
Access to Educational Justice: A FAQ on Educational Fines and Fees

Despite direct state constitutional provisions¹ and statutes²— students across the country face a myriad of financial costs and penalties that limit their right to access free public education. Whether assessed in the form of fines, fees, penalties, dues, charges, or affiliated costs educational economic sanctions produce the same net restrictive result.³ Similar to financial penalties and assessments in juvenile and adult criminal legal systems⁴ and civil legal systems⁵, school-based costs and penalties can carry significant collateral consequences, with the most directed and disproportionate harm to student populations who have been historically excluded from accessing and participating fully in the educational opportunities offered by their public schools. More specifically, studies in Pennsylvania, Illinois, and Missouri have found that educational fines and fees place an acute and detrimental burden on students facing housing instability, students in foster care or juvenile legal systems, low-income students, and students of color.⁶ While several states have taken remedial steps to protect students, caregivers, and families, this pressing issue of economic and education justice has remained largely unaddressed, even at the federal level.

1. What are educational or school-based fines and fees?

Educational or school-based fines and fees are specific monetary costs that can be imposed on students, caregivers, and families enrolled in public K – 12 schools. Fines and fees exist in diverse forms including, charges for overdue library books⁷, technology access⁸, new or replacement identification cards⁹, late caregiver pick-up¹⁰, required school uniforms¹¹, replacement hall passes¹², extracurricular activities¹³, class dues¹⁴, graduation events¹⁵, and damaged school property.¹⁶ In addition to direct

monetary costs and assessments, such as a \$1 per minute late pick-up fee¹⁷ or \$25 technology charge¹⁸, educational fines and fees may also impose serious secondary and collateral consequences. For example, students who are unable to pay their outstanding balances may be denied matriculation between grades and graduation, denied access to textbooks and library books, and participating in school activities.¹⁹ Educational fines and fees also have significant collateral consequences on caregivers and families, including compounding assessments for non-payment and schools reserving the right

to send individuals to collections.²⁰ Additionally, for students who are unable to attend school for nonpayment of a school identification card²¹ they risk assessment of truancy fines and fees or other harsh punishments, which depending on state law, include confinement for caregivers.²²

2. Who do educational or school-based fines and fees impact the most?

Research in Pennsylvania and Missouri not only evidences the adverse consequences of educational fines and fees but as critically the disproportionate impact on specific student populations, including students facing housing instability, students in foster care or juvenile legal systems, low-income students, and students of color.²³ This can produce a compounding effect for such students and further prevented from attending school due to fear of accruing additional fines, accessing school, and participating in the full range of opportunities offered by their public schools. In Pennsylvania, for example, the inability to pay educational fines and fees restricts students from participating in extra-curricular activities²⁴, attending graduation²⁵ or participating in field trips.²⁶ Children who are of compulsory school age²⁷, who have three or more unexcused absences in the then-current school year are considered to be “truant”²⁸ under the law and can be subject to a range of punishments including fines for children fifteen or older²⁹ or the child’s parent or caregiver³⁰ (called the person in parental relation)³¹, or jail time³² for a parent or caregiver, which may also preclude a child from accessing school, and any of the specialized due to lack of

transportation or responsibility to care for younger children. Beyond exclusion from school, this possibility would also rob a child of the specialized supports they may be entitled to under law such as special education services or language access services. In Missouri, the inability to pay technology fees specifically, including deposits, can prevent students from receiving their diplomas³³ or participating in homework and online learning.³⁴

3. What federal protections exist to protect students and families from educational or school-based fines and fees in K – 12 public schools?

Under federal law few protections exist to limit the use and negative effect of educational fines and fees (Figure 1). For example, while three federal statutes—Every Student Succeeds Act, the Family Educational Rights and Privacy Act of 1974, and the McKinney-Vento Homeless Assistance Act—contribute to safeguarding educational access and equity, they do not categorically and proactively (a) prohibit imposing financial penalties, (b) establish universalized protections for all public school students, or (c) require that public schools act to ameliorate the harms experienced by students who do not fall within narrowly-established protected classes. For example, As Figure 1 explores federal protections afforded by the McKinney-Vento Act, which protects children experiencing homelessness. Children are considered to be experiencing homelessness under this law if they “lack a, fixed regular and adequate nighttime residence” to be protected under the law.³⁵ Moreover, the Act relies upon a barriers-based analysis and requires the removal of

barriers to the “identification” “enrollment,” or “retention” of McKinney-Vento eligible students, including those arising from fines and fees.³⁶ Given limitations in protections under current federal education law law limitations, there is a pressing need for comprehensive protective federal standards to ensure that all students can access their right to public education without the harmful and costly burden of financial costs and penalties.

