

RECOVERY FOR PROPERTY LOSS OR DAMAGE

The Governing Board shall seek reimbursement of damages from any individual or from the parents/guardians of any minor who commits any act of theft or vandalism.

- (cf. 4156.3 - Reimbursement, Uniforms and Allowances)
- (cf. 4158/4258 - Employee Security)
- (cf. 5125.2 – Withholding Grades, Diploma or Transcripts)
- (cf. 5131.5 - Vandalism, Theft and Graffiti)
- (cf. 5136 - Gangs)
- (cf. 5144.1 – Suspension and Expulsion/Due Process)

The parent/guardian of a minor who commits an act of vandalism may be held liable for damages up to the amount established by law as adjusted annually by the Superintendent of Public Instruction to reflect increases in cost-of-living. The parent/guardian also may be held liable for rewards of up to the same amount. (Education Code 48904)

Rewards

If the Superintendent or designee or law enforcement officials are unable to fix responsibility for the vandalism, the Board may direct the Superintendent or designee to offer a reward in any amount it deems appropriate for information leading to the identification and apprehension of the guilty party.

A reward shall be paid only when criminal conviction or other appropriate judicial procedures have established the guilt of the person(s) responsible for the crime.

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 or guardian for willful misconduct; withholding of grades, diplomas and transcripts

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; liability for reward
- 53069.6 Actions to recover damages
- 54951 Local agency, definition
- 61601.1 Graffiti abatement district

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

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Reports

Every district employee shall report all damage or loss of school property to the Superintendent or designee immediately after such damage or loss is discovered.

Investigation

The Superintendent or designee shall make a full and complete investigation of any instance of damage or loss of school property. The investigation shall be carried out in cooperation with law enforcement officials when appropriate.

Recovery of Damages

When the person causing the damage or loss has been identified and the costs of repair, replacement or cleanup determined, the Superintendent or designee shall take all practical and reasonable steps to recover these costs. The district's legal counsel shall be consulted if necessary. Reasonable steps may include the filing of a civil complaint in a court of competent jurisdiction to recover damages from the responsible person. If the responsible person is a minor, recovery will be sought from the minor's parent/guardian. Said damages will 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.

Payment of Reward

The reward shall be paid to the party who provides information sufficient to identify and apprehend the person or persons subsequently found responsible for the damage or loss. If more than one informant provides information, the reward shall be divided among the informants. The Superintendent or designee shall determine who is entitled to what portion of the reward and shall authorize payment only after the accused party has been convicted or otherwise deemed guilty as a result of appropriate judicial procedures. The identity of the informant shall be considered confidential and will not be made public by the district.