



CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

ADDENDUM TO FISCAL MANAGEMENT ADVISORY 12-02

DATE: October 4, 2013

TO: County and District Superintendents
Charter School Administrators

FROM: Jeannie Oropeza, Deputy Superintendent
Services for Administration, Finance, Technology, and Infrastructure

**SUBJECT: Pupil Fees, Deposits, and Other Charges:
Cap and Gown for High School Graduation Ceremony**

Questions have arisen recently as to whether a district can require students to purchase or pay for a cap and gown if wearing a cap and gown is a condition of participation in a graduation ceremony. This memo is intended to augment Fiscal Management Advisory 12-02, dated April 24, 2013, *Pupil Fees, Deposits, and Other Charges*, Section III, "Fees Not Allowed."

In *Sands v. Morongo Unified Sch. Dist.*, 53 Cal. 3d 863, 873-874 (1991), *cert. denied*, 505 U.S. 1218 (1992), the California Supreme Court found that the high school graduation ceremony is "an integral part of the educational process" because it recognizes cumulative academic achievement. Therefore, the graduation ceremony is an "educational activity," pursuant to *EC* Section 49010(a), as to which a pupil fee cannot be charged.

In the CDE's view, *EC* Section 38119 only authorizes districts to rent caps and gowns from a supplier and provide them free of charge to students. Therefore, a cap and gown fee is not "otherwise allowed by law." *EC* Section 49011(e).

For these reasons, a district may not require students to purchase a cap and gown as a condition of participating in the graduation ceremony. The CDE recommends that a district that requires students to wear a cap and gown at the ceremony inform students that: (1) the district will provide caps and gowns for graduating seniors for use during the ceremony, and (2) students also have the option to purchase an appropriate cap and gown from a vendor. No student should be required to self-identify as indigent in order to receive a cap and gown from the district.