



ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 5026

PAGE: 1 OF 6

CATEGORY: **Support Services, Security Program**

EFFECTIVE: **5-30-03**

SUBJECT: **Collections for District Property and Payments of Rewards**

REVISED: **7-25-05**

A. PURPOSE AND SCOPE

1. To define procedure for collection against third parties for property damaged or lost; and to outline process for paying rewards for information leading to identification and apprehension of individuals causing damage or injuries.
2. **Related Procedures:**

Collections or refunds for damaged or lost instructional materials	2165
Legal process including subpoenas, summonses, and complaints	1710
Library fines	2170
Property damage or loss	5025
Reimbursement to employee for property loss or damage	2660
School site security and issuance of keys	5005
Security, general	5000
Use of school equipment by district personnel away from school premises	5375
Vandalism	5006
Window and Fire Extinguisher Repair or Replacement	5029

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: G-1000, G-1001, G-3000, G-4500, H-8800, I-1900; Education Code Sections 41021, 48904; California Civil Code Section 1714.1; Government Code Section 53069.5.
2. **State law allows school districts** to offer rewards for information leading to the identification and/or apprehension of any person causing injury or death of an individual, or damage or destruction of property (Government Code Section 53069.5).
3. **Liability of Students and Parents.** State law provides for suspension or expulsion of any student who willfully cuts, defaces, or otherwise damages real or personal property belonging to a school district, and under normal circumstances, holds the parent/guardian liable for such damages not exceeding \$10,000. He/she also is liable for the amount of reward, not exceeding \$10,000, paid pursuant to Government Code Section 53069.5.

SUBJECT: **Collections for District Property and
Payments of Rewards**

NO: **5026**

PAGE: **2 OF 6**

EFFECTIVE: **5-30-03**

REVISED: **7-25-05**

4. **Action Upon Inability to Pay.** When the minor and the parent/guardian are unable to pay for damages, a program of voluntary work shall be provided in lieu of payment of monetary damages (Education Code Section 48904).

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Risk Management Department, Business Operations Division (reporting property damage or loss); Maintenance and Operations Department, Facilities Management Division (obtaining maintenance service); and Materiel Control Office, Business Support Services Department, Business Operations Division (replacement of equipment).
2. **Definitions**
 - a. **Malicious act (vandalism):** An act that results in willful physical damage to or destruction of property (Procedure 5006).
 - b. **Careless act:** An unthinking, neglectful, or reckless act that results in damage or loss.
 - c. **Accident:** An event that occurs by chance and not through the carelessness or malicious act of any person.
 - d. **Property damage or loss shall be considered a felony if one or more of the following apply:**
 - (1) **Vandalism**--if amount of injury or destruction is \$5,000 or more.
 - (2) **Grand theft**--theft of any item over \$400 in value, or taking an item of *any value* from one's person.
 - (3) **Robbery**--taking anything of value from one's person or from his/her immediate presence, against his/her will or by means of force or violence.
 - (4) **Burglary**--entering a building with intent to commit theft or any felony.
 - (5) **Arson**--malicious burning or setting of fires.

- e. **Property damage or loss shall be considered a misdemeanor if one or more of the following apply:**
- (1) **Petty theft**--taking any item with a value up to and including \$400.
 - (2) **Vandalism**--if amount of injury or destruction is less than \$5,000.
3. **Damage by Nondistrict Persons or Groups.** Cost of damage to school property by nondistrict people shall be paid by persons responsible.
4. **District Equipment/Property Used by Employees.** Personal use of district equipment is prohibited; such equipment may be used *only* in connection with district projects. Personnel removing district equipment from the site are solely responsible for the safekeeping of all equipment and for returning it in good working order (Procedure 5375).
5. **Regulations for Reporting Property Damage or Loss**
- a. Any incident of theft of district equipment or of serious *nonaccidental* loss or damage shall be telephoned to the School Police Services Department immediately upon discovery.
 - b. Less serious cases may be reported to the School Police Services Department by telephone if site administrator believes circumstances and benefits warrant it.
 - c. Every case of property damage or loss shall be reported immediately upon occurrence or discovery on "Property Damage or Loss Report" form (Procedure 5025).
6. **Regulations for Collection or Restitution**
- a. Collection or restitution should be attempted in every case when person(s) responsible is/are identified and evidence is sufficient to establish guilt beyond a reasonable doubt.
 - b. Collection and restitution in cases investigated by the School Police Services Department shall become the responsibility of the Risk Management Department. *Site administrator or designee* shall initiate collection or restitution in all cases not delegated to the Risk Management Department.

