

**Business and Noninstructional Operations**

**RECOVERY FOR PROPERTY LOSS OR DAMAGE**

The Governing Board desires to create a safe and secure learning environment and to minimize acts of vandalism and damage to school property. When district property is damaged due to the willful misconduct of a student or other person, the district shall seek reimbursement of damages, within the limitations specified in law, from any individual, or from the parent/guardian of any minor child or from any other responsible individual.

The district may collect debt owed by a student or former student as a result of vandalism or to cover the replacement cost of district books, supplies, or property loaned to a student that the student willfully fails to return or that is willfully cut, defaced, or otherwise injured. However, this policy shall not apply to a student who is a current or former homeless or foster child or youth. (Education Code 48904, 49014)

**Rewards**

When district or law enforcement officials have not been able to identify the person(s) responsible for the theft or vandalism of district property, the Board may offer and pay a reward for information leading to the determination of the identity of, and the apprehension of, any person who willfully damages or destroys any district property. (Government Code 53069.5)

The Board authorizes the Superintendent or designee to offer a reward in any amount deemed appropriate, not exceeding \$2,500. A reward in excess of \$2,500 shall be authorized in advance by the Board.

The Superintendent or designee shall disburse the reward when the guilt of the person responsible for the act has been established by a criminal conviction or other appropriate judicial procedure. If more than one person provides information, the reward shall be divided among them as appropriate.

**Establishing Authority to Ensure Safety, Respond to Acts of Vandalism**

The Board authorizes the Superintendent to reimburse individual employees and Board members for the cost of their insurance deductible for any vandalism or destruction of real or personal property that is reasonably related to their service as a District employee or elected official.

The Board also authorizes the Superintendent to initiate any civil litigation on the District's behalf to recover the cost of reimbursement of payment of the deductible and to seek any and all other legal remedies.

**RECOVERY FOR PROPERTY LOSS OR DAMAGE (continued)**

- (cf. 0450 - Comprehensive Safety Plan)
- (cf. 3515 - Campus Security)
- (cf. 4156.3/4256.3/4356.3 - Reimbursement, Uniforms and Allowances)
- (cf. 4158/4258/4358 - Employee Security)
- (cf. 5125.2 - Withholding Grades, Diploma or Transcripts)
- (cf. 5131 - Conduct)
- (cf. 5131.5 - Vandalism and Graffiti)
- (cf. 5136 - Gangs)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)
- (cf. 6173 - Education for Homeless Children)
- (cf. 6173.1 - Education for Foster Youth)

Legal Reference:

**EDUCATION CODE**

- 19910 Libraries, malicious cutting, tearing, defacing, breaking or injuring
- 19911 Libraries, willful detention of property
- 44810 Willful interference with classroom conduct
- 48904 Liability of parent/guardian for willful misconduct
- 49014 Public School Fair Debt Collection Act

**CIVIL CODE**

- 1714.1 Liability of parent or guardian for act of willful misconduct by a minor

**GOVERNMENT CODE**

- 53069.5 Reward for information concerning person causing death, injury, or property damage
- 53069.6 Actions to recover damages
- 54951 Local agency, definition

**PENAL CODE**

- 484 Theft defined
- 594 Vandalism
- 594.1 Aerosol paint and etching cream
- 640.5 Graffiti; facilities or vehicles of governmental entity
- 640.6 Graffiti

Management Resources:

**WEB SITES**

- CSBA: <http://www.csba.org>
- California Department of Education: <http://www.cde.ca.gov>
- Judicial Council of California: <http://www.courts.ca.gov>

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12/11/19  
02/23/2022

## **RECOVERY FOR PROPERTY LOSS OR DAMAGE**

### **Reports by Staff**

District employees shall report any damage to or loss of school property to the principal, administrator or designee immediately after such damage or loss is discovered. In those instances in which insurance reimbursement may be involved, the principal or designee shall contact the appropriate district official.

In instances of vandalism or destruction of real or personal property that is reasonably related to one's service as a District employee or elected official should be immediately reported to Constituent and Customer Services. If no response is received in 5 business days, that employee must then contact the Superintendent's Office.

### **Investigation**

The Superintendent or designee shall conduct a complete investigation of any instance of damage to or loss of school property and shall consult law enforcement officials when appropriate. If it is determined that the damage has been committed by any district student, the Superintendent or designee shall initiate appropriate disciplinary procedures against the student.

If the responsible person is a minor student of the district and the student's parents/guardians are unable to pay for the damages or to return the property, the district shall offer a program of voluntary work for the student in lieu of the payment of monetary damages. The district may offer any other student or former student, with parent/guardian permission, the option to provide service, work, or other alternative, nonmonetary forms of compensation to settle the debt owed as a result of property loss or damage. Service or work exchanged for repayment of a debt shall comply with all provisions of the Labor Code related to youth employment. (Education Code 48904, 49014)

The Superintendent or designee may withhold the student's grades, diploma, and/or transcripts until the student's parents/guardians have paid for the damages or the voluntary work has been completed. Prior to withholding a student's grades, diploma, or transcripts, due process shall be afforded the student in accordance with law. (Education Code 48904)

In addition, the Superintendent or designee shall initiate appropriate disciplinary procedures against the student.

If the investigation of an incident of vandalism or destruction of real or personal property determines that it was reasonably related to one's service as a District employee or elected official, the Superintendent may direct the reimbursement of the individual for the cost of their insurance deductible.

**RECOVERY FOR PROPERTY LOSS OR DAMAGE** (continued)

**Recovery of Damages**

When the individual causing the damage or loss has been identified and the costs of repair, replacement, or cleanup determined, the Superintendent or designee may take all practical and reasonable steps to recover the district's costs, and shall consult with the district's legal counsel and/or insurance administrator, as appropriate.

Such steps may include the filing of a civil complaint in a court of competent jurisdiction to recover damages from the responsible person and, if the responsible person is a minor, from his/her parent/guardian in accordance with law. Damages may include the cost of repair or replacement of the property, the payment of any reward, interest, court costs, and all other damages as provided by law.

In the event of vandalism or destruction of real or personal property that was reasonably related to one's service as a District employee or elected official, the Superintendent may initiate civil litigation on the District's behalf to recover the cost of reimbursement of payment of the insurance deductible and to seek any and all other legal remedies.

**Payment of Reward**

When authorized according to Board policy, the Superintendent or designee shall pay the reward to the party who provides information sufficient to identify and apprehend the person(s) subsequently determined to be responsible for the damage or loss. If more than one person provides information, the reward shall be divided among them as appropriate.

- (cf. 3530 - Insurance Management)
- (cf. 5131 - Conduct)
- (cf. 5125.2 - Withholding Grades, Diploma or Transcripts)
- (cf. 5131.5 - Vandalism and Graffiti)
- (cf. 5144 - Discipline)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)
- (cf. 5145.3 - Nondiscrimination/Harassment)
- (cf. 5145.7 - Sexual Harassment)
- (cf. 5145.9 - Hate-Motivated Behavior)

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