



128 DORRANCE STREET, SUITE 220
PROVIDENCE, RI 02903
401.831.7171 (t)
401.831.7175 (f)
www.riaclu.org

July 27, 2009

Robert Lafleur, Chairperson
North Smithfield School Committee
PO Box 72
Slatersville, RI 02876

Dear Mr. Lafleur:

A story in this weekend's *Providence Journal* indicated that the School Committee was expected to consider at its August meeting a proposal, which you are quoted as supporting, to charge an "athletics fee" of possibly \$175 or more for students wishing to participate in interscholastic sports. While we appreciate the fiscal constraints under which the North Smithfield school district is operating, the R.I. ACLU urges you and the rest of the school committee to reject this proposal.

The notion of a free public education is heavily ingrained in our concept of the public school system. The imposition of a generalized fee on student athletes runs counter to this fundamental notion. The fact that the fee is imposed for certain extracurricular activities is insignificant, for many extracurricular activities have become a very important part of the educational system, and help further the goals of a public education in innumerable ways. In that regard, we note that the athletic director's memo proposing an athletic fee notes the "positive outcomes students experience as a result of participating" in school sports, including "increased self-esteem and potential financial scholarships at the collegiate level."

One cannot also help but recognize the "slippery slope" that approval of this fee can lead to. If the implementation of a fee such as this one is accepted, it is a short step for budget-constrained school districts to begin routinely imposing fees for a variety of other student activities. Indeed, it is difficult to justify singling out school sports for a special fee, when the rationale underlying it could be applied just as easily to student participation in any other school activity, be it music, the school newspaper or any other extracurricular activity that costs the school district money to offer.

There is also an obvious concern about the impact this fee will have on poorer families in the district. We understand that the proposal envisions a process allowing students to apply for a waiver of the fee, but this fails to take into account the practicalities of the situation. Whether out of pride or embarrassment, it is not difficult to imagine many students from poor families refusing to apply for a waiver, and thus sacrificing their participation in a sports activity because

of this policy. Though unintended, the effect of this policy will be to unnecessarily harm innocent children in the district.

The important issues underlying the imposition of a school fee were perhaps best summarized in an opinion of the California Supreme Court in ruling extracurricular fees unconstitutional in that state. The court noted:

“[I]t can no longer be denied that extracurricular activities constitute an integral component of public education. . . . In addition to the particular skills taught, group activities encourage active participation in community affairs, promote the development of leadership qualities, and instill a spirit of collective endeavor. These results are directly linked to the constitutional role of education in preserving democracy.”

In reasoning with which we concur, the court concluded that any program that was important enough to be offered by public schools should be offered free of charge:

“The free school guarantee lifts budgetary decisions concerning public education out of the individual family setting and requires that such decisions be made by the community as a whole. Once the community has decided that a particular educational program is important enough to be offered by its public schools, a student's participation in that program cannot be made to depend upon his or her family's decision whether to pay a fee or buy a toaster. Nor may a student's participation be conditioned upon application for a special waiver. The stigma that results from recording some students as needy was recognized early in the struggle for free schools.” *Hartzell v. Connell*, 679 P.2d 35 (1984).

As you know, the R.I. Commissioner of Education has consistently found fees like this to violate state law's guarantee of a free public education. When one considers all of the additional and compelling public policy arguments against imposition of these fees, as explained above, rejection of this proposal is more than warranted. Ultimately, extracurricular activities are too integral a part of a public school education to be turned into opportunities to help balance school district budgets.

In light of both the harm that imposition of the school athletics fee is sure to inflict on some students and the unfortunate and troubling precedent this fee policy sets, we urge the school committee to reject this policy. Thank you in advance for your attention to our views.

Sincerely,

Steven Brown
Executive Director

cc: School Committee Members
Supt. Stephen Lindberg