

### **Withholding of Student Records**

Pursuant to ORS 339.260 (1), it shall be the policy of the Dallas School District to withhold manual delivery of the grade reports, diploma or records of a student of the District (hereinafter referred to as student records) under the following circumstances:

1. When the student owes a fee that is delinquent;
2. When the student has lost or is responsible for the loss of property of the District and has failed to reimburse the District the cost thereof; or
3. When the student has willfully damaged or injured property of the District and has failed to make restitution therefore; until the student or the parent/legal guardian of the student has paid the amount owed.

Before withholding delivery of a student record, the District shall give written notice to the student and the student's parent/legal guardian setting forth:

1. The amount owed;
2. The facts upon which the debt or obligation is based;
3. A statement of the District's intent to withhold delivery of the student record; and
4. Notice of the right to request a conference as provided in Section (III) below.

Such notice shall be prior to or when the date the student record would otherwise be delivered. Delivery of notice shall be in person or by first class mail, addressed to the student's or parent/ legal guardian's address as it appears in the records of the District. Delivery of notice by mail shall be complete upon deposit with the United States Postal Service of a properly addressed envelope containing the notice, with postage prepaid.

Upon receipt of notice of intent to withhold delivery of a student record, the affected student or parent/legal guardian shall have the right to request a conference with the District concerning:

1. The amount owed;
  2. The facts upon which the debt or obligation is based; and
  3. The student's or parent's or legal guardian's ability to pay.
- The District may waive all or part of the debt or obligation if the student or parent/legal guardian can reasonably show an inability to pay.

Only manual delivery of a student record shall be withheld under this policy. In all other respects, the legal obligation of the District to make and keep student records shall be observed. In no event shall the District withhold the records of a student when such records are required by another school district for use in the appropriate placement of a student.

Notwithstanding the withholding of delivery of a student record under this policy, the student or his or her parent/legal guardian shall be entitled to examine the student record at the school or office where the record is kept.

Nothing in this policy shall be deemed to prevent inspection of student records by a parent/legal as provided in ORS 343.173.

END OF POLICY

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Legal Reference(s):

ORS 326.565  
ORS 326.575  
ORS 336.187  
ORS 339.155  
ORS 339.260  
ORS 343.173

OAR 581-015-0055  
OAR 581-015-0606  
OAR 581-021-0210 to -0440  
OAR 581-022-1660

Education of the Handicapped Act of 1975, as amended, 20 U.S.C. Sections 1400-1427, as amended and renamed Individuals with Disabilities Education Act (IDEA), P.L. 101-476, 104 Stat 1103 (1990), as amended P.L. 105-17 (1997). [P.L. 94-142 is a well-known “short” reference to this federal legislation.]

Family Educational Rights and Privacy Act, 20 U.S.C. Sections 1232(g), (h); 34 CFR Part 99 (2000).