

A Free Public Education Includes School Supplies

April 19, 2024

SUMMARY

California law is clear that school supplies are included in a free public education. Public schools throughout the state are required to provide, at no cost to students or their families, all the supplies, materials, and equipment necessary to fully participate at school. Nevertheless, at the outset of the school year, many schools in Marin County distribute school supply lists to students and their families. These lists are often expanded throughout the school year as students participate in various extracurricular activities such as sports, field trips, and music classes. In some instances, the supply lists indicate that the enumerated items are optional but do not make it clear that the school is required to provide them at no cost to the student or their families.

The Marin County Civil Grand Jury (Grand Jury) conducted an investigation to determine the extent to which students and their families are requested to buy school supplies that schools are required to provide. While the use of supply lists varies throughout the school districts, the Grand Jury concluded that many schools asked, or suggested, that students or their families purchase supplies that schools are required to provide. In addition, teachers often use their personal funds to pay for supplies so their students can fully participate in school activities.

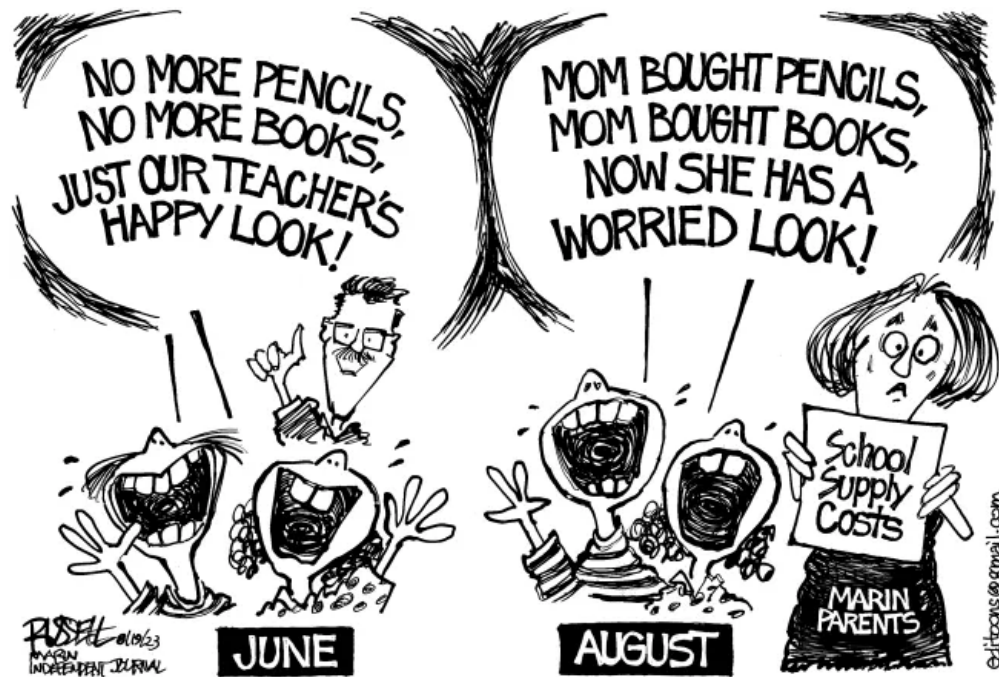
As a result of its investigation, the Grand Jury is making the following recommendations: 1) Marin public schools should provide, at no cost to the student or their families, all of the supplies, materials, and equipment necessary to fully participate at school; 2) The superintendent of each school district should ensure that the schools in their district are in compliance with California law with respect to school supplies; 3) Marin public schools should not distribute school supply lists to students or their families; 4) Teachers should not be put in a position where they have to use their personal funds to provide school supplies necessary for students to fully participate in their school's academic program or extracurricular activities.

