



School Board

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Section 4 - Operational Services

Policy 4:45

Insufficient Funds Checks

The Superintendent or designee is responsible for collecting the maximum fee authorized by State law for returned checks written to the District which are not honored upon presentation to the respective bank or other depository institution for any reason. The Superintendent or a designee is authorized to contact the District's attorney whenever necessary to collect the returned check amount, fee, collection costs and expenses, and interest.

LEGAL REF.: 810 ILCS 5/3-806.

ADOPTED: May 20, 2002



Edline

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School Websites



Operational Services

Insufficient Fund Checks and Debt Recovery

Insufficient Fund Checks ¹

The Superintendent or designee is responsible for collecting the maximum fee authorized by State law for returned checks written to the District that are not honored upon presentation to the respective bank or other depository institution for any reason. The Superintendent is authorized to contact the District's attorney whenever necessary to collect the returned check amount, fee, collection costs and expenses, and interest.

Delinquent Debt Recovery ²

The Superintendent is authorized to seek collection of delinquent debt owed the District. The Superintendent or designee shall execute the requirements in any intergovernmental agreement between the District and the Illinois Office of the Comptroller (Comptroller) that has the purpose of debt recovery. The intergovernmental agreement establishes the terms under which the District may request, and the Comptroller will execute, a deduction (offset) of the amount of a debt owed the District from a future payment that the State makes to an individual or entity responsible for paying the debt. The Comptroller will pay the amount deducted to the District and the District will credit that amount against the balance owed to the District until the debt is paid. The Superintendent or designee is responsible, without limitation, for each of the following:

1. Providing notice and due process to the individual or entity against whom a claim is made. Written notice must be given the individual or entity responsible for paying a debt before the debt is certified to the Comptroller for offset. The notice must state the claim's amount, the reason for the amount due, the claim's date or time period, and a description of the process to challenge the claim. An individual or entity challenging a claim shall be provided an informal proceeding to refute the claim's existence, amount, or current collectability; the decision following this proceeding shall be reviewable. An appeal of the denial of a fee waiver request shall be handled according to 4:140, *Waiver of Student Fees*.
2. Certifying to the Comptroller that the debt is past due and legally enforceable, and notifying the Comptroller of any change in the status of an offset claim.

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ State law controls this policy's content. 810 ILCS 5/3-806 authorizes a \$25.00 collection fee whenever a check is not honored upon presentation because the individual does not have an account with the bank, the individual does not have sufficient funds in his or her account, or the individual does not have sufficient credit with the bank.

² This section is optional but because the policy's title refers to debt recovery, at least the first sentence should be retained. The Comptroller operates an Offset System for collecting debt owed to the State, political subdivisions of the State, and school districts by persons receiving payments from the State. Seeking debt recovery through an offset of a future payment the State makes to a debtor is optional. The requirements in this policy for obtaining an offset are either in statute or the Comptroller's intergovernmental agreement (15 ILCS 405/10.05 and 10.05d, amended by P.A. 97-632). The first step to participate is to enter into the intergovernmental agreement with the Comptroller's office. Contact a Local Debt Recovery Program (LDRP) manager with the Office of the Comptroller to join. Program managers work one-on-one with districts. The LDRP's general number is 312/814-2488 and email is ldrp@mail.ioc.state.il.us. Contact the board attorney for advice and assistance.

While this paragraph is not a prerequisite to participation in the Offset Program, it will help the board's monitoring function by identifying the Program's important components. Moreover, it serves as an element of due process by informing the public and the district's debtors that the district will collect debt through the Offset Program.

3. Responding to requests for information from the Comptroller to facilitate the prompt resolution of any protest received by the Comptroller.

LEGAL REF.: 15 ILCS 405/10.05 and 10.05d.
810 ILCS 5/3-806.