

## Operational Services

### **Administrative Procedure - Local Debt Recovery Program Implementation Procedures**

The following procedure implements the **Delinquent Debt Recovery** section in policy 4:45, *Insufficient Fund Checks and Debt Recovery*. The Superintendent must ensure that individuals or entities owing money to the District receive notice and due process before the debt is certified to the Illinois Office of the Comptroller (IOC) for an offset. The District cannot use the services of the IOC without first entering into an Intergovernmental Agreement (IGA) with it.

Implementing a uniform District-wide delinquent debt recovery process requires consultation with the Board Attorney. Making determinations about which delinquent debts to recover through the IOC’s Local Debt Recovery Program has not been litigated and raises many complex legal and practical issues.

Modify this procedure based upon the District’s specific implementation needs. It relies heavily upon Building Principals to (1) be uniformly trained and (2) train their building-level staff members who are responsible for collecting money owed to the school and/or the District.

Actor	Action
Superintendent	<p>Establishes a District-wide Delinquent Debt Recovery Committee to operate as a Superintendent committee and should consider including the following individuals on the Committee:</p> <ol style="list-style-type: none"> <li>1. District’s School Business Official(s) and District Bookkeeper,</li> <li>2. Building Principals (Building Principals are mandatory for the successful implementation of notice and due process), and</li> <li>3. Building-level staff members responsible for managing bills, collection and recording of payments, and fee waiver processing.</li> </ol> <p>Consults the Board Attorney about implementing a District-wide process for delinquent debt recovery with the goal of entering into an IGA with, and once entered into, certifying unsatisfied debts to the IOC for offset. Issues to address include, but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Aligning the delinquent debt recovery process to the District’s policy 4:140, <i>Waiver of Student Fees</i>. <b>Note:</b> The relevant staff must check the adopted board policy to ensure that this procedure and the student fee waiver policy, procedures and applications for fees are aligned. See f/ns of 4:140-AP, <i>Fines, Fees, and Charges - Waiver of Student Fees</i>.</li> <li>2. Uniform training for Building Principals about the District’s procedures for the recovery of delinquent debt.</li> </ol> <p>Ensures uniform District-wide training with the Board Attorney for the Delinquent Debt Recovery Committee about the requirements of the IOC’s debt recovery program.</p> <p>Informs Building Principals when delinquent debt should be referred to</p>

	<p>the District's Business Office for recovery through the IOC. This includes training about types of debt: student, parent, vendor, school lunch account (105 ILCS 123/, added by P.A. 100-1092), etc., along with training about how to determine whether a particular delinquent debt should be pursued and ultimately recovered through the IOC. <b>Note:</b> These determinations may trigger the Constitution's Equal Protection Clause. As a general rule, school officials can avoid constitutional problems and still recover delinquent debt by using uniform rules that do not discriminate against a specific group.</p> <p>Documents training for Building Principals about implementing District-wide delinquent debt recovery procedures.</p>
School Business Official or designee	<p>Manages the process to seek offset from the IOC pursuant to the IGA and District-wide delinquent debt recovery processes.</p>
Building Principal	<p>Requests permission from the Superintendent to consult the Board Attorney about implementing building-specific procedures that align with both (a) the District's IGA with the IOC, (b) policies 4:45, <i>Insufficient Fund Checks and Debt Recovery</i>, and 4:140, <i>Waiver of Student Fees</i>. Informs individuals or entities owing money to the District that their payments are overdue and need to be paid.</p> <p>Follows the District's procedures and training for the recovery of delinquent debt.</p> <p>Ensures uniform training about the District's procedures for the collection of debt for building-level staff members who manage bills, collection and recording of payments, and fee waiver processes.</p> <p>Documents training(s) about implementing District-wide delinquent debt recovery procedures for building-level staff who manage collection of debt owed to the District.</p> <p>Upon determining further recovery action is necessary, refers delinquent debt to the District's Business Office.</p>

Adopted: November, 2019