

OFFICE OF THE SOLANO COUNTY SUPERINTENDENT OF SCHOOLS

Series 3000 – BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Policy 3515.4

Recovery for Property Loss or Damage

The Solano County Office of Education (SCOE) shall seek reimbursement of damages and rewards from any individual or from the custodial parent/guardian of any minor who commits any act of theft or vandalism.

Rewards

If law enforcement officials are unable to fix responsibility for the theft or vandalism, the County Superintendent may authorize a reward in any amount deemed appropriate for information leading to the identification and apprehension of the guilty party.

A reward shall be paid only when the guilt of the person responsible for the crime has been established by a criminal conviction or other appropriate judicial procedures.

Reports

SCOE employees shall report all damage or loss of SCOE property to the site administrator or designee immediately after such damage or loss is discovered. In those instances in which insurance reimbursement may be involved, the site administrator or designee shall contact the appropriate SCOE official.

Investigation

The Superintendent or designee shall ensure that a complete investigation is conducted at the site where the vandalism occurred.

The site administrator or designee shall conduct a complete investigation of any instance of damage or loss of SCOE property. The investigation shall be carried out in cooperation with law enforcement officials when appropriate.

Recovery of Damages

When the person 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 these costs, including consulting legal counsel if necessary. Reasonable steps may include the filing of a civil complaint in a court of competent jurisdiction to recover damages from the responsible person.

If the responsible person is a minor, recovery may be sought from the minor's custodial parent/guardian in accordance with Education Code section 48904.

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 and Recovery of Reward

When authorized according to SCOE policy, the reward shall be paid to the party who provides information sufficient to identify and apprehend the person or persons subsequently found responsible for the damage or loss. If more than one informant provides information, the reward shall be divided among the informants. The Superintendent or designee shall determine who is entitled to what portion of the reward. The identity of the informant shall be considered confidential and shall not be made public by SCOE.

Policy 3515.4 (Continued)

Once a reward has been paid, the Superintendent or designee shall take all practical and reasonable steps to recover the amount of the reward, including consulting legal counsel if necessary. Reasonable steps may include filing a civil complaint in a court of competent jurisdiction to recover payment of the reward from the responsible person.

If the responsible person is a minor, recovery may be sought from the minor's custodial parent/guardian in accordance with Education Code section 48904.

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 or guardian for willful misconduct; withholding of grades, diplomas and transcripts

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 damages
- 54951 Local agency, definition
- 61601.1 Graffiti abatement district

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

Policy Cross-Reference:

- 3260 Fees and Charges
- 3515.3 District Police/Security Department
- 3530 Risk Management/Insurance
- 4156.3 Employee Property Reimbursement
- 4158 Employee Security
- 5125.2 Withholding Grades, Diploma or Transcripts
- 5131.5 Vandalism, Theft and Graffiti
- 5136 Gangs
- 5144.1 Suspension and Expulsion/Due Process