

- 1.0 It is the intent of this district to collect the cost of property which has been lost, stolen or willfully damaged or injured by a student from such student or the parent or guardian of the student. The district shall collect fees due by a student from each student or the parent or guardian of the student.
  - 1.1 Except as otherwise provided by law, the district will withhold the grade reports, diploma and records of a student or former student who owes a debt of \$50 or more to the district until the debt is paid in full or is reduced as a result of the appeals process.<sup>1</sup>
  - 1.2 Prior to pursuing the collection of a debt owed to the district by a student or former student and prior to withholding any grade reports, diploma or records of a student or former student, the following notification and process shall apply:
    - 1.2.1 The parent or guardian of the student and the student will be notified in writing of the basis for the district's claim for payment, the amount owed, that the district intends to withhold the grade reports, diploma and records of the student until the debt is paid, that the district may pursue the matter through a private collection agency or other method available to the district, and that the student and/or parent or guardian has ten days in which to pay the debt prior to the district taking the action described above.
    - 1.2.2 Notification described in Paragraph 1.2.1 will also notify the parent or guardian and student of the right to a hearing on the district's claim, including notice of when and where the hearing will take place and the right to be represented by an attorney or other spokesperson. A district official shall deliver written notice, either by certified mail or personally. Such notice shall be delivered at least seven calendar days prior to the hearing.
    - 1.2.3 The superintendent or Hearings Officer shall conduct the hearing to the extent applicable in accordance with Oregon Revised Statutes, Oregon Administrative Rules and this district's policies applicable to expulsion hearings.
    - 1.2.4 At the hearing, the student will be permitted to hear the evidence relating to the district's claim and will be afforded the right to present, by way of oral testimony, affidavits or exhibits, contrary evidence and evidence as to why the student's grade reports, diploma and/or records should not be withheld.
    - 1.2.5 The Hearings Officer and/or the student or student representative may make a record of the hearing.
    - 1.2.6 The Hearings Officer shall determine the facts of each case on the evidence presented at the hearing. The Hearings Officer will submit his/her findings and recommendations to the superintendent. The Hearings Officer may recommend any of the following:

- 1.2.6.1 Waiver of the amount owed when the student or the parent or guardian of the student is unable to pay, or when payment of the debt could impact the health or safety of the student.
  - 1.2.6.2 Acceptance of partial or installment payments from the student or parent or guardian of the student if proposed by the student or the student's representative.
  - 1.2.6.3 The withholding of grade reports, records and/or the diploma of the student until payment of the amount owed.
- 1.2.7 Upon receipt of the Hearings Officer's findings and recommendations, the superintendent or designee shall render a decision selecting one of the courses of action prescribed above. If the superintendent's or designee decision differs from the Hearings Officer's recommendations, the superintendent shall explain in writing the reasons for the difference. The parent or guardian of the student, or the student if emancipated, married or of the age of majority, will be notified in writing of the superintendent's decision within 14 calendar days of the hearing. Such notice shall be delivered either by certified mail or personally by a district official.
- 1.2.8 The superintendent's or designee's decision shall be final except the student and/or the student's representative may appeal the superintendent's or designee's decision to the Board. The Board may choose to review any and all decisions made by the superintendent pursuant to this policy. The Board's decision on review of a decision by the superintendent or designee shall be final. Any claims for payment by the district against one or more student or students may be consolidated for hearing.
- 1.2.9 Following a date that is at least ten days after the date of the notice given in 1.2.1 above, if the student or the parent or guardian of the student has not paid the debt the school district:
  - 1.2.9.1 Shall, if the debt is \$50 or more and was incurred on or after July 1, 2004, withhold the grade reports, diploma and records of the student or former student;
  - 1.2.9.2 May, if the debt is less than \$50 or if the debt was incurred before July 1, 2004, withhold the grade reports, diploma, and records of the student or former student; and
  - 1.2.9.3 May pursue the matter through a private collection agency or other method available to the district, however, the district will not pursue the matter through a private collection agency or other method until a final decision has been rendered through the hearing and appeal process described above.
- 1.2.10 If the debt is overturned through the hearing process, the district shall release grade reports, diploma and records.

- 1.2.11 If the debt is reduced through the hearing process to an amount less than \$50 and was incurred on or after July 1, 2004, the district may withhold grade reports, diploma and records of the student.
- 1.3 Such person's designee may perform any act required to be performed by the superintendent under this regulation.
- 1.4 If the debt owed to the district is not paid as demanded, the school district board, in addition to any other remedy provided by law, may bring an action under ORS 339.270(3) against the student or parent or parent of the student in a court of competent jurisdiction for the amount owed to the school district plus costs and reasonable attorney fees.
- 1.5 The school district shall notify students about ORS 339.260 and 339.270 at least once each school year.
- 1.6 When a student changes schools within the district, including moving up to the next academic level, any unpaid debts will be transferred between schools and the receiving school will make all reasonable attempts to collect the unpaid amount. Debt payments will be retained by the collecting school.
- 1.7 Students owing money to the school district will not be allowed to participate in extra curricular activities, fee based programs such as Drivers Education, or culminating activities such as 8<sup>th</sup> grade Recognition Ceremonies or High School Graduations until all debts have been paid.
- 1.8 The district shall release the grade reports, diploma and records upon payment of the debt.
- 2.0 Notwithstanding the foregoing, the Superintendent or designee may waive all or a portion of debt owed to the District by a student if:
  - 2.1 The District determines that the student or parent/guardian of the student is unable to pay the debt.
  - 2.2 The payment of debt could impact the health or safety of the student.
  - 2.3 The creation of the notice required above would cost more than the potential total debt collected relating to the notice.
  - 2.4 There are mitigating circumstances as determined by the Superintendent that preclude the collection of the debt.
- 3.0 Notwithstanding Paragraph 1.0 above, a district shall not withhold the educational records of a student in the circumstances described in ORS 326.575 and applicable rules of the State Board of Education, or when such records are requested for use in the appropriate placement of a student.

Legal Reference

ORS 339.260  
ORS 339.270

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<sup>1</sup> ORS 339.260 provides the district discretion to withhold the grade reports, diploma and records of a student or former student who owes a debt of less than \$50 to the district incurred on or after July 1, 2004, or who owes a debt to the district incurred before July 1, 2004. The district has elected to withhold the grade reports, diploma and records of a student or former student in all such cases except as otherwise provided by law.