL DETERMINE OUR FUTURE* (2010).

44 David Card & A. Abigail Payne, *School Finance Reform, the Distribution of School Spending, and the Distribution of Student Test Scores*, 83 J. PUB. ECON. 49, 49–82 (2002).

45 Caroline M. Hoxby, *All School Finance Equalizations are Not Created Equal*, 116 Q. J. ECON. 1189, 1189–231 (2001).

46 H. Richard Milner IV, *Beyond a Test Score: Explaining Opportunity Gaps in Educational Practice*, 43 J. BLACK STUD. 693, 693–718 (2012).

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have led to higher overall levels of funding for public education.⁴⁷ Equal educational opportunities require school systems and states to be diligent in ensuring that their policies and actions are not just neutral, but that they also do not create a disparate impact, especially for groups of students from traditionally marginalized groups who should benefit from the policies.⁴⁸ However, with schools that are typically unequally resourced, attending such schools may adversely affect achievement, especially for low-income and minority students.⁴⁹ Therefore, “state funding programs should provide more funding to high-poverty versus low-poverty districts, because concentrated poverty is a significant barrier to educational progress.”⁵⁰ When a state chooses to mandate the provision of a public school system, the state must also ensure the educational opportunities provided by the school system are provided equitably.⁵¹

47 Sarah A. Hill et al., *Filling the Gap: The Role of Voluntary Contributions and Parcel Taxes in Supplementing K-12 Spending in California*, W. POL. SCI. ASS’N (2014).

48 Elliott, *supra* note 23.

49 See, e.g., Richard O. Welsh, *Student Mobility, Segregation, and Achievement Gaps: Evidence from Clark County, Nevada*, 53 URB. EDUC. 55(2018).

50 Stohlmann, *supra* note 30.

51 Myhand, *supra* note 2.

FUNDING NEVADA SCHOOLS

In a study analyzing the Nevada public education finance system, it was found that “Nevada’s average funding per pupil [spending] is well below the national average.”⁵² Nevada is unique in that few other states have the combination of rural areas, a sales tax-based economy, and capped property tax rates, which all play a role in funding public education.⁵³ Nevada has 17 school districts with 480,000 students, but there are over 320,000 students solely in the Clark County School District.⁵⁴ Additionally, among the 480,000 students total in Nevada, 72% are low income (eligible for federal free or reduced-price lunches), 13% are English Language Learners (ELL), and 12% are in special education programs.⁵⁵

Until 2019 the finance system in Nevada was found lacking because it was “created in 1967 when Nevada was a rural state with little diversity.”⁵⁶ In a study conducted by Verstegen it was found that “equal educational opportunity is abridged for children and youth in Nevada by

⁵² Verstegen, *supra* note 39, at 135.

⁵³ Stohlmann, *supra* note 30.

⁵⁴ NEV. DEP’T. OF EDUC., 2020-2021 SCHOOL YEAR NUMBER OF STUDENTS RECEIVING EDUCATIONAL SERVICES, , <https://doe.nv.gov/uploaded-Files/ndedoenvgov/content/DataCenter/Enrollment/2020-2021SchoolYear-NumberofStudents.xlsx> (2020).

⁵⁵ *Id.*

⁵⁶ Verstegen, *supra* note 39, at 136.

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the inequitable state funding system.”⁵⁷ Nevada is now more diverse and populated, and there continue to be changes to the population and the demographic makeup of that population.⁵⁸ Additionally, there is a large and growing population of poor students who are concentrated in high poverty districts, including the Clark County School District.⁵⁹

SCHOOL FEES

While “The [state] courts have consistently held as unconstitutional the imposition of matriculation fees or general tuition fees in the public school system”,⁶⁰ school fees seem to be more divided. School fees are “something of monetary value requested or required by a Local Education Agency as a condition to a student's participation in an activity, class, or program provided, sponsored, or supported by a school.”⁶¹ There is a wide range of fees charged in schools, including: textbooks, general school supplies, services, extracurricular, transportation, and course

⁵⁷ *Id.* at 143.

⁵⁸ Verstegen, *supra* note 39.

⁵⁹ Stohlmann, *supra* note 30.

⁶⁰ Myhand, *supra* note 2.

⁶¹ UTAH ADMIN. CODE r. 277–407 (LexisNexis 2022).

fees.⁶² While some states allow textbook fees, many more states allow fees for general school supplies.⁶³ These decisions about school fees charged in PK-12 public schools have been debated and litigated for decades.⁶⁴ The majority view of state courts reviewing challenges to student fees has been that the fees violate state constitutional mandates to provide a free public school education.⁶⁵ Nevertheless, as general guidelines, Dayton and McCarthy stated, “User [school] fees are more likely to satisfy the state legal requirement if they: (a) are charged only for non-essential activities and items; (b) do not exceed the actual costs of the goods or services rendered; and (c) include a confidential fee waiver system for financially disadvantaged children.”⁶⁶

As an example of a school fee being challenged in a state court, Myhand described a mandatory technology fee that was charged in a public school.⁶⁷ The technology fee was implemented as the school moved from traditional textbooks to online textbooks. While some stakeholders viewed this change to be “cutting edge, other families found it to be one