4. What state protections exist to protect students and families from educational or school-based fines and fees?

At the state-level, at least eight states have passed legislation offering at least some protections eligible students, caregivers, and families from educational fines and fees (Figure 2). However, consistent with federal law, state statutes do provide uniform categorical exemptions against educational financial penalties for all K – 12 public school students against educational fines and fees. Act 1 of 2022, for example, offers protections only for students in kindergarten through the twelfth grade who have experienced “educational instability,” which is defined as changing school entities, at least one

time in any school year to experiencing homelessness, foster care, the juvenile legal system, or court-ordered placements.³⁷ Once a student is identified as being Act 1 eligible, they remain protected until graduation. Act 1 categorically prohibits schools from imposing *any* school-based “fee that would otherwise be assessed.”³⁸

This FAQ provides essential information for education, economic justice, and racial justice stakeholders about educational fines and fees. To learn more about the specific financial costs and penalties as well as protections that may apply at your individual school, district or state, please request and review the adopted and published rules set forth by your local public school, presented in student handbooks or codes of conduct or other resources/forms that your school may use to convey operative policies and practices. You may also wish to reach out to an attorney of your choice to learn about how educational fines, fees, and costs may apply in your state or in a particular school district or in school building. This FAQ is not considered to be legal advice.

FIGURE 1. Federal Legislation

Legislation	Scope	Population Protected	Relevant Provisions
Every Student Succeeds Act (ESSA)	Fees associated with advanced placement examinations	“Economically disadvantaged” students attending public schools (“local educational agencies”)	“Local educational agencies shall ensure that fees for advanced placement examinations are minimized or eliminated for economically disadvantaged students” 20 U.S.C. § 7114(b)(3)(A)(ii) (2015); 20 U.S.C. § 6303b(c)(3)(C) (2015); 20 U.S.C. § 7117(a)(3)(D)(i) (2015).
ESSA	Financial obligations associated with attending charter schools	Students attending charter schools	“The State entity will ensure that each charter school receiving funds under the State entity’s program makes publicly available . . . information to help parents make informed decisions about the education options available to their children, including . . . parent contract requirements (as applicable), including any financial obligations or fees.” 20 U.S.C. § 7221b(f)(2)(G)(iii) (2015).
ESSA	Grant money given for educator development	All students and parents or legal guardians of students	“In order to receive a grant under this section, an eligible entity shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Such application shall include, at minimum, a certification that the services provided by an eligible entity under the grant to a local educational agency will not result in direct fees for participating students or parents.” 20 U.S.C. § 6672(d) (2015).
Family Educational Rights and Privacy Act (FERPA)	Fees that “effectively prevent” the right to inspect and review education records	Parents of students or eligible students, as defined by law	“No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of denying, or which effectively prevents, the parents of students or the students themselves, if they are 18 years of age or older, the right to inspect and review the education records of their children or themselves.” 20 U.S.C. § 1232g(a)(1)(A) (2013).
McKinney-Vento Homeless	Requires revision of policies authorizing fines and fees at the	Students experiencing homelessness, as defined by law	Requiring “a demonstration that the State educational agency and local educational agencies in the State

Assistance Act	State Educational Agency and local educational agency-level if they pose a barrier to “identification” “enrollment” or “retention” or participation of McKinney-Vento eligible children	have developed, and shall review and revises, policies to remove barriers to the identification of homeless children and youths, and the enrollment and retention of homeless children and youths in schools in the State, including barriers to enrollment and retention due to outstanding fees, fines, or absences.” 42 U.S.C. § 11432(g)(1)(I) (2016).
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FIGURE 2. Selected State Legislation

