
CLOVIS UNIFIED SCHOOL DISTRICT

FINANCIAL SERVICES *Revenue, Tuition and Fees* FINES AND CHARGES

Parental Responsibility

The parent/guardian of a student shall be responsible, up to the maximum limits imposed by law and Board Policy, for paying the District the cost of damage or loss, caused by any student who willfully:

- A. Cuts, defaces or otherwise injures in any way real or personal property belonging to the District.
- B. Fails to return, upon demand of the principal or designee, any school property loaned to the student.
- C. Injures or damages in any way property belonging to a District employee under the circumstances listed in Education Code section 48905.
- D. Fails to pay for food provided by the District.

Authority to Withhold Grades, Diplomas, and/or Transcript

Subject to the due process requirements explained below, the Governing Board may withhold the grades, diploma, and/or transcript of any student responsible for damages or losses as described in paragraphs A through D above until the parent/guardian has made reparation.

Procedure for Withholding Grades, Diplomas, and/or Transcripts

- A. Recommendation for Withholding Grades, Diplomas, and/or Transcripts
 1. Upon recommendation by the principal (*or by a hearing officer or administrative panel appointed pursuant to the alternative set forth in Section D3 below*), the Board may order a student's grades, diploma, and/or transcript withheld upon a finding that the student willfully cut, defaced, or otherwise damaged District real or personal property; willfully failed to return upon demand school property loaned to the student, or failed to pay for food provided by the District.
 2. Pursuant to the recommendation to withhold, the due process procedures set forth in Section B shall be invoked. Pending an official determination on the withholding issue, a student's grades, diploma, and/or transcript need not be released.
- B. Notice of Right to Hearing

As soon as practicable after the recommendation to withhold has been made, the student and parent/guardian shall be notified in writing of the alleged misconduct and of a right to a hearing regarding the withholding of their child's grades, diploma, and/or transcript. The notice shall include:

 1. The date and place of the hearing.
 2. A statement of the specific facts and charges upon which the proposed withholding is based.
 3. A copy of this District regulation pertaining to withholding.

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4. A notice that the student and parent/guardian may appear in person and/or be represented by counsel.
5. A notice that the student and parent/guardian may, upon request, inspect and obtain copies of all documents to be used at the hearing.
6. A statement that the student has a right to confront and question witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on the student's behalf, including witnesses. If the hearing officer or administrative panel recommends withholding, findings of fact in support of such recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. If the Board accepts the recommendation calling for withholding, such acceptance shall be based on either a review of the findings of fact and recommendations submitted by the hearing officer or panel or upon the results of any supplementary hearing the Board may order.

C. Withholding Hearing Before Board

The student and parent/guardian shall be entitled to a hearing to determine whether the student's grades, diploma, and/or transcript should be withheld. A withholding hearing shall be commenced within a reasonable time after the date withholding is recommended. A final decision as to whether the student's grades, diploma, and/or transcript shall be withheld must be made within thirty-five (35) school days of the date withholding is recommended. In the event that compliance with above time requirement is impracticable, the hearing may be delayed, for good cause, up to five (5) additional school days. Alternatively, the hearing may be held sooner if the student and parent/guardian agree in writing to an accelerated hearing date.

1. The withholding hearing shall be conducted in a session closed to the public unless the student or the student's parent/guardian requests in writing at least five (5) school days prior to the date of the hearing that the hearing be a public meeting. If such request is made of the Board, the meeting shall be public except that any discussion at such meeting which might be in conflict with the right of privacy of any student other than the student requesting or on behalf of whom such meeting is requested, shall be in closed session.

Whether a withholding hearing is conducted in closed or public session, the Board may meet in closed session to determine if the student's grades, diploma, and/or transcript should be withheld, provided, that the parent/guardian of the student, the student, the counsel of the student, and the counsel for the parent/guardian shall be allowed to attend the closed session.

2. Record of Withholding Hearing

A record of all hearings provided herein shall be made. Such record may be maintained by any means, including electronic recording, so long as a reasonable accurate written transcript of the proceedings can be made.

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Technical rules of evidence shall not apply to such hearing, but evidence may be admitted and considered only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. A decision of the Board to withhold must be supported by a preponderance of the evidence.

D. Alternatives to Board Hearing**1. In lieu of a hearing before the Board, the Board may :**

- a. contract with the county hearing officer to conduct the hearing; or
- b. contract with the Office of Administrative Hearings of the State of California to conduct the hearing; or
- c. appoint an impartial administrative panel of three (3) or more certificated District or non-District employees; none of these shall be on the staff of the school in which the student is enrolled.