62 See John Dayton & Martha McCarthy, *User Fees in Public Schools: Are They Legal?*, 18 J. EDUC. FIN. 127 (1992).

63 *Id.*

64 See *id.*; Kiracofe, *supra* note 2; Myhand, *supra* note 2.

65 Myhand, *supra* note 2.

66 Dayton & McCarthy, *supra* note 62, at 139.

67 Myhand, *supra* note 2.

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more obstacle to having equal educational opportunities.”⁶⁸ In this case, the court found that the technology fee was unconstitutional because the fee was mandatory and was essential for participation in education. Similarly, in the case *Norton v. Board of Education*, the ruling by the New Mexico Supreme Court upheld the permissibility of student course fees, unless the course was required for graduation.⁶⁹ More specifically, the court clarified that fees for required courses should not be charged and fees for identification cards, physical education towels, and general science workbooks would be barred.⁷⁰ Additionally, the court upheld the charging of reasonable fees for elective courses.⁷¹

METHODS

In order to respond to the research question – what school fees are charged in middle schools and high schools in one large, urban public school district – the fifth largest school district in the US was purposely selected. The Clark County School District (CCSD) was selected because,

⁶⁸ Myhand, *supra* note 2, at 2; *Norton v. Bd. of Educ. of Sch. Dist. No. 16*, 553 P.2d 1277 (N.M. 1976).

⁶⁹ Myhand, *supra* note 2.

⁷⁰ *Norton*, 553 P.2d at 1278.

⁷¹ *Id.*

of the current student population of over 320,000 students, the vast majority live in urban settings. Additionally, Clark County's demographic makeup is similar to the projected student demographic in most U.S. school districts by the year 2050.⁷² The student demographic data of CCSD is found in Table 1, below.

Table 1: *CCSD Student Demographic Data*⁷³

Student Population Group	Total Percentage		Percentage in the Sample
	N	%	%
Hispanic/Latino	149,393	46.4	47.23
White/Caucasian	78,926	24.5	25.39
Black/African American	45,453	14.1	15.1
Multi-racial	21,124	6.6	5.79
Asian	20,463	6.4	4.5
Hawaiian/Pacific Islander	5,128	1.6	1.46
American Indian /Alaskan Native	1,161	0.4	0.53

⁷² Lesli A. Maxwell, *U.S. School Enrollment Hits Majority-Minority Milestone*, *EDUC. WEEK* (Aug.19, 2014), <https://www.edweek.org/ew/articles/2014/08/20/01demographics.h34.html>.

⁷³ CLARK COUNTY SCH. DIST., *CCSD Fast Facts 2018-2019* (2018), <https://newsroom.ccsd.net/wp-content/uploads/2018/10/Fast-Facts-2018-19-Eng.pdf>.

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In addition to the demographic data in Table 1, above, CCSD also has 19.35% English Language Learners and 12.4% receiving special education services.

CCSD employs more than 40,900 people and operates 360 schools, including 49 high schools, 59 middle schools, and 226 elementary schools. This study collected and analyzed school fees for 47 schools in CCSD; specifically, 31 high schools and 16 middle schools. These data for the schools were included in this study because the data were publicly accessible. Attempts were made through email and phone requests to access school fee data for all 49 high schools and 59 middle schools, but data were actually obtained from a total of 47 high schools and middle schools. The sample of schools represented in this study are approximately 44% of the total. In Table 1, the right column includes the student demographic information for the schools included in this study. The student ethnic and racial group percentages were comparable. Using the largest ethnic and racial groups in CCSD as examples, the Hispanic/Latino percentage in CCSD is 46.4%, while the Hispanic/Latino percentage included in the study was 47.23%. Similarly, White/Caucasian is the second largest ethnic and racial group in CCSD, representing 24.5% of the total population; while the percentage of White/Caucasian students in the study was

25.39%. Further, the poverty rate for the school district is 63.84%; and for the sample in this study the poverty rate was 62%. The population in the sample used for the study was, therefore, similar to the overall CCSD population.

Descriptive statistics were used in this study to respond to the research question: What school fees are charged in middle schools and high schools in one large, urban public school district? “Descriptive statistics allow a researcher to quantify and describe the basic characteristics of a data set.”⁷⁴ Through this method, the data in this study enabled the researcher to describe and analyze the school fees that are charged in middle schools and high schools in CCSD. Frey stated that “The primary goal of descriptive statistics is to maximize information and communication effectiveness while minimizing the loss of information.”⁷⁵ Noting that there were over 2,000 school fees across 47 schools, the use of descriptive statistics allowed the reduction of the “large data sets into a simpler, more manageable form,” maximizing the ability to effectively communicate the major characteristics of the data.⁷⁶

⁷⁴ Amy May, *Simple Descriptive Statistics*, in 4 SAGE ENCYCLOPEDIA OF COMMUNICATION RESEARCH METHODS 1602, 1602 (Mike Allen ed., 2017).

⁷⁵ Jill S. M. Coleman, *Descriptive Statistics*, in 4 SAGE ENCYCLOPEDIA OF EDUCATIONAL RESEARCH, MEASUREMENT, AND EVALUATION 489, 489 (Bruce B. Frey ed., 2018).