BACKGROUND

An August 2023 Marin Independent Journal article described pressures Marin parents are feeling regarding the expense of school supplies.¹ Both the California Constitution and California Education Code (CEC) guarantee a free public education in California. Numerous courts and California agencies have repeatedly confirmed that schools may not require students to bring any supplies, whether for the classroom or for extracurricular activities. Grand Jury research,

¹ Giuseppe Ricapito, "Inflation Drives Up School Supply Costs for Marin Parents," *Marin Independent Journal*, August 15, 2023, <https://www.marinij.com/2023/08/15/inflation-drives-up-school-supply-costs-for-marin-parents>, (accessed 3/21/24).

interviews and review of documents have shown that some Marin public schools require or request that students bring various supplies to school.



(Cartoon courtesy of and by George Russell, Special to Marin Independent Journal)²

APPROACH

The Grand Jury interviewed many people involved with Marin County public schools, including teachers, school personnel, administrators and County officials. The Grand Jury extensively researched current California laws, including the state Constitution, case law, statutes, regulations, and fiscal advisories. Additionally, it reviewed relevant documents from local schools including websites, newsletters and school supply lists. The Grand Jury researched and read local news articles relevant to school supply issues in Marin County and reviewed regulatory agency recommendations and reports. The Grand Jury concluded its investigation on March 20, 2024.

DISCUSSION

California Has a “Free Public Education” Law

The laws of the State of California mandates that all K-12 public schools be 100 percent free to students. That includes the provision of *all* needed supplies, from pencils, paper, and physical education (PE) clothes, to tubas for band and balls for soccer.³

² George Russell, “Marin Parents Deal With Increased School Supply Costs,” *Marin Independent Journal*, August 18, 2023, <https://www.marinij.com/2023/08/18/george-russell-marin-parents-deal-with-increased-school-supply-costs/>, (accessed 3/21/24).

³ California Constitution, Art. IX, § 5: “The Legislature shall provide for a system of common schools by which a *free* school shall be kept up and supported in each district at least six months in every year, after the first year in which a school is established.” (emphasis added); CEC § 49011; California Department of Education Fiscal

In California, “all supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.”⁴ Further, “A pupil enrolled in a school shall not be required to pay any fee, deposit, or other charge not specifically authorized by law.”⁵ Because of the California law, and how courts, regulatory agencies and the California Department of Education have opined and ruled on that law, lists of required school supplies are never allowed in California public schools, including charter schools⁶ and alternative schools, as well as summer school sessions.⁷ The law also forbids any efforts to skirt the rule. Some examples of actions schools are barred from taking include the following:⁸

- Fee waiver policies, such as telling families they can ask for an exemption, or show a reason, in order to be excused from bringing supplies
- Separate tracks for students, with the more desirable track requiring supplies
- Extra-credit or other academic benefits in exchange for donations
- Any kind of privileges for students or families, such as a premium parking spot or priority class registration, in exchange for donations
- Punishment or discrimination of any kind for students who fail to donate anything, whether academic, extracurricular or in any other form
- Charging for graduation cap and gown
- Requiring “parent service hours” or “volunteer hours”

Notably, some Marin public schools’ websites include advertisements from large companies that sell school supplies, such as Amazon, Office Depot, and Staples. The ads often include suggested supply lists. The inclusion of such ads may inappropriately lead parents to assume they should purchase the items on these lists. While including paid advertisements on school websites is not against the law, it may be misleading to families.

All of this means that it is the financial responsibility of each school district and its schools to provide everything a student needs, rather than asking students, their families or teachers to provide the needed supplies.

Management Advisory 23-02, <https://www.cde.ca.gov/re/lr/fm/documents/fma2302.pdf>, (accessed 1/14/24); California Code of Regulations (Cal. Code Regs.), Title 5, § 350; *Ward v. Flood*, 48 Cal. 36, 51 (1874).

⁴ CEC § 49011(b)(1).

⁵ Cal. Code Regs., 5, § 350.

⁶ Although charter schools are exempt from many laws governing school districts (CEC § 47610), they are not exempt from the California Constitution’s guarantee of a free education. Only a few sections of the CEC authorize charter schools to charge fees for enumerated items.

