

**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. To discourage such acts, the district shall seek reimbursement of damages, within the limitations specified in law, from any individual, or from the parent/guardian of any minor, who has committed theft or has willfully damaged district or employee property.

**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 authorize a reward for the identification and apprehension of the responsible person(s).

The Board authorizes the Superintendent or designee to offer a reward in any amount he/she deems 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.

- (cf. 0450 - Comprehensive Safety Plan)
- (cf. 3515 - Campus Security)
- (cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)
- (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)

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

CIVIL CODE

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

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

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>

(12/92 2/95) 10/97

4/8/98

10/09

10/13

## **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.

### **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.

### **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.

### **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 - Risk Management/Insurance)  
(cf. 5131.5 - Vandalism and Graffiti)  
(cf. 3515.3 - District Police/Security Department)  
(cf. 5131 - Conduct) (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)