⁷⁶ *Id.*

1] Performing Gaps and Opportunities for Growth*I. Data Collection and Analysis*

The first step of data collection included creating a master list of high schools and middle schools in the CCSD and accessing the school fee information. The school fees data were collected using the publicly accessible school websites. Often the school fees were listed in a student handbook that was linked from the school's main webpage. When data were not available on the publicly accessible school websites, email and phone attempts were made to communicate directly with the school to request school fee information. The lists of fees were collected on a spreadsheet with the following information: school name, grade levels, the reason for the fee, the amount of the fee, and other information provided about the fee. In addition, individual school data, such as student demographics, were collected for each school represented in the sample. Table 2 and Table 3, below, illustrate the sample, including the poverty rates, of the school data collected.

Consequently, the data analysis included the range of the costs of the fees, and the mean, median, and mode amounts of the fees. This methodology provided a useful, straightforward way to list and delineate the

data that allowed for a thorough approach to addressing the research question. First, the range, mean, median, and mode were calculated for the school fees assessed at each school individually. Then the range of fees, including the mean, median, and mode, were calculated for all the middle schools as a group. The same analysis was then completed for all the high schools as a group. Finally, the range of fees, including the mean, median, and mode, were calculated for the total sample of 47 schools.

FINDINGS

The data analysis revealed multiple findings for this study. The distinct findings from the data analysis are divided into four sections: 1) middle schools, 2) high schools, 3) comparisons and combined middle schools and high schools, and 4) the financial hardship clause.

I. Middle School Fees

There was a total of 232 school fees found across the 16 middle schools in this study. The per school mean number of fees was 15.47. The range of the school fee amounts was \$2-\$105. The mean, median, and

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mode amounts per fee were, \$27.06, \$23.97, and \$27.11, respectively. Table 2, below, illustrates the data, including the mean, median, and mode amounts for each of the 16 middle schools that were included in this study.

Table 2: *Middle School (MS) Fees Range, Means, Medians, Modes, and Total Fees*⁷⁷

School	Poverty Rate	Range	Mean	Median	Mode	Total Fees
MS 1	60%	\$10-\$40	\$17.00	\$10.00	\$10.00	36
MS 2	100%	\$15-\$40	\$24.00	\$20.00	\$15.00	7
MS 3	69%	\$15	\$15.00	\$15.00	\$15.00	1
MS 4	46%	\$25-\$60	\$45.00	\$40.00	\$60.00	6
MS 5	82%	\$20-\$65	\$35.00	\$20.00	\$20.00	18
MS 6	90%	\$10-\$50	\$34.00	\$36.00	\$50.00	11
MS 7	80%	\$10-\$25	\$17.00	\$15.00	\$15.00	11
MS 8	32%	\$20-\$35	\$27.00	\$30.00	\$30.00	13
MS 9	79%	\$20-\$35	\$28.00	\$25.00	\$35.00	12
MS 10	81%	\$2-\$40	\$18.00	\$17.50	\$25.00	13
MS 11	91%	\$20-\$70	\$40.00	\$30.00	\$30.00	12
MS 12	95%	\$10-\$40	\$18.00	\$10.00	\$10.00	17
MS 13	20%	\$15-\$105	\$36.00	\$30.00	\$30.00	14
MS 14	87%	\$20-\$25	\$24.00	\$25.00	\$25.00	16
MS 15	93%	\$10-\$20	\$16.00	\$20.00	\$20.00	11
MS 16	65%	\$20-\$40	\$39.00	\$40.00	\$40.00	45

The majority of the middle school fees were specific fees associated with a particular class. For example, many middle schools listed a fee for the course “Physical Education.” These fees ranged from \$15-\$25 and

⁷⁷ These data were collected from the 16 individual school websites and school student handbooks.

the purpose for this fee was listed as “uniform,” “uniform and lock rental,” or “shirt, shorts, and lock rental.” Another school fee that was found in most middle schools was “Band.” While many middle schools listed “Band,” there were also variations of “Band,” including “Beginning Band,” “Intermediate Band,” “Advanced Band,” and “Jazz Band.” When including all “Band” courses and the variations, the number of band fees was 33. The range of fees associated with this course was \$10-105, the mean was \$39, the mode was \$10, and the median was \$35.

Some other examples of courses for which fees were collected were “General Explorations,” “Computer Explorations,” “Media Explorations,” “Music Explorations,” “Beginning Band,” “Intermediate Band,” “Beginning Orchestra,” “Intermediate Orchestra,” “Media Production,” “Robotics,” “STEM,” and “Theatre/Drama.” Further, there was one middle school that had a course listed with an accompanying fee but did not have the fee amount listed.

There were three other fees found in three different middle schools that were not listed with an associated class, including “Technology,” “Replacement ID,” and “Student Fee,” which appeared to be fees that were applied to all students. The “Student Fee” was identified in the student handbook to cover the use of a Chromebook.

As an example to further describe the middle school fees, one middle school’s data is described. This specific example, Middle School 14,

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was selected because the total number of fees, and the mean, median, and mode amounts of the fees were the closest to the means of the data set. There was a total of 16 fees at this middle school and these fees included the following: Physical Education (for sixth grade students), Physical Education (for eighth grade students), Beginning Band, Intermediate Band, Advanced Band, Jazz Band, Beginning Choir, Intermediate Choir, Advanced Choir, Beginning Guitar, Intermediate Guitar, Advanced Guitar, Beginning Orchestra, Intermediate Orchestra, Advanced Orchestra, and Beginning Art. The fee amount associated with the two courses titled Physical Education was \$20 and the cost of the fees for the band, choir, guitar, orchestra, and art courses was \$25.

