

Regulation 3515.4: Recovery For Property Loss Or Damage

Status: DRAFT

Original Adopted Date: 11/27/2012 | Last Reviewed Date: 11/27/2012

Reports by Staff

District employees shall report any damage to or loss of school property to the principal ~~principal~~ **Superintendent** 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 shall 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~~ **carrier**, 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~~ **the** 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.

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.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Civ. Code 1714.1

Ed. Code 19910

Ed. Code 19911

Description

Liability of parent or guardian for act of willful misconduct by a minor - <https://simbli.eboardsolutions.com/SU/NSknepFduiYWusJFnU3r9Q==>

Libraries; malicious cutting, tearing, defacing, breaking or injuring

Libraries; willful detention of property

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|-------------------|---|
| Ed. Code 44810 | Willful interference with classroom conduct |
| Ed. Code 48904 | Liability of parent or guardian; withholding of grades, diplomas, transcripts |
| Ed. Code 49014 | Public School Fair Debt Collection Act |
| Gov. Code 53069.5 | Reward for information |
| Gov. Code 53069.6 | Actions to recover damages |
| Gov. Code 54951 | Local agency; definition |
| Pen. Code 484 | Theft defined |
| Pen. Code 594 | Vandalism |
| Pen. Code 594.1 | Aerosol paint and etching cream |
| Pen. Code 640.5 | Graffiti; facilities or vehicles of governmental entity |
| Pen. Code 640.6 | Graffiti |

Management Resources References

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| Website | CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ== |
| Website | Judicial Council of California - https://simbli.eboardsolutions.com/SU/mg7HvTVdonsmBqsSaHrk3Q== |
| Website | California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ== |
| Website | CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg== |

Cross References

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| 0450 | Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/XVeModcEEplumIKmIViNyG8g== |
| 0450 | Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/vQZUWC8qslshfqZpV1MmtaRBg== |
| 1313 | Civility - https://simbli.eboardsolutions.com/SU/yOa4hXbmytYls4p2JKUbNw== |
| 1330.1 | Joint Use Agreements - https://simbli.eboardsolutions.com/SU/6vO5XmWVyh6GiKCUrP6C73w== |
| 3260 | Fees And Charges - https://simbli.eboardsolutions.com/SU/y0gzCJ6sSplus9byK0L49dVplusQ== |
| 3260 | Fees And Charges - https://simbli.eboardsolutions.com/SU/Mr7mOJYGplusRzB7O3OQl7wEQ== |
| 3512 | Equipment - https://simbli.eboardsolutions.com/SU/r1rNkRaXyrj10VEAVGfslsh9g== |
| 3512-E PDF(1) | Equipment - https://simbli.eboardsolutions.com/SU/6RcqwFE4ATq4nsbPZZJJg== |
| 3515 | Campus Security - https://simbli.eboardsolutions.com/SU/hqFPjAhd9goSoQpbplus4kjiQ== |
| 3515 | Campus Security - https://simbli.eboardsolutions.com/SU/TNTSaLuS8Nthk6qXGvHC9g== |
| 3530 | Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/AwD0gWC1fp3vplus35CcotDig== |
| 3530 | Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/usslshWhTtZbMepJAoA7BVd6g== |
| 4156.3 | Employee Property Reimbursement - https://simbli.eboardsolutions.com/SU/PSd78mwNI7PBg0JEpDln7A== |

4158 Employee Security -
<https://simbli.eboardsolutions.com/SU/NKJ0gbceQH90dq6IFUplus5tQ==>

4158 Employee Security -
<https://simbli.eboardsolutions.com/SU/jVlXyG8eRmdszhOgitD39Q==>

4256.3 Employee Property Reimbursement -
<https://simbli.eboardsolutions.com/SU/KKd3731fZ7J5wAslsh2IESdfg==>

4258 Employee Security -
<https://simbli.eboardsolutions.com/SU/l328lb63xslshlEHOpplusHgt9TA==>

4258 Employee Security -
<https://simbli.eboardsolutions.com/SU/0UbvzplusKzjlWxh2CPHfPslsh8A==>

4356.3 Employee Property Reimbursement -
<https://simbli.eboardsolutions.com/SU/cJuZ6fh7ckFixytDnGuGmg==>

4358 Employee Security -
<https://simbli.eboardsolutions.com/SU/GCLlslshdWylslshTslshf5SyRDaxw==>

4358 Employee Security -
<https://simbli.eboardsolutions.com/SU/jVDlinrb9XSM3NqmaoQUYw==>

5125.2 Withholding Grades, Diploma Or Transcripts -
<https://simbli.eboardsolutions.com/SU/8fliZDslshTgEa3EslshyLjKO9ig==>

5131 Conduct -
<https://simbli.eboardsolutions.com/SU/gCHmgEvELPHGSbXveh7njA==>

5131.5 Vandalism And Graffiti -
<https://simbli.eboardsolutions.com/SU/YomFVvPBQV084RW9slshvM27Q==>

5136 Gangs -
<https://simbli.eboardsolutions.com/SU/1EKslshsKdiaplusgBVSBfNqYt4g==>

5136 Gangs -
<https://simbli.eboardsolutions.com/SU/WHy2Dqpc7nKnitPywHTa1w==>

5144 Discipline -
<https://simbli.eboardsolutions.com/SU/VKfDusQz4wO4ztggq0xR0Q==>

5144 Discipline -
<https://simbli.eboardsolutions.com/SU/h8js9swo8roKNec7W9PB1Q==>

5144.1 Suspension And Expulsion/Due Process -
<https://simbli.eboardsolutions.com/SU/2KWlSVzOJQsLVudCPe2bpg==>

5144.1 Suspension And Expulsion/Due Process -
<https://simbli.eboardsolutions.com/SU/1wRsP0evdfTslshv6FLdTXneA==>

5145.3 Nondiscrimination/Harassment -
<https://simbli.eboardsolutions.com/SU/Xtm3uqHMol1KAP4CIBOS3g==>

5145.3 Nondiscrimination/Harassment -
<https://simbli.eboardsolutions.com/SU/Rx7eYWCQJQxyhVGfnTMQBQ==>

5145.7 Sexual Harassment -
<https://simbli.eboardsolutions.com/SU/Etnsl0vfjVFwtsfy7FGqYA==>

5145.7 Sexual Harassment -
<https://simbli.eboardsolutions.com/SU/bVa5mPNAi4zf7b1zOFIT1Q==>

5145.9 Hate-Motivated Behavior -
<https://simbli.eboardsolutions.com/SU/Ak4bbXFt2GC0Nslshe6zOQilw==>

6161.2 Damaged Or Lost Instructional Materials -
<https://simbli.eboardsolutions.com/SU/Dhq11DVtVpluswCAsBzXgW6ow==>

6173 Education For Homeless Children -
<https://simbli.eboardsolutions.com/SU/txeOyoBAokde03EL8jzLslshQ==>

6173 Education For Homeless Children -
<https://simbli.eboardsolutions.com/SU/RuKkaP9U0ZITrvBvW6Wjw==>

6173.1

Education For Foster Youth -
<https://simbli.eboardsolutions.com/SU/j10m5VbLmj8pqMRz0d6dkQ==>

6173.1

Education For Foster Youth -
<https://simbli.eboardsolutions.com/SU/suCMRgbiqOO4rvJsmX2tqw==>