⁷ CEC § 49011(d); Cal. Code Regs. Tit. 5, § 350; California Department of Education Fiscal Management Advisory 23-02, <https://www.cde.ca.gov/re/lr/fm/documents/fma2302.pdf>, (accessed 1/14/24).

⁸ CEC § 49011(b)(2)-(4). This list is not comprehensive. See the California Department of Education Fiscal Management Advisory 23-02, <https://www.cde.ca.gov/re/lr/fm/documents/fma2302.pdf>, (accessed 1/14/24); *Sands v. Morongo*, 53 Cal. 3d 863, 873-874 (1991).

There Are Few Exceptions to the Free Public Education Law

There are very few exceptions to the rule. A few particular fees are specifically authorized by California law. These include deposits or leasing fees for “internet appliances or personal computers...at no more than cost, so long as the district provides network access for families who cannot afford it.”⁹ Other exceptions include some transportation fees,¹⁰ food if the student is not eligible for free or reduced-price meals,¹¹ and certain materials for items the student will take home and keep,¹² such as materials for some woodshop, art or sewing projects.

Schools May Seek and Accept Voluntary Donations

Importantly, while the law requiring a *free* public education is clear, California understands that some families may be glad to offer support to their children’s school. The law, therefore, specifies that schools may solicit *voluntary* donations of money, supplies, time, expertise or anything else the school hopes to have donated. In addition, other entities such as parent teacher organizations (PTA),¹³ booster clubs, nonprofit school foundations, and other community organizations are allowed to fundraise to support public schools.¹⁴ Charter schools are specifically permitted to request parent volunteer hours but may not require parent involvement as a condition of acceptance or continued enrollment at the school.¹⁵

⁹ California Department of Education Fiscal Management Advisory 23-02, <https://www.cde.ca.gov/re/lr/fm/documents/fma2302.pdf>, (accessed 1/14/24), referencing CEC § 17453.1.

¹⁰ California Department of Education Fiscal Management Advisory 23-02, <https://www.cde.ca.gov/re/lr/fm/documents/fma2302.pdf>, (accessed 1/14/24), referencing *Arcadia School District v. State Department of Education*, 2 Cal. 4th 251, 263-264 (1992) and CEC § 42238.02(b) (no transportation fees for English learners, students eligible for reduced-price meals, or foster youth).

¹¹ California Department of Education Fiscal Management Advisory 23-02, <https://www.cde.ca.gov/re/lr/fm/documents/fma2302.pdf>, (accessed 1/14/24), referencing CEC §§ 38082 and 38084. Other exceptions include replacement costs for lost or destroyed books or supplies (CEC §§ 19911 and 48904), some field trips as long as a fee waiver is available (CEC § 35330(b)), after school programs (CEC § 8482.6), and certain deposits for band equipment when traveling to a foreign country (CEC § 38120).

¹² CEC § 17551.

¹³ Marin public schools’ parent-teacher type organizations include PTAs, PTOs and PTSAs. PTA is used in this report to broadly refer to any/all of these.

¹⁴ CEC § 49011(c).

¹⁵ CEC § 47605(n).

What Happens at Marin Public Schools

Despite all of the laws related to free education in California, the implementation of these rules is not consistent at Marin public schools. Last fall, the Marin Independent Journal (Marin IJ) reported on Marin families experiencing stress over complying with school supply lists.¹⁶ Similar news reports about school supplies in Marin have appeared for years, including early in 2024.¹⁷

Administrators and teachers at Marin public schools consistently prioritize students' needs and welfare and strive to provide an excellent education even when budgets are strained. However, the inconsistency among Marin districts and schools when it comes to the question of who must provide school supplies can cause families and teachers confusion and stress. As reported last fall in the Marin IJ, families here "are feeling the financial pinch ... of this year's school supplies." The article quoted a Venetia Valley School mother who "said she often finds she has to balance necessities with seasonal school supplies." Another parent shopping in San Rafael said, "they were still waiting on a list from the school and planned to budget for supplies once they received it."¹⁸