II. High School Fees

The total number of school fees found from the 31 high schools in this study was 1,849. The range of the fee amounts was \$5-\$1,040. The mean amount per fee was \$43. The median was \$35 and the mode was \$37. Table 3, below, illustrates the school's poverty rates, and the fee ranges, means, medians, and modes for the 31 high schools' data.

Table 3: *High School (HS) Fees Range, Means, Medians, Modes, and Total Fees*⁷⁸

School	Poverty Rate	Range	Mean	Median	Mode	Total Fees
HS 1	42%	\$20-\$141	\$46	\$40.00	\$40	100
HS 2	33%	\$25-\$55*	\$44	\$50.00	\$50	85
HS 3	70%	\$10-\$110	\$30	\$20.00	\$20	42
HS 4	27%	\$20-\$40	\$32	\$40.00	\$40	26
HS 5	84%	\$5-\$25	\$15	\$15.00	\$20	58
HS 6	78%	\$10-\$40	\$32	\$37.50	\$40	33
HS 7	74%	\$25-\$40	\$39	\$40.00	\$40	80
HS 8	16%	\$5-\$375	\$44	\$40.00	\$40	68
HS 9	87%	\$10-\$100	\$33	\$40.00	\$40	38
HS 10	63%	\$25-\$540	\$55	\$40.00	\$40	53
HS 11	80%	\$20-\$100	\$43	\$25.00	\$20	25
HS 12	31%	\$5-\$75	\$40	\$40.00	\$40	66
HS 13	39%	\$5-\$100	\$31	\$30.00	\$40	89
HS 14	45%	\$15-\$142	\$36	\$30.00	\$40	75
HS 15	81%	\$25-\$85	\$39	\$40.00	\$40	61
HS 16	25%	\$10-\$300	\$53	\$40.00	\$40	68
HS 17	76%	\$10-\$100	\$38	\$40.00	\$40	99
HS 18	41%	\$20-\$500	\$58	\$40.00	\$40	99
HS 19	51%	\$10-\$1,040	\$86	\$30.00	\$30	61
HS 20	100%	\$10-\$85	\$37	\$40.00	\$40	77
HS 21	84%	\$10-\$15	\$13	\$12.50	\$13	5
HS 22	48%	\$10-\$70	\$25	\$25.00	\$25	36

⁷⁸ These data were collected from the 31 individual school websites and school student handbooks.

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HS 23	60%	\$10-\$350	\$38	\$25.00	\$25	107
HS 24	79%	\$5-\$150	\$53	\$40.00	\$40	99
HS 25	72%	\$20-\$140	\$57	\$55.00	\$75	59
HS 26	93%	\$10-\$86	\$31	\$20.00	\$40	20
HS 27	60%	\$10-\$980	\$96	\$40.00	\$30	62
HS 28	38%	\$20-\$150	\$61	\$50.00	\$50	47
HS 29	20%	\$20-\$380	\$48	\$40.00	\$40	101
HS 30	30%	\$20-\$75	\$44	\$40.00	\$40	89
HS 31	39%	\$5-\$150	\$34	\$25.00	\$25	95

All the high school fees were specific fees associated with a specific class. For example, all high schools listed a fee for the course “Physical Education.” These fees ranged from \$20-\$35 and the purpose for this fee was listed as “uniform” or “uniform and lock rental” or “shirt, shorts, and lock rental.” Some examples of courses for which fees were collected are:

- Weight Training
- Art I
- Design Crafts
- Dance
- Anatomy
- Theatre
- Spanish
- AP Human Geography
- Advanced Art Studies
- Painting
- Furniture & Cabinet
- Zoology
- Video Production
- Business
- AP US Government
- Ceramics 1
- Studio Art
- Photo
- Speech & Debate
- French
- Marketing

- STEM
- Computer
- Concert
- Robotics
- Science
- Choir
- Beginning
- Fashion⁷⁹
- Band

The common course fees were physical education, art, and music courses, including band, choir, and orchestra. While the physical education courses fees ranged from \$20-\$35 and art courses fees ranged from \$20-\$40, the music courses, e.g., band, choir, and orchestra, had a much wider range variation from \$20-\$1,040. Further, there were 14 schools that had courses listed that would have associated fees but did not have the fee amounts listed. The total number of unlisted fees was 81. Finally, it should be noted that most of the high schools represented in this study had a fee for Advanced Placement (AP) courses. The AP courses fees sometimes included two components: 1) the fee to take the AP exam and 2) a lab or supplies fee. The AP courses fees had a range of \$93-\$238, with the AP exam fee varying from \$93-\$94.

As an example to further describe the school fees found in the 31 high schools in CCSD that were included in this study, the following descriptions come from High School 1. This example was selected because the total number of fees, and the mean, median, and mode of the fee amounts were the closest to the overall means of the data from the 31 high

⁷⁹ A complete list of all school fees can be provided by the corresponding author upon request.

