

StudentsVandalism, Theft and Graffiti

It is the intention of the Board to seek redress in the amount of the damage from any individual or the parents/guardians of any minor who commits any act of vandalism. (cf. 3515.4 - Recovery for Property Loss or Damage)

Vandalism includes negligent, willful, or unlawful damaging or taking of any District-owned real or personal property, including the writing of graffiti. The parent/guardian having custody or control of a minor who commits an act of vandalism cannot be held liable for more than \$10,000 for that act in addition to any liability imposed by law. The parents or guardian may also be held liable for any reward paid not exceeding \$10,000, pursuant to Section 53069.5 of the Government Code.

Any student, or the parent/guardian of any minor student, shall be held liable for all property belonging to the school District that has been damaged, destroyed, stolen or lent and not returned upon demand. After affording the student his/her due process rights, the school District may withhold the grades, diploma, and transcripts of the student responsible for the vandalism or theft until the student or the student's parent/guardian has paid for the damages. (cf. 5125.2 - Withholding Grades, Diploma or Transcript)

Any student of the District who commits an act of vandalism may also be liable to disciplinary action by the District. (cf. 5144.1 - Suspension and Expulsion/Due Process) When the minor and parent are unable to pay for the damages (upon a showing by certification of the parent/guardian that he/she cannot reasonably afford the cost), the District shall provide a program of voluntary work for the minor. Upon completion of the work, the grades, diploma and transcripts of the student shall be released. (E.C. 48904)

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension (or expulsion)

48904 Willful misconduct, limit of liability of parent or guardian

48904.3 Withholding grades, diplomas or transcripts of pupils causing property damage or injury; transfer of pupils to new school Districts; notice to rescind decision to withhold

CODE OF REGULATIONS, TITLE 5

305 Pupil responsible for care of property

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 civil damages for damaging or taking of property

PENAL CODE

594 Vandalism

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti