



ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 5006

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CATEGORY: **Support Services, Security Program**

EFFECTIVE: **9-17-91**

SUBJECT: **Vandalism**

REVISED: **7-05-2002**

A. PURPOSE AND SCOPE

1. To outline administrative procedures governing vandalism of district property by student or students.
2. **Related Procedures:**
 - Property damage or loss..... 5025
 - Suspension..... 6290

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: G-1000, G-1001, G-3000, H-6000, I-4400; Education Code Sections 48904 *et seq.*; Penal Code Section 594; California Code of Regulations, Title 5, Section 438.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the School Police Services Department, Office of the Superintendent.
2. **Definition. Vandalism:** Penal Code Section 594 states:
 - (a) Every person who maliciously commits any of the following acts with respect to any real or personal property not his or her own
 - (1) Defaces with graffiti or other inscribed material.
 - (2) Damages.
 - (3) Destroys.
 - (b)(1) If the amount of defacement, damage, or destruction is four hundred dollars (\$400) or more, vandalism is punishable by imprisonment in the state prison or in a county jail not exceeding one year, or by a fine of not more than ten thousand dollars (\$10,000), or if the amount of defacement, damage, or destruction is ten thousand dollars (\$10,000) or more, by a fine of not more than fifty thousand dollars (\$50,000), or by both that fine and imprisonment.
 - (2)(A) If the amount of defacement, damage, or destruction is less than four hundred dollars (\$400), vandalism is punishable by imprisonment in a county jail not exceeding one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment.

3. **Parent or Guardian Liability** (Education Code Section 48904). Parent/guardian of a minor, whose willful misconduct has caused injury or death to a student, employee, or volunteer, or whose willful misconduct damages public school property or personal property of a public school employee, is liable for such damages. Such liability shall not exceed \$10,000.

4. **Withholding of Student's Grades, Diploma or Transcripts.** Education Code Section 48904(b) states:

Any school district or private school whose real or personal property has been willfully cut, defaced, or otherwise injured may, after affording the pupil his or her due process rights, withhold the grades, diploma, and transcripts of the pupil responsible for the damage until the pupil or the pupil's parent or guardian has paid for the damages thereto. . . . When the minor and parent are unable to pay for the damages, the school district or private school shall provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Upon completion of such voluntary work the grades, diploma, and transcripts of the pupil shall be released. (See D.2. regarding due process procedures.)

 - a. Under the privacy act (Procedure 6525), a parent/guardian has the right of access to student records, and the right to receive a copy of the record; however, originals may be withheld.

 - b. Cumulative student records of a transferring student may not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian (California Code of Regulations, Title 5, Section 438).

D. IMPLEMENTATION

1. **Property Damage Due to Burglary or Vandalism Discovered When School is Opened.**
 - a. Notify the School Police Services Department at (619) 291-7678 and secure area for investigation.

 - b. If needed, custodian calls for extra help for cleanup so school can operate; calls nearest custodial supervisor for assistance and advice.

 - c. Notify the Maintenance and Operations Department for emergency repairs.

 - d. Notify immediate supervisor.

2. **Withholding of Student's Grades, Diploma, or Transcripts.** If grades, diploma, or transcript of a student whose willful misconduct caused personal injury or property damage, are to be withheld, the student is afforded the following due process procedures prior to imposition of this penalty:
- a. An informal conference shall be held with the principal or designee, the student, and the teacher, supervisor, or school employee who referred student, in attendance.
 - b. At such conference, student shall be informed of the reasons for the proposed actions and of the evidence against him/her.
 - c. Student shall be given an opportunity to present his/her version and any evidence in his/her defense.

E. FORMS AND AUXILIARY REFERENCES

F. REPORTS AND RECORDS

G. APPROVED BY



Chief of Staff, Terrance L. Smith
For the Superintendent of Public Education