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schools. In this specific high school, there were a total of 100 fees, all of which were associated with specific courses. The range of the school fees at High School 1 was \$20-\$141, the mean was \$46, and the median and the mode were \$40. Most of the fees were associated with courses that were identified as elective courses; nevertheless, there were also other courses that were listed with associated fees. For example, Physical Education was listed and had a \$30 course fee. Similarly, there were courses such as Lifetime Sports with a course fee of \$30 and Dance courses with a \$40 fee. There were also 15 Advanced Placement (AP) courses listed, such as AP Biology, AP Chemistry, AP Physics, many of which had two fees, 1) a \$93 fee that was the approximate exam cost and 2) a lab or supplies fees that ranged from \$20-\$145.

High School 7 provides another, similar, example, with the total fees, and mean, median, and mode being approximate to the means of the high school data set. There were 80 school fees at High School 7. The range of the school fees was \$25-\$40, the mean was \$39, and the median and mode was \$40. Similar to the previous example, High School 7 had Physical Education courses that had a course fee of \$25. High School 7 also had art courses, band courses, and other elective courses; and, unlike the previous example that had more variation in the fees, all of these

courses had a course fee of \$40. Finally, and also unlike the previous example, High School 7 did not list any AP courses.

III. Comparisons and Combined High School and Middle School Fees

When compared, the range, mean, median, and mode of the high school and middle school fees differ greatly. Table 4, below, shows these differences.

Table 4: *High School and Middle School Fee Range, Mean, Median, and Mode*

	High schools	Middle schools
Range	\$5-\$1,040	\$2-\$105
Mean	\$43	\$27.06
Median	\$35	\$23.97
Mode	\$37	\$27.11
Total fees	1,849	232

When combined, the range of fees is \$2-\$1,040. When combined, the calculations for the mean, median, and mode, are \$35.03, \$29.49, and \$32.06 respectively.

While the high schools had many more fees – more than four times the mean number of fees – both the high schools and middle schools had

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physical education course fees, art course fees, and music course fees, although the amounts of these fees differed. Physical education course fee amounts in the middle schools were \$20 or \$25, while at the high schools the same course had a fee amount of \$20, \$25, \$28, or \$30. Similarly, the art courses in the middle schools had a course fee of \$10, \$20, \$25, or \$40, and the course was often titled Art. The art classes in the high schools had course fees ranging from \$20-\$70 and the art courses had many different titles, including Studio Art, Graphic Design Art, Art Photography, Art Theory & Practice, and also had multiple levels (e.g., Art I, Art II, etc.). Finally, the music fees charged in the middle schools and the high schools also differed widely. Middle school band course fees ranged from \$20-\$105, with one school showing an additional \$45 instrument fee, while the other schools' fees did not include the instrument fee. The band fees varied extensively in the high schools, including a range of \$20-\$375, with the higher fees found in courses titled Marching Band. Choir fees at the middle schools had a range of \$10-\$40, while the high schools' fees for choir ranged from \$20-\$110.

IV. The Financial Hardship Clause

While collecting and analyzing the data for this study, a financial hardship clause was found in many of the student handbooks. These statements were similar, as they were found in student handbooks for the high schools and middle schools that were included in this study. One example from a high school handbook is:

A family's difficulty purchasing all of the desired/necessary items for the student and/or paying these fees will not prevent a student's enrollment in any class. If the times are such that alternatives to immediate payment of fees must be considered, the counselor or the respective elective teacher(s) should be contacted so the school and parent/guardian may work together to resolve the problem.

In one middle school handbook, the following statement was also included, "Payment plans may be arranged based on need." These, or similar clauses, were found in only three of the 16 middle school handbooks, and in 24 of the 31 high school handbooks that were used to collect school fee data for this study.

While hardship clauses found in the middle school and high school handbooks were similarly phrased, there were instances in which the included statements would not reasonably be described as hardship clauses. For example, this statement found in one middle school handbook, "Any student who owes fines to the Choral Music Department will not be assigned music, uniforms, or be allowed to participate in any fundraiser

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until the fines have been paid. Any money in a student's individual account will be used to pay fines before a student may use it for any out of town travel." Another example is found in a high school handbook, "Students will be charged fees for materials used in class projects. FAILURE TO PAY FEES IN A TIMELY MANNER MAY HAVE AN EFFECT ON A STUDENT'S GRADE, SINCE HE/SHE MAY NOT PARTICIPATE FULLY IN THE CLASS UNTIL FEES ARE PAID." (Emphasis was not added. The statement was found in the handbook written in all capital letters.)

DISCUSSION AND CONCLUSION

State constitutions establish the creation of "common schools" as a responsibility of state legislatures, and, through taxation, a free PK-12 education is provided to the public.⁸⁰ Despite the charge to provide an equitable and free public education, US schools have been characterized as being unequal⁸¹ and inequitable.⁸² Additionally, there has been litigation challenging schools and school systems that may not have provided

80 Friedman & Solow, *supra* note 1.

81 Evans, *supra* note 9.

82 Ladson-Billings, *supra* note 10; Mayfield, *supra* note, 11.

such an education to the public, including the challenging of school fees.⁸³ Wood made an important statement with regards to this litigation, “It is important to note that where a state supreme court has ruled that when educational activities are extended to all students, then such fees would not be allowed.”⁸⁴ While the charging of school fees may be equal, it may be considered inequitable. This practice may be inequitable because students and their parents and/or guardians who live in poverty do not have the same ability to pay for school fees and may not be able to pay for school fees at all. This study’s analysis of school fees charged in the fifth largest school district in the US, may provide another example of the ways in which schools and school systems can be inequitable.