2. Time Limits for Completion of Withholding Hearing

Hearings conducted under this alternative shall be initiated by request from the principal. The hearing officer or administrative panel must make a recommendation to the Board in time for the Board to render a final decision within thirty-five (35) school days of the date withholding is recommended.

3. Recommendations Following Withholding Hearing

If the hearing officer or administrative panel rejects the District's recommendation of withholding, the Board shall be bound by this decision and the student's grades, diploma, and/or transcript shall be immediately released. The Board may, however, require the hearing officer or administrative panel to prepare and submit findings of fact to support said rejection.

If the hearing officer or administrative panel recommends withholding, findings of fact in support of such recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. If the Board accepts the recommendation calling for withholding, such acceptance shall be based on either a review of the findings of fact and recommendations submitted by the hearing officer or panel or upon the results of any supplementary hearing the Board may order.

E. Time Requirements for Board Decision

A decision of the Board whether to withhold a student's grades, diploma, and/or transcript, shall be made within thirty-five (35) school days after the date withholding is recommended by the principal, unless the student or the student's parent/guardian has requested that the withholding hearing be postponed, in which case the time requirements of this subdivision are likewise extended the same amount of days as the hearing was postponed.

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Whether a withholding hearing is conducted in closed or public session by the Board or before a hearing officer or administrative panel, a final action to withhold shall be taken by the Board at a public meeting. Written notice of any decision to withhold shall be sent to the student or parent/guardian.

The Board shall maintain a record of each withholding, including the cause thereof.

Terms of Withholding**A. Withholding Grades, Diplomas, and/or Transcripts**

If the Board decides to withhold, the student's grades, diploma, and/or transcript may be withheld until the student or the student's parent/guardian has paid for the damages or losses caused by the student, up to the maximum limits allowed by law, and any amount which the District may have paid as a reward for information leading to the identity of or apprehension of any student who willfully cuts, defaces or otherwise injures District property.

B. Voluntary Work in Lieu of Payment

When the minor and parent/guardian are unable to pay for the loss or damages to District property or to return the property, the District shall provide a program of voluntary work for the minor in lieu of the payment for monetary damages. Such work shall not constitute cruel and unusual punishment and shall be credited against the amount of damages found owing by the student and parent/guardian to the District at the rate of the minimum wage paid per hour for the type of work performed by the minor. Upon completion of the voluntary work, the grades, diploma, and/or transcript of the student shall be released.

Library Materials Charge

Library materials are assumed lost if not returned in four weeks. The student who has material overdue for four weeks will be notified of the replacement cost of the overdue material. If the material is lost, the library personnel will notify the parent/guardian of the obligation for the replacement cost by telephone or mail. Every effort should be made by the student to clear the obligation by the end of the semester in which the material was lost as the student's grades may be withheld by the registrar's office until such obligations have been cleared.

The librarian will order replacements for all lost materials which have been paid for at the end of the semester in which the material was lost. The student will be informed that no refunds will be made after the end of the school year in which the student paid for the lost materials, should the materials be recovered at some later time.

If a student wishes to replace the lost material by obtaining a duplicate, it will be accepted by the librarian.

No other library materials will be checked out to the student until the obligations have been cleared. Students may clear their obligation by paying the cost of the replacement.

If a student finds the lost material, it must be turned in before the last day of the school year in which the payment was made in order to receive a refund. Students will be refunded the difference between the cost of replacement and the amount of the fine due at the time they paid for the lost material.

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The maximum amount of fine for overdue materials will be no more than the replacement value of the lost materials.

Faculty and other school personnel will not be charged fines for overdue library materials, but if the materials are not returned within four weeks, they are to be notified that the materials are considered lost and will be held responsible for the replacement cost.

National School Lunch and Breakfast Program

The Board establishes the cost of food provided to the students by the District's Food Services program. Students may pay on a daily basis or parents/guardians may deposit money into their account for food purchases throughout the year. When the student's account becomes low or has a negative balance, the parent/guardian will be notified in writing and shall be responsible for reparation.

If all attempts for reparation fail, the Board may order a student's grades, diploma, and/or transcript withheld as outlined in this Administrative Regulation.

Transfer to Another District

When a student from whom the District is withholding grades, diploma, and/or transcript transfers to another district, the student's records will be sent to the new district with a request that the new district continue to withhold grades, diploma, and/or transcript until the debt is cleared. The Superintendent or designee shall notify the parent/guardian in writing that the decision to withhold grades, diploma, and/or transcript will be enforced by the new district.

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*Education Code sections 18103, 18121, 48904, 48904.3, 48905
Government. Code section 53969.5
Civil Code section 1714.1*