- c. **Small claims court and collection agencies.** Risk Management Department and the School Police Services Department may have recourse to court action or collection agencies upon recommendation to division head via the Office of General Counsel.
 - d. All collections shall be made payable to San Diego Unified School District and forwarded to the district cashier, Accounting Operations Department, Financial Operations Division, Office of School Site Support, with *supporting documentation*, copy of work order, ePro, or departmental program fund transfer memo confirming the budget number that the collected funds will be deposited to. This number *must be the same budget number* that was used for repairing/replacing the damaged or lost equipment. For example: If a site receives a payment from a student for vandalism to a district bus and the repairs were paid for by the Transportation Services Department, the payment for damages shall go back into the transportation department budget used for those repairs. Unidentified checks received by school sites and district departments from the Department of County Corrections, students, parents/guardians of students, and any other collection entity should be sent to the district cashier, Accounting Operations Department, for identification and deposit.
7. **Application for Reward.** Any persons applying for a reward for providing information shall submit a written report to the School Police Services Department detailing the information provided and including reasons why they believe they are entitled to a reward. Each application for reward will be reviewed pursuant to C.8.
8. **Payment of Reward. Chief Business Officer:**
- a. Depending upon actual dollar loss of property damage or destruction, may authorize payment of up to \$2,500 as a cash reward to individuals for information leading to the identification or apprehension of person(s) who committed acts causing injury or death of district-related individuals or damage or destruction of district property.
 - b. Disseminate notice of reward offer through the media via the Communications Department.
 - c. Consult with the School Police Services Department, Chief Human Resources Officer, San Diego Police Department, District Attorney, or City Attorney, as appropriate; determine whether to pay the reward based on (1) the agency's

review of information provided, and (2) identification or apprehension of a bona fide suspect.

- d. The decision to authorize or not authorize payment, including any amount determined appropriate, rests solely with the Chief Business Officer and is not subject to appeal or modification by the applicant.

D. IMPLEMENTATION

1. Reporting Theft, Burglary, Property Damage

a. Site administrator or designee

- (1) Immediately upon discovery, notifies the School Police Services Department of theft of any district equipment, *serious cases* of theft of items loaned to the district, burglary, property loss, or other loss or damage.
- (2) In less serious cases, notifies the School Police Services Department if circumstances and potential benefits warrant it.
- (3) Prepares "Property Damage or Loss Report" form and distributes copies according to instructions on form, giving complete description as possible, *including serial numbers and district property numbers when applicable*, cost of lost or destroyed items (to aid in pricing), and charges for hours expended in cleanup due to acts of vandalism. Indicates person(s) responsible and, if desired, delegates responsibility for collection or restitution to the Risk Management Department (Procedure 5025).

- b. **School Police Services** notifies the Risk Management Department and Materiel Control Office upon recovery of any equipment.

2. Collection or Restitution

a. Site Administrator or designee

- (1) In cases not referred to the Risk Management Department, notifies parent/guardian or person responsible for restitution of liability for property damage or loss by letter or other appropriate method; sends a copy to the district cashier, Accounting Operations Department.

- (2) If arrangements for payment have not been made after a reasonable time (fifteen [15] days), contacts parent/guardian or other liable person by telephone or letter; makes arrangements for restitution that may involve payment and/or student restitution (e.g., cleaning, sanding, and refinishing defaced surfaces). Consideration may be given to financial condition of the family; any reasonable payment plan approved by site administrator is acceptable. Remittances by check or money order shall be made payable to San Diego Unified School District and mailed to the district cashier, Accounting Operations Department. "Property Damage or Loss Report" form should be attached to the check or money order.
- (3) **Action upon refusal or failure to pay.** If parent/guardian or other liable person has ability to pay but refuses or fails to make arrangements for payment within fifteen (15) days, exercises other options as appropriate. If persons other than students are involved, and, if reasonable attempts at collection fail, refers cases requiring further action to the Office of General Counsel.

E. FORMS AND AUXILIARY REFERENCES

1. Property Damage or Loss Report, Inventory Item 22-R-2270
2. Inventory Loss Form, available from the Risk Management
3. e-Procurement
4. School Police Services Department letters to parent/guardian

F. REPORTS AND RECORDS

1. Property Damage or Loss Report--site administrator distributes copies according to instructions on form.

G. APPROVED BY

Kerry B. Flanagan

Chief of Staff, Kerry Flanagan
For the Superintendent of Public Education