Fee programs weaken the political, economic, and social balance by creating barriers for traditionally marginalized groups to fully access educational programming, taking away the means for them to achieve economic independence.⁸⁵ Specifically, fees hinder the full participation of low-income children in the educational system. These children may be denied the right to participate in school programs and activities because of their inability to pay the required fee. This is true even where fee waiver

83 Kiracofe, *supra* note 2.

84 Wood, *supra* note 17, at 436.

85 Foster, *supra* note 2.

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policies are purportedly available to ensure low-income children an equal opportunity to participate.

This study analyzed the school fees in 47 schools in CCSD. There were fees, such as the technology fee charged in some middle schools, that were not associated with any specific class and appeared to be a general fee charged to all students. These specific fees may not satisfy the state constitutional requirement,⁸⁶ as these fees are not associated with non-essential school activities. Additionally, these fees may be better characterized as tuition, or a cost collected to attend the school, which has been widely held as unconstitutional.⁸⁷

Myhand noted that school fees associated with courses required for graduation have been found to be unconstitutional.⁸⁸ In the state of Nevada, courses such as physical education, electives, American government, and others are required for graduation.⁸⁹ This study found that all high schools included in this study had a fee associated with physical education courses, as well as other courses such as weight training, which

⁸⁶ Dayton & McCarthy, *supra* note 62.

⁸⁷ ALEXANDER & ALEXANDER, *supra* note 28.

⁸⁸ Myhand, *supra* note 2.

⁸⁹ 2019-2022 Nevada graduation college & career ready credit & assessment requirements, NEV. DEP'T OF EDUC. (last visited Feb 16, 2023), http://www.doe.nv.gov/uploadedFiles/ndedoenvgov/content/High_School_Graduation/GRADREQ1920.pdf.

would equally meet high school graduation requirements stipulated by the Nevada Department of Education. Additionally, this study found that there were also fees charged for elective courses, many of which are also required for graduation. Elective courses, such as Art, had a range of fees from \$10-\$70, and the elective courses in music, namely Band, Marching Band, Orchestra, and Choir, had a much broader range of fees from \$10-\$1,040. Considering the findings that students who live in poverty are underrepresented in music programs,⁹⁰ the charging of fees may explain part of the lack of participation for students who live in poverty.

The findings in this study included the mean amounts of fees in high schools and middle schools. The mean of high school fees was \$43 and middle schools was \$27.06. These numbers represented the mean amount per course per semester and may not be considered by some as significant. However, high school and middle school students generally take two or three elective courses each semester. Using simple calculations for two elective courses for two semesters, the mean total of fees for a student in high school would be \$172 and a student in middle school would be \$108.24. To provide specific examples utilizing one middle school, Middle School 14, and one high school, High School 1, whose data were

⁹⁰ Lisa C. DeLorenzo, *Missing Faces from the Orchestra: An Issue of Social Justice?* 98 *MUSIC EDUCATORS J.* (4) 39, 39-46 (2012).

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explicitly profiled in the findings section, consider two students' schedules. A sixth-grade student in Middle School 14 could have the schedule and associated fees in Table 5.

Table 5: *Student Schedule and Fees in Middle School 14*

Class	Fee
Physical Education (PE)	\$20
Science 6	No fee
Beginning Art	\$25
English	No fee
Beginning Band	\$25 (fee for all Beginning Band students)
	\$45 (instrument rental fee – only for those students who do not own an instrument)

The total fee amount per semester for a sixth-grade student attending Middle School 14 in CCSD, as illustrated in Table 5, is \$70 if the student already owned the musical instrument for band, or \$120 if the student needed to rent the musical instrument from the school district.

An eleventh-grade student attending High School 1 could have the schedule with the associated fees in Table 6.

Table 6: *Student Schedule and Fees in High School 1*

Class	Fee
World History	No fee
Chemistry	\$20
English 11	No fee
Computer Science and Applications	\$20
Band HS Advanced	\$40
Geometry	No fee

The total fee amount per semester for an eleventh-grade student attending High School 1 in CCSD, as illustrated in Table 6, is \$80. For students and families who live in low-income conditions, this amount could be significant.

This study found that there were many fees associated with attending middle schools and high schools in CCSD, and that many schools also included a financial hardship clause. While these clauses stated that a student's or student's family's inability to pay the fee would not exclude the student from enrolling, this clause should be further investigated. Kiracofe stated, "Without waivers, fees could have the very real effect of excluding these students [living in low-income conditions] entirely from academic and extracurricular opportunities which would raise significant Fourteenth

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Amendment issues.”⁹¹ For example, the clauses quoted in this study included, “If the times are such that alternatives to immediate payment of fees must be considered, the counselor or the respective elective teacher(s) should be contacted so the school and parent/guardian may work together to resolve the problem,” and “Payment plans may be arranged based on need.” These statements do not explicitly state that the fee would be eliminated; instead, these statements only direct the student and their parents or guardians to communicate their financial hardship to school personnel to seek a resolution to “the problem.” However, the problem is that the school is charging the fee and that students and their families may be unable to pay such school fees to enroll in courses, essentially excluding those students from participating.