State	Scope	Protected Population	Relevant Provisions
PA	Fees for students who have “experienced” education instability, as defined by law	Students who have “experienced education instability”	“(4) Waive each fee that would otherwise be assessed against the student. The receiving school entity may not limit a student’s participation in school-sponsored and extracurricular activities due to a waiver of the participation fees.” 24 P.A. CONS. STAT. § 13-1331.1(a)(4) (2022).
IL	Prohibits monetary fines or fees as disciplinary consequence, with exemptions	All students	“A student may not be issued a monetary fine or fee as a disciplinary consequence, though this shall not preclude requiring a student to provide restitution for lost, stolen, or damaged property.” 105 ILL. COMP. STAT. 5/10-22.6(i) (2025).
NJ	Prohibits student exclusion from graduation ceremonies	Parent, legal guardian or other person experiencing “financial hardship”	“[N]o graduating pupil shall be excluded from a graduation ceremony whose parent, legal guardian or other person having legal custody of the pupil is unable to pay the fees required for that graduation ceremony because of financial hardship” N.J. STAT. ANN. § 18A:7C-5.1(1) (West 1996).
VA	Reduction or waiver of fees	“Economically disadvantaged students and students whose families are undergoing economic hardships”	“The policy shall provide for the reduction or waiver of fees for economically disadvantaged students and students whose families are undergoing economic hardships and are financially unable to pay them.” 8 VA. ADMIN. CODE § 20-720-80(C) (2012).
VA	Restricts withholding of report card or diploma, class schedule or suspension or expulsion for “nonpayment”	All students	“Local school boards shall not: 1. Withhold any student’s scholastic report card or diploma because of nonpayment of fees and charges, in accordance with § 22.1-6 of the Code of Virginia; 2. Withhold any student’s class schedule; or 3. Suspend or expel a student for nonpayment of fees and charges.” 8 VA. ADMIN. CODE § 20-720-80(H) (2012).
VA	Requires reduction in cost (or free of charge) for instructional materials	Students who are “unable to afford them”	“The local school board shall develop a policy ensuring that workbooks, writing books, drawing books, and fine arts materials and supplies are

			furnished to students who are unable to afford them at a reduced price or free of charge.” 8 VA. ADMIN. CODE § 20-720-80(H)(10) (2012).
VA	Restricts any fees for instructional materials not directly used by students	All students	“In addition, local school boards are not authorized to charge fees to students for instructional materials, textbooks, or other materials that are not directly used by a public school student.” 8 VA. ADMIN. CODE § 20-720-80(H)(10) (2012).
CA	Protects students from educational debt, as defined by law with exceptions	Unemancipated current and former students Students who are current or formerly homeless or students who are currently or former foster youth	“(a) A pupil or former pupil, unless emancipated at the time the debt is incurred, shall not owe or be billed for a debt owed to a public school or school district . . . (g)(1) This section shall not apply to debt owed as a result of vandalism or to cover the replacement cost of public school or school district books, supplies, or property loaned to a pupil that the pupil fails to return or that are willfully cut, defaced, or otherwise injured. A public school or school district may offer a pupil or former pupil, with the permission of the parent or guardian of the pupil or former pupil, alternative, nonmonetary forms of compensation to settle debt described in this paragraph. Alternatives that include service or work in exchange for repayment of a debt shall comply with all provisions of the Labor Code, including those sections relating to youth employment. (g)(2) Paragraph (1) shall not apply if the pupil is a current or former homeless child or youth or a current or former foster youth.” CAL. EDUC. CODE §§ 49014(a), (g) (West 2019).
CA	Limits negative action for unpaid debts	Any current or former student	A public school or school district shall not, because of a debt owed to the public school or school district, take negative action against a pupil or former pupil, including, but not limited to: [(1) Denying full credit for assignments or equal participation in class activities. (2) Denying access to educational facilities, grades, transcripts, or diplomas. (3) Restricting participation in extracurriculars, field trips,

			ceremonies, or educational activities.]” CAL. EDUC. CODE § 49014 (b)(1–7) (2019).
DE	Prohibits restricting participation in school sponsored extracurricular activities, as defined by law, due to outstanding unpaid school meal debt	All student with an unpaid meal debt	“Prohibition on restricting student participation in extracurricular activities due to meal debt . . . Local education agencies, including charter schools, may not prohibit a student from participating in or attending a school sponsored extracurricular activity due to the student having an outstanding debt for unpaid school meals.” DEL. CODE ANN. tit. 14, § 4136A(b) (2024).
MN	Waiver of fees	Students with active duty or prior serving military service Students or parent or guardian is “unable to pay.”	“(a) A board may waive any deposit or fee for any pupil whose parent is serving in, or within the past year has served in, active military service as defined under section 190.05. (b) A board may waive any deposit or fee if any pupil or the pupil’s parent or guardian is unable to pay it.” MINN. STAT. § 123B.36(6)(a–b) (2010).
OH	Prohibits school districts from charging fees to students eligible for free lunch for materials required to fully participate in a course of instruction	Students eligible for free/reduced lunch	“(D) No board of education shall withhold the grades, credits, official transcripts, diploma, IEPs, or 504 plans of a pupil for nonpayment of fees for materials used in a course of instruction imposed under division (C)(1) of this section, if a complaint has been filed at any time in a juvenile court alleging that the pupil is an abused, neglected, or dependent child or if the pupil has been adjudicated an abused, neglected, or dependent child.” OHIO REV. CODE ANN. § 3313.642(D) (West 2023).

