

Students

Vandalism, Theft and Graffiti

The Board of Education considers vandalism a very serious matter. Vandalism includes the negligent, willful, or unlawful damaging or theft of any district-owned real or personal property, including the writing of graffiti.

Students and staff are encouraged to report any graffiti or vandalism to the principal or designee for investigation. The principal or designee shall determine whether the incident necessitates an investigation pursuant to the district's sexual harassment, hate-motivated behavior, or nondiscrimination grievance procedure.

A student who commits an act of vandalism or graffiti on school grounds shall be subject to disciplinary action, including, but not limited to, suspension or expulsion in accordance with Board policy and administrative regulation. If reparation for damages is not made, the district also may withhold the student's grades, diploma, and/or transcripts in accordance with law.

As appropriate, the principal or designee may contact local law enforcement in instances when the graffiti is repetitive, identifies particular targets or groups, identifies the perpetrator, and/or contains incitements to violence, threats, or intimidation. Photographs or other evidence of the vandalism or graffiti shall be preserved as necessary for investigation by the district or law enforcement and as evidence in any district disciplinary proceedings.

The principal or designee shall ensure that graffiti on school grounds is removed and covered as soon as possible, and if practicable before the beginning of the school day.

Parents/guardians of minor students and students 18 years old or older will be held financially liable for damage resulting to school property for acts of vandalism where guilt has been proven. The Board of Education may seek redress in the amount of the damage, including, but not limited to, the cost of repair and/or replacement, from any individual or the parents/guardians of any minor who commits any act of vandalism. A student's guilt shall be established when his/her participation in the unlawful activity is determined by either the appropriate judicial forum or by site and/or district adjudicatory procedures.

The parent/guardian having custody or control of a minor who commits an act of vandalism may be held liable for up to \$10,000 or the maximum limit allowed by law for the unlawful act. The parent/guardian also may be held liable for rewards of up to \$10,000 or the maximum allowed by law.

If the Superintendent or designee or law enforcement officials are unable to identify the person(s) responsible for the vandalism, the Superintendent or designee is authorized to offer a reward in the amount he/she deems appropriate, not exceeding \$1,000 to the individual or individuals proving information leading to the identification and apprehension of the guilty party. A reward in excess of \$1,000 must be authorized in advance by the board. A reward shall be paid only when the guilt of the person responsible for the crime has been established by a confession, criminal conviction, or other appropriate judicial procedures.

Legal References:

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

Civil Code

51.7 Right to be free from violence

52.1 Discrimination liability

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

Government Code

53069.5 Reward for information

Penal Code

594 Vandalism

594.1 Aerosol containers of paint

594.2 Intent to commit vandalism or graffiti

594.6 Vandalism or graffiti, community service

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

Code of Regulations, Title 5

305 Student responsible for care of property

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

adopted: 06/02/87

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revised: 02/16/10