In addition to the financial hardship clause, further statements were found that would highlight a potential Fourteenth Amendment violation and prevent students from being able to participate in education. The two statements that were quoted included the following, “Any student who owes fines to the Choral Music Department will not be assigned music, uniforms, or be allowed to participate in any fundraiser until the fines have been paid,” and, “FAILURE TO PAY FEES IN A TIMELY

⁹¹ Kiracofe, *supra* note 2, at 9.

MANNER MAY HAVE AN EFFECT ON A STUDENT'S GRADE, SINCE HE/SHE MAY NOT PARTICIPATE FULLY IN THE CLASS UNTIL FEES ARE PAID" (emphasis was not added). These statements found in student handbooks unequivocally affirm that students are unable to participate until the course fees are paid. Students and families living below the poverty line or experiencing financial problems, whether temporary or long-term, may be unable to pay fees, which, in some cases may prevent a student from participating in class. Further, as stated in the student handbook, the lack of participation may have a negative impact on a student's grade. In the seminal *Brown v. Board of Education* Supreme Court case in 1954, it was noted, "In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education."⁹² The findings in this study demonstrate that a students' inability to pay school fees essentially create the condition of denying students the "opportunity of an education."

Some researchers have argued that schools are underfunded, and this study may provide one way in which schools have attempted to create a revenue source to fund specific programs and courses, by charging a user tax or fees.⁹³ This approach to fill the funding gap left by inadequate

⁹² *Brown v. Bd. of Educ.*, 347 U.S. 483, 483 (1954).

⁹³ See Blake et al., *supra* note 8; Danvers, *supra* note 8; Feldman, *supra* note 8; Wang and Wong, *supra* note 8.

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school funding may be one way that schools are structured to make them inequitable. School leaders who are focused on ways in which they may be able to address inequities need to consider all the ways in which students are marginalized.⁹⁴ School leaders who are equity-oriented could lead schools to take additional steps to ensure equity.⁹⁵ One of these actions could be through addressing the requirements for raising financial support through students and their parents or guardians.⁹⁶ For example, the school could automatically eliminate school fees for students who are eligible for free and reduced-priced meals, and this could be communicated in the student handbook. This step would eliminate the need for students and their parents or guardians to communicate with school personnel, explain their financial hardship (of which the school was already aware because of the free and reduced-priced designation), and ask for a

94 George Theoharis, *Social Justice Educational Leaders and Resistance: Toward a Theory of Social Justice Leadership*, 43 *EDUC. ADMIN. Q.* (2), 221–58 (2007).

95 SHARON I. RADD ET AL., FIVE PRACTICES FOR EQUITY-FOCUSED SCHOOL LEADERSHIP (ASCD, 2021); Carolyn M. Shields & Kristina A. Hesbol, *Transformative Leadership Approaches to Inclusion, Equity, and Social Justice*, 30 *J. SCH. LEADERSHIP* 1, 3–22 (2020).

96 Jacob D. Skousen & Elizabeth Domangue, *Leadership for Social Justice in High-Poverty Schools: Exploration of Equity and Fundraising in an Urban-Suburban School*, 23 *J. OF CASES IN EDUC. LEADERSHIP* (1) 93-110 (2020).

fee to be waived. The stigmatization uncovered in this finding is what some legal scholars have argued to remedy for many years.⁹⁷

This study is not without limitations and delimitations. This study included an analysis of school fees from 47 middle schools and high schools in CCSD. There are 108 middle and high schools in CCSD, therefore the sample represented approximately 44% of the total. While Table 1 illustrated that the sample was comparable to the demographics of all CCSD schools, this study was limited in the number of schools included in the analyses. Further, the data were only collected within a single school district in one western state in the US. Noting the delimitation of this study and that the empirical studies in which school fees were discussed were almost exclusively legal briefs, the analysis provided in this study was not complex, but novel. Additionally, this study applied an equity-focused lens to a practice that occurs without critique in many schools, yet may have broad implications for students who live in poverty.

Alexander and Alexander stated that the measure of equality in providing an education should be that every child is learning and that the conditions for learning are equal among all the children.⁹⁸ As schools charge school fees for students to enroll in schools or specific courses, the

⁹⁷ Shavar D. Jeffries, *The Structural Inadequacy of Public Schools for Stigmatized Minorities: The Need for Institutional Remedies*, 34 HASTINGS CONST. L. Q. (1) 1 (2006).

⁹⁸ ALEXANDER & ALEXANDER, *supra* note 28.

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conditions are not equal among all children due to children not having an equal opportunity to pay school fees. While treating all students the same way, by charging all students equal fees, schools are furthering inequalities in education because fees take away access and an equal educational opportunity for all students.

FUTURE RESEARCH

This study included a descriptive analysis of the school fees in middle schools and high schools in one large, urban school district in the U.S. Future studies could include the school fees that are assessed to students and parents in the entire state where the school district in this study was located. Additionally, studies of school fees in other states across the U.S. could be conducted. Finally, in this study we discussed the financial hardship clause in student handbooks and how students living in poverty would have to communicate with school officials if there is a difficulty being able to pay for school fees. Another future study could include a qualitative inquiry focused on the student and parent perceptions of school fees, the financial hardship clause, and the stigma associated with the need

to communicate with school officials about a student's or family's inability to pay such fees.