¹ CAL. CONST. art. IX, § 5; IDAHO CONST. art. IX, § 1; N.Y. CONST. art. XI, § 1; OKLA. CONST. art. XIII, § 1; NEB. CONST. art. VII-1; FLA. CONST. art. IX, § 1.

² 22 PA. CODE § 12.1(a) (2023) (“All persons residing in this Commonwealth between the ages of 6 and 21 years are entitled to a full and free education in the Commonwealth’s public schools.”).

³ Financial assessments in schools range include textbook rentals, library book fines, late pick-up charges, compounding charges for lost paper hall passes, parking fees, and class dues. Thalia González & Paige Joki, *Reproducing Inequality: Racial Capitalism and the Cost of Public Education*, 65 B.C. L. REV. 318, 353 (2024).

⁴ See, e.g., *Debtors’ Prison for Kids: The High Cost of Fines and Fees in the Juvenile Justice System*, JUV. L. CTR., <https://debtorsprison.jlc.org/#!/map> (displaying the types and number of fees established by

each U.S. state) (last visited Jan. 20, 2025); Anne Teigen, *Assessing Fines and Fees in the Criminal Justice System*, NAT'L CONF. OF STATE LEGISLATURE (2020), <https://www.ncsl.org/civil-and-criminal-justice/assessing-fines-and-fees-in-the-criminal-justice-system>; Matthew Menendez et al., *The Steep Costs of Criminal Justice Fees and Fines*, BRENNAN CTR. FOR JUST. (2019), <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>.

⁵ See, e.g., *Fines, Fees, and Financial Burdens*, CTR. FOR JUST. INNOVATION, <https://www.innovatingjustice.org/fines-fees> (last visited Jan. 20, 2025).

⁶ González & Joki, *supra* note 3, at 351; *Technology Access During COVID-19 and Beyond: An Education Equity Issue*, EDUC. JUST. PROGRAM AT LEGAL SERV. OF E. MO. (2022), <https://lsem.org/wp-content/uploads/2022/02/Technology-Access-During-COVID-19-and-Beyond-White-Paper.pdf>; Jodi S. Cohen & Jennifer Smith Richards, *The Price Kids Pay: Schools and Police Punish Students With Costly Tickets for Minor Misbehavior*, PROPUBLICA (2022), <https://www.propublica.org/article/illinois-school-police-tickets-fines>.

⁷ CAMERON CNTY. SCH. DIST., CAMERON COUNTY JR/SR HIGH SCHOOL STUDENT HANDBOOK 2024–2025 44 (2024) (outlining an overdue library book fine of \$0.25 per day).

⁸ *Technology Access*, *supra* note 6, at 13–14 (discussing required deposits for Chromebook access); AVELLA AREA SCH. DIST., PARENT/STUDENT INFORMATION 2021–2022 14 (2021) (required Chromebook insurance payments of \$28.00 per year).

⁹ LOWER MERION SCH. DIST., LOWER MERION SCHOOL DISTRICT HANDBOOK 2021–2022 27 (2021) (“If a student loses/misplaces his/her school ID, there will be a replacement fee of \$20 before a new ID is issued.”).

¹⁰ HATBORO-HORSHAM SCH. DIST., HATBORO-HORSHAM SCHOOL DISTRICT CHILD CARE 43 (2021); INQUIRY CHARTER SCH., STUDENT AND FAMILY HANDBOOK 2020–2021 8 (2020).

¹¹ CENT. VALLEY SCH. DIST., 2022–2023 HIGH SCHOOL HANDBOOK 55 (2022) (mandatory purchasing of school and gym uniforms); COLLEGIATE SCH. OF MEDICINE & BIOSCIENCE, STUDENT/PARENT HANDBOOK 2022-2023 22–24 (2022) (describing the daily student uniform requirements and providing links to clothing brands that are satisfactory for uniform requirements).

¹² PHILIPSBURG-OSCEOLA AREA SCH. DIST., PHILIPSBURG-OSCEOLA SENIOR HIGH SCHOOL STUDENT HANDBOOK 2021–2022 10 (2021); CARBONDALE AREA SCH. DIST., STUDENT AND PARENT HANDBOOK 2021–2022 42 (2021) (charges for hall passes, with replacement costs beginning at \$1.00 and increasing by \$1.00 each time it is replaced).

