

STATE LIBRARY OF IOWA



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DPI QUICK NOTE



#7

TO FINE

OR

NOT TO FINE

IOWA DEPARTMENT
OF
PUBLIC INSTRUCTION
1986

DPI QUICK NOTE 7

TO FINE OR NOT TO FINE

At the IEMA Conference in March 1983, a question was raised about the legality of charging fines for lost or damaged library materials and the legality of withholding grades or report cards until materials are returned or fines are paid.

It is legal to charge fines for lost or damaged materials. In most instances, the student will acknowledge the debt and pay the fine with no question. If the student raises a question there should be a "finding of fact," that is an establishment of the factual basis on which the charge is made. Since the "facts" will no doubt include the student's name on the book, the student should have an opportunity to disprove the facts. This might be to prove that the name was not signed or authorized by the student.

While the Librarian can "make the finding of fact," it will probably be wise to have the principal do so because of the authority of that position.

It is not legal to retain grades or report card until fines are paid. A 1965 Attorney General's Opinion clearly states "The retention of report cards, which a student has earned, to coerce the payment of school fees is merely an attempt to enforce an obligation to pay a sum of money, for which the students' parents are primarily liable." Even if the student is eighteen and, therefore, personally liable, "a school board is exceeding its authority when it creates a rule which denies the student a diploma that [she or] he has earned or a rule used primarily 'to enforce an obligation to pay a sum of money.'" [Scalise to Farnsworth, March 2, 1965.]

If the number of items held or damaged by one student, or the number of students refusing to pay fines, is sufficient, it is possible for a school district to take the case to the small claims court. The parents would be the defendants unless the student or students were eighteen or older.

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