1] Performing Gaps and Opportunities for Growth**Appendix A**

Two Examples of High School Fees:

High School A	High School B
AP Computer Science Principles	Principles of Biomedical Science
AP Computer Science A	Choir
Forensic Science 1	Madrigal Singers
Forensic Science 2	Art I
Forensic Science 3	Ceramics I
Forensic Science Advanced Studies	Photography I
Furniture and Cabinet Making I	Automotive Technology I
Furniture and Cabinet Making II	Health Science I
Furniture and Cabinet Making III	College Survival Exams & Guidance
Furniture and Cabinet Making Advanced Studies	Speech & Debate I
Graphic Design I	Speech & Debate II
Health Science I – Sports Medicine Program - Level I class	Principles of Anatomy/Physiology Honors
Sports Medicine I	Principles of Biomedical Science
Sports Medicine II	Human Body Systems
Photography I	Medical Interventions Honors
Photography II	Biomedical Innovations Honors
Photography III	Dance I
AP Studio Art – 2 – D – Photography	Dance II
Video Production I	Functional Fitness
Video Production II	Lifetime Sports
Video Production III	Physical Education II
Video Production Advanced Studies	Physical Conditioning with Weights
Web Design and Development I	Automotive Technology I
Web Design and Development II	Automotive Technology II
Web Design and Development III Honors	Automotive Technology III
School Related Work Experience	Automotive Technology Advanced Study
AP English Language/Composition	Culinary Arts I

AP English Literature/ Composition	Culinary Arts II
Speech & Debate I (Competitive Team)	Culinary Arts III
Speech & Debate II (Competitive Team)	Culinary Arts Advanced Study
Speech & Debate III (Competitive Team)	Early Childhood Education III
AP Spanish Language and Culture	Photography I
Advanced Band	Photography II
Beginning Band	Photography III
Intermediate Band	Marketing II
Marching Band	Marketing Advanced Studies
Jazz Band (Intermediate)	Sports Entertainment Marketing I
Jazz Band (Advanced)	Sports Entertainment Marketing II
Rhythmic Precision – Color Guard	Sports Entertainment Marketing Advanced Study
Beginning Guitar	Health Science I
Intermediate Guitar	Sports Medicine I
Advanced Guitar	Sports Medicine II
Guitar Ensemble	Sports Medicine Advanced Studies
Beginning Orchestra	Teaching and Training I
Intermediate Orchestra	Teaching and Training II
Advanced Orchestra (Blocked with Orchestra Ensemble—Orchestra Symphony)	Video Productions II
Orchestra Symphony – (Blocked with Chamber Orchestra)	Video Productions III
Chamber Orchestra – (Blocked with Orchestra Symphony)	Advanced Study–Art
Beginning Chorus – (Women’s Choir)	Advanced Study–Photography
Intermediate Chorus – (Men’s Choir)	Art I
Advanced Chorus – (Women-Bella Voce OR Concert)	Ceramics I
Advanced Study Voice – (A Cappella/Jazz)	Ceramics II
Chamber Choir (Madrigals) – (Blocked with Concert Choir)	Drawing I

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Musical Theater	Drawing II
Theater I	Painting I
Theater II/III	Painting II
Theater IV	Photography I
Tech Theater I	Photography II
Tech Theater II	Photography III
Tech Theater III	Studio Art AP: 2-D Design
Tech Theater Advanced Studies	Studio Art AP: 3-D Design
Physical Education I	Advanced Band
Physical Education II	Intermediate Band
Dance I	Jazz Band
Dance II	Jazz Band II
Rhythmic Precision (Cheer or Dance)	Marching Band
Lifetime Sports	Concert Choir
Physical Conditioning with Weights (Men's & Women's)	Ladies Choir
AP Biology blocked with External Lab	Madrigal Singers
AP Chemistry – Blocked with External Science Lab	Advanced Orchestra
AP Physics I – Blocked with External Science Lab	Intermediate Orchestra
AP Physics II – Blocked with External Science Lab	Orchestral Ensemble (Chamber Orchestra)
AP Environmental Science	Orchestral Ensemble (Solos/String Quartets)
Principles of Anatomy & Physiology Honors	Orchestral Ensemble (Philharmonic Orchestra)
Principles of Botany	Film Studies II
Principles of Epidemiology Honors	Film Studies III
Principles of Marine Science	Theatre Technology I
Principles of Zoology Honors	Theatre Technology II
AP Human Geography	Theatre Technology III
AP World History	Theatre Technology AS
AP U.S. History	Theatre I
AP U.S. Government	Theatre II
Art I	Theatre III
AP Studio Art: 2-D	Theatre IV

AP Studio Art: 3-D	Music Theatre II
AP Studio Art: Drawing	
Ceramics I	
Ceramics II	
Ceramics III	
Costume Design	
Fibers I	
Fibers II	
Drawing I	
Drawing II	
Painting I	
Painting II	
Printmaking	
Principles of Business and Market- ing	
Marketing I	
Marketing II	
Marketing Advanced Studies	