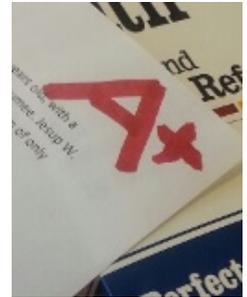


New Limitations on Withholding Grades or Credits for Outstanding Fees

by Melissa A. Ebel and Albin Bauer



School officials frequently encounter controversy when they attempt to withhold grades or credits for a student's failure to pay required instructional fees or charges for damage to school property. Ohio law authorizes a school board to adopt rules prescribing a schedule of fees for materials used in a course, and a schedule of charges which may be imposed upon students for the loss, damage or destruction of school equipment and property issued to students without charge. School officials may enforce the payment of these fees and charges by withholding grades or credits. The school may not withhold any other portion of the student's cumulative record.

The General Assembly recently passed a bill that places additional limitations on a school's ability to withhold grades or credits. House Bill 14 provides that a school cannot withhold certain student records, even if a student has unpaid fees or charges, if a complaint or adjudication has been filed in juvenile court asserting the student was an abused, neglected or dependent child. The records that cannot be withheld include grades, credits, official transcripts, diploma, IEPs and 504 plans. Such records must be released upon another school's request or in response to a juvenile court order. House Bill 14 also requires the board to report annually to the Ohio Department of Education the number of students for whom transcripts were sent despite the non-payment of fees and the total amount of fees lost.

School officials should review their student records policies to ensure they comply with the new grade or credit withholding limitations. House Bill 14 will become effective on October 11, 2013.

If you have any questions regarding grade or credit withholdings, or any other education law issue, please contact [Melisa A. Ebel](mailto:Melisa.A.Ebel@eastmansmith.com) or [Albin Bauer](mailto:Albin.Bauer@eastmansmith.com) in our Toledo or Columbus offices, or visit our website www.eastmansmith.com.

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