According to interviews conducted by the Grand Jury with schoolteachers, administrators and personnel, some Marin public schools are extremely careful to comply with California's free public education laws. Those schools provide everything needed to educate their students each year, although they welcome and appreciate voluntary donations from the community, including the PTA and families. In other schools, administrators and personnel say that the school only intends to solicit optional donations from students' families, but the "School Supply Lists" given to families fail to mention that the supplies are not required.¹⁹

There are also some Marin schools where the law is not followed, with students and their families being told that each family is required to furnish certain items. While there are sometimes processes at these schools by which families can seek exemptions, this practice is contrary to California law. In addition, it would likely create unnecessary embarrassment to require these families to show proof of their financial circumstances so their child may have the needed supplies.

¹⁶ Ricapito, "Inflation Drives Up School Supply Costs for Marin Parents."

<https://www.marinij.com/2023/08/15/inflation-drives-up-school-supply-costs-for-marin-parents> (accessed 3/21/24).

¹⁷ E.g., 2021: Lorenzo Morotti, "Learning Bus to Distribute Backpacks, School Supplies to Children," *Marin Independent Journal*, July 18, 2021, <https://www.marinij.com/2021/07/18/learning-bus-to-distribute-backpacks-school-supplies-to-children>, (accessed 1/22/24); 2022: Alex N. Gecan, "Marin Events Furnish Youths With Back-to-School Goods," *Marin Independent Journal*, August 10, 2022, <https://www.marinij.com/2022/08/10/marin-events-furnish-youths-with-back-to-school-goods>, (accessed 1/22/24); 2023: Giuseppe Ricapito, "Ritter Center Gives Supplies," *Marin Independent Journal*, Aug. 9, 2023, <https://www.marinij.com/2023/08/09/san-rafaels-ritter-center-offers-school-supplies-for-the-needyl/>, (accessed 1/22/24); and 2024: Krissy Waite, "Club Gives Teens School Supplies (and More)," *Marin Independent Journal*, January 1, 2024, <https://www.marinij.com/2024/1/01/san-rafael-club-offers-place-to-just-be-teenagers/>, (accessed 1/22/24).

¹⁸ Ricapito, "Inflation Drives Up School Supply Costs for Marin Parents."


¹⁹ See example Supply List and associated references at page 6 of this report.

The following is an example of an online 2023-2024 Sixth Grade Supply List from a Marin public school.²⁰

Sixth Grade Supply List

2023-2024

- Pencils
- 2 black flair pens
- Erasers (whichever type you prefer)
- Two 100 + page spiral notebooks with **covered** spine ↓ (8 1/2 by 11 paper size)
- One plastic folder with pockets for loose papers
- Colored pencils
- Crayola markers set (fine tip)
- 2-4 LARGE glue sticks
- highlighter
- Scissors
- Pencil pouch to hold the small items on this list :)
- Handheld pencil sharpener
- Math: Graph-ruled, One subject spiral notebook with a front pocket
- Math: basic calculator (or optional: Texas Instruments TI-30X IIS)
- Math: red or green pens for correcting work
- Math: black dry-erase markers (multiple needed, Expo preferred)
- Orchestra: 1 one inch binder with pockets
- Orchestra (For Non-Instrument Specific Materials)
 - One 1 inch binder
 - Five dividers
 - Highlighter
 - Pencils



Five Star Advance Spiral Notebook, 1 Subject, Colored-Ruled Paper, 100 Sheets, 11" x 8 1/2", Red (22164)

Color Chart:
Blue, Red, Green, Yellow, Orange, Purple, Pink, Grey, White, Black

Communal (helpful, but optional):

- Extra glue sticks (used in Language Arts and Social Studies)
- Extra colored pencils (used in Language Arts and Social Studies)
- Additional black dry-erase markers for Math Classroom use
- Kleenex or Unscented Wipes (Language Arts)
- Kleenex, box of sharpened pencils, 1-inch binders, dividers (Orchestra)

2023-2024 Sixth Grade School Supply from a Marin public school
(Photos from school website; page edited to remove logo and blank space)

The bulk of the list has no indicator as to whether the supplies are required, which could lead a family to believe they are not optional. In addition, there is a shorter section entitled “Communal (helpful but optional).” The inclusion of an optional list after the longer list may lead families to think that the items prior to the “Communal” section are required.

