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September 10, 2010

Mark Bresee, Esq.
General Counsel
San Diego Unified School District
4100 Normal St.
San Diego, CA 92103

Re: Public School Fees

Dear Mark:

I am writing to let you know that the California ACLU affiliates have filed suit against the State of California and the Governor, seeking to compel the State to fulfill its constitutional role as the ultimate guarantor of students' fundamental right to a free and equal education by establishing a monitoring and compliance system to prevent illegal school fees. The case arises from a statewide investigation into the widespread practice by California public schools of charging fees as a condition of participating in educational activities. Information about the lawsuit is available at our website, www.aclusandiego.org.

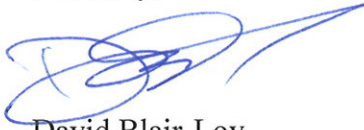
At this time, the lawsuit does not include any school districts as defendants and does not include a claim for reimbursement of illegal fees that schools may have collected. We are aware of the extremely difficult choices school districts face as a result of the underfunding of our schools, and we also appreciate your efforts to ensure full compliance in your district with applicable laws regarding student fees. Also, in light of your efforts to correct this problem within SDUSD, the complaint does not currently cite any examples from SDUSD.

I understand your office is continuing to review your schools' practices to ensure that no improper fees are being charged for educational activities and that full reimbursement is made for any such fees previously charged. To the extent schools continue to charge students illegal fees, we may be forced to reconsider our decisions not to pursue litigation against school districts and not to include reimbursement claims. I appreciate that you are working on making such litigation unnecessary against SDUSD.

Mark Bresee, Esq.
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Thank you again for your attention to these important issues. Please let me know if you have any questions or concerns.

Sincerely,



David Blair-Loy
Legal Director

cc: Mark Rosenbaum
Chief Counsel
ACLU of Southern California

David Sapp
Staff Attorney
ACLU of Southern California

Jory Steele
Managing Attorney
ACLU of Northern California