

February 14, 2001

TO: District Superintendents and Principals

FROM: Paul G. LeMahieu, Ph.D.
Superintendent of Education

SUBJECT: Chapter 57 Guidelines

As you are aware, the Governor approved Chapter 57 in October 2000. Attached are guidelines to assist schools as they begin to implement this new administrative rule. *Co-curricular activities* include such events as proms, winter balls, etc. However, it does not include field trips, participation in marching band, and other *class-related* activities.

Because of the variation in school calendars and events, it is not possible to issue a statewide calendar for clearing all outstanding obligations. However, we recommend that schools provide for updates/clearance of outstanding obligations at the end of each semester. We also recommend that for athletics, students must be cleared of all outstanding obligations *prior to tryouts*.

Please make certain that all students and their parents have been informed about Chapter 57, and please share copies of these implementation guidelines with student activities coordinators, athletic directors, registrars and other appropriate staff. Should you have any questions, please contact Ms. Lucretia Leong at 733-9134 or via Lotus Notes. Thank you.

PLeM:FMG:mj

Attachment

c: Assistant Superintendents
Superintendent's Branch Directors
Division of Learner, Teacher, and School Support

GUIDELINES FOR IMPLEMENTATION OF CHAPTER 8-57 Restitution for Damages and Lost Books, Equipment, Supplies, and Outstanding Financial Obligations

INTRODUCTION

Chapter 57 requires that students be responsible for paying required fees and for restitution of school property that is lost through their negligence. It further allows consequences for students who do not make restitution or pay required fees. Schools have had varying degrees of success in collecting money from students for lost books, equipment, supplies, and outstanding financial obligations. While this Chapter allows schools to restrict students from participating in athletics and co-curricular activities if they have outstanding financial obligations, the following guidelines are provided to aid schools in applying these restrictions with consistency. Statewide application of these guidelines will ensure that students are treated with fairness and equity when it is found that they are responsible for the loss, destruction, breakage, or damage of school books, equipment, and supplies, including library and assigned textbooks; and nonpayment of fees.

Please note that these guidelines apply only to participation in athletics and co-curricular activities. Schools should continue to allow students to participate in *field trips* since *field trips* are intended to be an extension of the classroom. In addition, students shall be allowed to participate in other activities that are class-related, e.g., marching band (related to band class), mock trial (related to social studies class), debate (related to speech class).

SCHOOL RESPONSIBILITY

- 1. Records.** It is the responsibility of the school to keep accurate, written records of books, equipment or supplies that belong to the school but are checked out to individual students and staff to be returned.
- 2. Allowable costs.** Chapter 57 as well as Hawai'i Revised Statutes Section 302A-1130 (a) allow for the collection of the replacement costs of items that are lost or damaged. If the replacement cost for an item is not available, schools should not charge more than the original cost of the item plus 10%. The original cost is the cost when the item was new or first acquired; depreciation should not be considered.
- 3. Procedures.** It is the responsibility of the school to set up procedures for the inventory, assignment, documentation, distribution, and collection of all textbooks, library books, equipment, and supplies.
 - a. An accurate written inventory will insure that any outstanding textbooks, library books, equipment and supplies can be tracked to an individual for follow-up. Schools should develop appropriate inventory and sign-out forms. The written inventory should be kept by the appropriate staff members responsible for the items.
 - b. Teachers should assign textbooks, supplies, or equipment to individual students, securing a signature and date as proof of assignment or loan.

- c. Acknowledgment forms may be sent home to parents for a signature as further assurance that the student is responsible for the materials to which s/he has been assigned. It is recommended that schools also indicate the student's responsibility for returning the item in good condition, the replacement cost of the item, and the timelines for restitution, if applicable.
 - d. It is also the responsibility of the school to set up procedures that allow for athletic directors, coaches, student activity coordinators, club and class advisors and other sponsors of official school co-curricular activities to obtain names of those students with outstanding obligations prior to the announcement of the activity. As much as possible, this responsibility should be shared, and not reside with only one staff person.
 - e. Schools shall inform all students about Chapter 57 and the scheduled dates by which all outstanding obligations must be paid in order to participate in upcoming athletic and co-curricular activities. It is recommended that the "cut dates" for athletics occur at the time of team try-outs. For co-curricular activities, the "cut date" should be at the time the student registers to join a club and at the time a student signs up to participate in events such as winter ball, proms, and other special events.
- 4. Work program.** Schools shall establish procedures for students who wish to participate in a work program as a means of restitution.
- a. Student restitution based on a work program should be "calculated" on the current Hawai'i minimum wage.
 - b. Work programs shall maintain the dignity of the individual student and shall not single out the youngster as having a "badge of poverty."
 - c. Work programs shall be appropriately supervised and documented.
- 5. Collection.** Schools should determine a schedule for collection of fees for losses or damage and communicate this schedule to teachers, students, and parents. In general, money may be collected at any time the student reports a loss or at the end of the school year or semester when items are not returned.
- 6. Refund.** If the student has already made restitution but subsequently finds the item and returns it in useable condition, a full refund should be given to the student provided the school is still using the item.
- 7. Transfer of obligations.** Should students transfer to another **public** school **within the state**, the financial obligation still remains and will transfer with the student. The school shall forward a copy of the "bill" along with the student's records. The receiving school is responsible for collecting the outstanding obligation. If the student's new school collects the restitution, that "collecting school" keeps the funds.

STUDENT RESPONSIBILITY

- 1. Payment for lost or damaged books, equipment or supplies.** A student who is found to be responsible for the loss, destruction, breakage or damage of school books, equipment and supplies including library and assigned textbooks, shall make

restitution to the school [Auth: §§302A-1112, 302A-1130]. Failure to do so will result in the loss of privileges to participate in athletics and co-curricular activities until restitution is made.

2. **Nonpayment of required fees.** A student who has not paid the required fees by the school deadline is considered to have a financial obligation to the school and must make restitution to the school before being allowed to participate in athletics or co-curricular activities.
3. **Restitution.** Restitution includes payment or participation in a work program as outlined in §§8-57-6 if the student is unable to pay. Failure to clear financial obligations will result in a student being prohibited from participation in any student activity as defined in §§8-57-2.
4. **Work program.** Students who are unable to pay for lost books, equipment or supplies, may participate in a work program, with parental and administrative approval.
5. **Negligence.** Special procedures of treatment of negligence are outlined in §§8-57-8 and penalties may be applied if a student is found to be willfully negligent.