

Students – Activities

Vandalism, Theft, and Graffiti

It is the intention of the Board of Education to seek redress from any individual or the parents or guardian of the individual, if a minor, in the amount of the damage, for any act of vandalism committed by that individual.

Vandalism includes negligent, willful, or unlawful damaging or theft of any District-owned real or personal property, including the writing of graffiti. The parents or guardian having custody or control of a minor who commits an act of vandalism cannot be held liable for more than \$17,593 for that act, except that the parents or guardian may also be held liable for any reward not exceeding \$17,593 or maximum amount allowed pursuant to Section 53069.5 of the Government Code.

Any student, or the parent or guardian of any minor student, shall be held liable for all property belonging to the District that has been damaged, destroyed, stolen, or loaned and not returned upon demand.

Any student of the District who commits an act of vandalism, theft, or graffiti may also be liable to disciplinary action by the District.

Any school whose property has been willfully cut, defaced, or otherwise injured, or whose property is loaned to a student and willfully not returned upon demand of an employee of the District may, after affording the student's due process rights, withhold the grades, transcript, and/or diploma of the student responsible for the damage until the student or the student's parent or guardian has paid for the damages. A school must, however, forward upon request from a school or District within California a copy of the student's transcripts, in accordance with Education Code 48904.

Prior to withholding a student's grades, transcript, or diploma, the District shall notify the student's parent or guardian in writing of the student's alleged misconduct.

When the minor and parent are unable to pay for the damages or return the property (upon a showing by certification of the parent or guardian's inability to pay), the District shall provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Upon completion of the work, the grades, transcript, and diploma of the student shall be released.

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Legal Reference: Education Code, Sections 48900; 48904; 48904.3; 48905
Code of Regulations, Title 5, Section 305
Civil Code, Section 1714.1
Government Code, Section 53069.5
Penal Code, Sections 594; 650.5; 640.6

Policy Adopted: 06/04/1985

Policy Amended: 05/21/1996; 08/14/2001; 01/14/2003; 02/21/2012

Formerly BP 5340