The Grand Jury was able to see certain additional supply lists and discuss them during interviews, but those which are password protected by the schools to limit access to only parents and school personnel, are considered confidential. The Grand Jury performed a random sampling

²⁰ Miller Creek Middle School website homepage, link to “6th Grade Supply List,” <https://campussuite-storage.s3.amazonaws.com/prod/1559172/bdf36442-eb7c-11ed-af35-0a835f8e5691/2636766/1ce10126-307e-11ee-83db-0a58a9feac02/file/MCMS%20-%206th%20grade%20Supply%20List%202023-2024.pdf>, (accessed 3/24/24).

of websites for Marin’s 75 public schools. Those that were not password protected were few, but many of the accessible websites contain school supply lists.²¹

It is valid to question where funding for supplies will be found if supply lists disappear, but the reality is that supplies are not a significant budget stressor in Marin schools. The most recent Marin County Office of Education Annual Report, for 2023-2024, indicates that 3.3 percent of the budget is for all supplies.²² That 3.3 percent includes supplies for classrooms, offices, restrooms, band, art classrooms, physical education (PE) necessities, sports teams’ equipment, and more. For California schools generally, the percentage is similar.²³ The actual cost of pencils, paper, binders, etc., that schools can buy in bulk is nominal for school districts. But for some families, deciding whether to buy school supplies or buy groceries and other necessities, is a painful choice they are never supposed to face.

Teachers Should Not Have To Spend Their Own Money For School Supplies

Consistent with California law that public schools must provide all the supplies necessary for a free public education, teachers should not have to spend their own money for school supplies. A recent survey by the Association of American Educators (AAE) indicated that most public school teachers spend significant sums of their own money, an average of \$673 per year, on classroom supplies.²⁴ Although school districts generally provide an allowance to teachers for classroom supplies, it is often insufficient, resulting in teachers using their personal funds to make those purchases.

It is incumbent upon school and district administrators to include in their budgets the funds necessary to cover all school and classroom supplies, so that the financial burden for providing these supplies is not shifted to the teachers. While there may be alternative funding sources to which teachers may turn, such as booster clubs, PTO, and the PTA, teachers should not be put in a position to use their own funds to meet the educational needs of their students.

²¹ Some examples: Kent Middle School website, “Families: Supplies & PE Uniforms,” with links for each grade 5-8, <https://kent.kentfieldschools.org/families/>, (accessed 3/28/24); Mill Valley Middle School website teacher page, “Supply List: Materials for Math 8 and Algebra,” <https://www.mvschools.org/Page/482>, (accessed 3/27/24) and teacher page, “7th Grade Core and Reading 6 and 7” with link to “information about school supplies” at <https://sites.google.com/mvschools.org/danielle-dabbah/school-supplies?authuser=0>, (accessed 3/26/24); Miller Creek Middle School 7th Grade Supply list and 8th Grade Recommended Supply list at <https://campussuite-storage.s3.amazonaws.com/prod/1559172/bdf36442-eb7c-11ed-af35-0a835f8e5691/2636767/1ce1075c-307e-11ee-8a37-0a58a9feac02/file/MCMS%20-%207th%20Grade%20Supply%20List%202023-2024.pdf>, (accessed 3/28/24) and <https://campussuite-storage.s3.amazonaws.com/prod/1559172/bdf36442-eb7c-11ed-af35-0a835f8e5691/2638562/ba1277be-32f8-11ee-aff7-027b4a6ebcdd/file/MCMS%20-%208th%20Grade%20Supply%20List%20-%202023-24.pdf>, (accessed 3/28/24).

²² Marin County Office of Education, “Annual Report 2023-2024,” at p. 15, <https://www.marinschools.org/cms/lib/CA01001323/Centricity/Domain/2317/2023-2024%20Annual%20Report.pdf>, (accessed 3/21/24).

