

# CVUSD

## Board Policy

BP 3515.4

### Recovery For Property Loss Or Damage

#### Business and Noninstructional Operations

\*\*\*Note: Pursuant to Education Code 48904, parents/guardians are liable for the costs of damages caused by the willful misconduct of their minor children (1) that results in damage to school property, an employee's personal property, or injury or death of a district student, employee, or volunteer, and (2) for any reward paid by the district; see section below entitled "Rewards." The liability of a parent/guardian shall not exceed \$16,650 for damages and \$16,650 for the reward. This amount is adjusted annually for inflation by the Superintendent of Public Instruction. For situations not addressed by the Education Code, Civil Code 1714.1 provides for parent/guardian liability for the willful misconduct of their minor child which results in injury, death, or property damage. The limit under this statute is currently \$37,100 and is adjusted every two years for cost-of-living.\*\*\*

\*\*\*Note: Pursuant to Penal Code 640.5 and 640.6, an individual who has been found to have defaced district property with graffiti may be fined or ordered by a court to perform community service. Depending on the amount of damage, Penal Code 594 also specifies that an individual, or the parent/guardian of a minor, who has been convicted of vandalism may be ordered to clean up and repair the property and to keep the property free from graffiti for one year.\*\*\*

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.

- (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)

## 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).

\*\*\*Note: The Board may set any amount for the reward it deems to be appropriate; however, as detailed above, Education Code 48904 specifies a limit on the amount of parent/guardian liability for repayment of the reward.\*\*\*

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.

### 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

#### 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>

CSBA (2/95 10/97) 7/09

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