¹³ FREEDOM AREA HIGH SCH., 2021-2022 PARENT/STUDENT HANDBOOK 50 (2021) (explaining that students “who owe money, equipment, uniforms, etc. [sic] to the school” may be prevented from accessing extracurricular activities such as “sports, fine arts performances, dances, trips etc.”); DOWNINGTON AREA SCH. DIST., LIONVILLE ELEMENTARY SCHOOL 2021–22 PARENT HANDBOOK 28 (2021) (“Families of elementary students participating in music activities will be assessed a \$25 activity fee per student, per year which allows the student to participate in all music programs.”).

¹⁴ CORNWALL-LEBANON SCH. DIST., CEDAR CREST HIGH SCHOOL STUDENT HANDBOOK 2020–2021 10 (2020) (“Students in the Class of 2021 are required to pay class dues . . . Students who do not pay class dues will not be permitted to attend the class trip, prom or graduation.”); N. LEHIGH HIGH SCH., STUDENT HANDBOOK 2021–2022 55 (2021) (obligating class dues for seniors).

¹⁵ See CORNWALL-LEBANON SCH. DIST., *supra* note 14, at 10 (requiring class dues for participation in graduation); ALL. FOR PROGRESS CHARTER SCH., PARENT/STUDENT HANDBOOK 2019–2020 41 (2019) (outlining that families who do not pay off debt within the trimester that the debt accrued will miss school activities such as graduation).

¹⁶ *Technology Access*, *supra* note 6, at 14 (outlining fines as high as \$1500 in certain school districts for lost, stolen, and damaged school devices).

¹⁷ HATBORO-HORSHAM SCH. DIST., *supra* note 10; INQUIRY CHARTER SCH., STUDENT AND FAMILY HANDBOOK 2020–2021 8 (2020).

¹⁸ *Technology Access*, *supra* note 6, at 14.

¹⁹ González & Joki, *supra* note 3, at 349–352.

²⁰ UNION R-XI SCH. DIST., UNION MIDDLE SCHOOL HANDBOOK 2024–2025 26 (2024) (outlining appropriation and payment of fees and fines stating, “your failure to timely return the property and the continued use of

it for non-school purposes without the school's consent will be considered unlawful appropriation of school property and you will be turned into collections for the full replacement cost").

²¹ González & Joki, *supra* note 3, at 319.

²² 24 PA. CONS. STAT. § 13-1333.3(a)(1), (f) (2018). See also Talia Richman, *Families Could Face Steeper Penalties for Truancy Under Texas Bill Up for Debate*, THE DALL. MORNING NEWS (2023), <https://www.dallasnews.com/news/education/2023/04/11/families-could-face-steeper-penalties-for-truancy-under-texas-bill-up-for-debate/>.

²³ González & Joki, *supra* note 3, at 351; *Technology Access*, *supra* note 6; Cohen & Smith Richards, *supra* note 6.

²⁴ FREEDOM AREA HIGH SCH., *supra* note 13, at 50.

²⁵ CEDAR CREST, *supra* note 14.

²⁶ ALL. FOR PROGRESS CHARTER SCH., *supra* note 15.

²⁷ 24 PA. CONS. STAT. § 13-1326 (2022).

²⁸ *Id.*

²⁹ 24 PA. CONS. STAT. § 13-1333.1 (2016).

³⁰ *Id.*

³¹ 24 PA. CONS. STAT. § 13-1326 (2022).

³² 24 PA. CONS. STAT. § 13-1333.3(f) (2018).

³³ *Technology Access*, *supra* note 6, at 17.

³⁴ *Id.* at 14.

³⁵ 42 U.S.C. § 11434a(2).

³⁶ 42 U.S.C. § 11432(g)(1)(I).

³⁷ 24 PA. CONS. STAT. § 13-1331.1(e) (2022).

³⁸ 24 PA. CONS. STAT. § 13-1331.1(a)(4) (2022). Guidance on Act 1 from the Pennsylvania Department of Education recognizes that “fees can be harmful to students and families and may create barriers to full participation in schools,” and enumerates a non-exhaustive and comprehensive list of the types of fees that schools are prohibited from imposing. *Act 1 of 2022 - Assisting Students Experiencing Education Instability*, PA. DEP’T OF EDUC., BASIC EDUC. CIRCULARS (Aug. 1, 2022), <https://www.pa.gov/en/agencies/education/resources/policies-acts-and-laws/basic-education-circulars-becs/purdons-statutes/act-1-of-2022.html>.