²³ Jonathan Kaplan and the California Budget Project, “How Do California Schools Get and Spend Their Money?,” May 2012, https://calbudgetcenter.org/app/uploads/120523_Education_Funding_PB.pdf, (accessed 3/03/24).

²⁴ Association of American Educator Press Release, August 24, 2003, <https://www.joinaae.org/pr-educatorspendingsurvey-082423>, (accessed 3/20/24).

These disparate approaches to the provision of school supplies in Marin public schools are, for the most part, inappropriate, and in some cases, they are contrary to California law. School districts and schools are responsible for providing sufficient supplies for all the student's needs, both in the classroom and for extracurricular activities.

CONCLUSION

California law clearly requires that students attending a public school receive a free education. It is also certain that California law requires that students in public schools receive, at no cost to the student or their families, all the supplies, materials, and equipment necessary to fully participate at school. As a result, the Grand Jury makes the following findings and recommendations.

FINDINGS

- F1.** Some Marin public schools do not comply with the “free public education” law because they ask students or their families to bring supplies to school.
- F2.** Schools may not circumvent the “free public education” law by offering families any kind of waiver or exemption option.
- F3.** Some Marin public schools distribute supply lists to families that indicate the family can seek a waiver or become exempt from bringing supplies in some specified way.
- F4.** Some Marin public schools distribute supply lists to families that are labeled “optional.”
- F5.** Teachers often spend their personal funds to provide supplies, materials, or equipment for students.

RECOMMENDATIONS

By November 1, 2024, the Grand Jury recommends that:

- R1.** All Marin public schools should follow California’s “free public education” law.
- R2.** Marin public schools should provide, at no cost to the student or their families, all the supplies, materials, and equipment necessary for students to fully participate at school.
- R3.** Marin public schools should not distribute school supply lists to students or their families.
- R4.** Marin public schools should not distribute school supply lists that indicate the supplies are optional.
- R5.** The superintendent of each school district should ensure that the schools in their district are in compliance with California law with respect to school supplies.
- R6.** If a Marin public school chooses to solicit donations of any kind from anyone, whether the solicitation is on paper, verbal, or electronic, such as a website or email, the school should make it clear that donations are not required but rather are entirely voluntary.
- R7.** Marin public schools should not put teachers in a position where they need to use their personal funds to provide supplies, materials, or equipment for students to fully participate at school.

REQUIRED RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requires responses from the following governing bodies:

From the following elected county official within 60 days:

- Marin County Superintendent of Schools (F1-F5, R1-R7)

From the following governing bodies within 90 days:

- Bolinas-Stinson School District Board of Trustees (F1-F5, R1-R7)
- Kentfield School District Board of Trustees (F1-F5, R1-R7)
- Laguna Joint School District Board of Directors (F1-F5, R1-R7)
- Lagunitas School District Board of Trustees (F1-F5, R1-R7)
- Larkspur-Corte Madera School District Board of Trustees (F1-F5, R1-R7)
- Marin County Board of Education (F1-F5, R1-R7)
- Mill Valley School District Board of Trustees (F1-F5, R1-R7)
- Miller Creek Elementary School District Board of Trustees (F1-F5, R1-R7)
- Nicasio School District Board of Trustees (F1-F5, R1-R7)
- Novato Unified School District Board of Trustees (F1-F5, R1-R7)
- Reed Union School District Board of Trustees (F1-F5, R1-R7)
- Ross School District Board of Trustees (F1-F5, R1-R7)
- Ross Valley School District Board of Trustees (F1-F5, R1-R7)
- San Rafael City Schools Board of Education (F1-F5, R1-R7)
- Sausalito Marin City School District Board of Trustees (F1-F5, R1-R7)
- Shoreline Unified School District Board of Trustees (F1-F5, R1-R7)
- Tamalpais Union High School District Board of Trustees (F1-F5, R1-R7)

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code section 933 (c) and subject to the notice, agenda, and open meeting requirements of the Brown Act.

Note: At the time this report was prepared information was available at the websites listed.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.