



POLICY 7.20

4-C I recommend that the Board adopt the proposed revised Policy 7.20, entitled “Vandalism and Damage to School Property.”

[Contact: Joseph Sanches, PX 47573 or Martin Mets, PX 27185.]

Adoption

CONSENT ITEM

- The Board approved development of this revised Policy at the development reading on February 25, 2009.
- The revised policy establishes a policy for the School District to seek the recovery of its repair or replacements costs when District property is intentionally vandalized or damaged by students, non-students or groups, as provided in state law.
- The policy is not applicable when damage to property occurs by accident.
- The policy further includes methods for the District to recover its damages through restitution or to initiate civil actions to seek such recovery.
- The reporting of any incidents is provided for to ensure adequate records will be maintained to support the District’s requests for its actual costs.
- This revision also updates statutory references.

POLICY 7.20

VANDALISM AND DAMAGE TO SCHOOL PROPERTY ~~VANDALISM AND~~
~~MALICIOUS MISCHIEF~~

1
2
3
4 1. **Purpose.** -- The School Board has a duty under state law to provide for the care,
5 control and management of school property and equipment.

6 2. **Definitions.**

7 “School Property”, for the purposes of this policy, means any property, real,
8 personal or mixed belonging to the School District, including but not limited to
9 school buildings, District buildings not being used as a school, vehicles being used
10 for school purposes, school grounds and school equipment.

11 “Vandalism”, for the purposes of students, shall have the meanings provided for
12 minor vandalism (i.e., the cost of repair or replacement is less than \$100) and
13 major vandalism (i.e., the cost of repair or replacement is more than \$100), as
14 provided in *The Code of Student Conduct*, School Board Policies 5.182 and 5.183.

15 “Accidental property damage” occurs when it is established that school property
16 has been damaged by accident, without willfulness or malice, the school principal
17 is expected to use regular district procedures for assessing the damage or loss and
18 requisitioning its repair and replacement. In such instances, this policy would not
19 apply.

20 3. **Policy.** -- Students, individuals or groups who damage or vandalize school
21 property will be responsible for its repair and/or replacement.

22 a. *Students* -- The School Board is authorized under Sec. 741.24, Florida
23 Statutes, to collect for damages from parents of children under eighteen years
24 of age, living with parents who maliciously or willfully damages or destroys
25 school property. A student who willfully damages or destroys school property
26 shall be held accountable. Such accountability will include appropriate
27 disciplinary action in accordance with the *Student Code of Conduct*, personal
28 and parental liability and responsibility for actual damages; and where
29 appropriate, referral to the criminal justice system.

30 b. *Non-students.*

31 i. Any person other than a student who vandalizes or damages school
32 property shall be responsible for the cost of repair or replacement of the
33 school property in accordance with the actual damage as determined by
34 the school principal, the responsible District department head, or in
35 extreme cases, the Superintendent or designee. A failure to comply with a

36 request for payment of such damages shall result in the person being
37 ineligible for further use of school property and such legal action as the
38 School Board deems proper to recover the amount of damages.

39 ii. Each organization which is granted a permit for the use of school property
40 shall be responsible for any damage to the school property beyond that
41 which would be considered normal wear and tear and shall pay for any
42 such damage in accordance with the actual damage as determined by the
43 school principal, the District department head, or in extreme cases, the
44 Superintendent or designee. A failure to comply with a request for
45 payment of such damages shall result in the group or organization being
46 ineligible for further use of school property and such legal action as the
47 School Board deems proper to recover the amount of damages.

48 4. **Restitution.**

49 a. Students. -- The principal upon ascertaining the names of the student(s) who
50 willfully damaged school property shall, if the student is a minor, provide
51 written notification to the student's parents/guardians requesting that the
52 school property be restored or replaced in accordance with the actual
53 damages as determined by the principal. Any adult student involved in the
54 vandalism or destruction of school property shall be held solely responsible for
55 the damages.

56 b. Non-Students; Organizations. -- Attempts should be made by the principal or
57 department head to collect damages through the use of collection letters.

58 c. Restitution through Criminal Proceedings. If criminal charges are commenced
59 related to vandalism or damage to school property, the School District may
60 pursue restitution for any damages through the criminal proceedings.

61 5. **Civil Actions.**

62 a. Students. -- A civil action against the minor student's parent(s) or guardian(s)
63 may be instituted by the School Board in an appropriate action to recover
64 damages in an amount not to exceed the limit prescribed by law, if the
65 parent(s) or guardian(s) refuses to restore or replace the property.

66 b. Non-Students; Organizations. -- A failure to comply with a request for payment
67 of damages by a non-student or organization shall result in the individual,
68 group or organization being subject to such legal action as the School Board
69 deems proper to recover the amount of damages.

70 6. **Incident Reporting.** -- The school principal or department head shall report all
71 instances of vandalism immediately to the Superintendent or designee,
72 Maintenance Department, Risk Management, and to the school police giving all

73 available information. The report shall include, but not be limited to the name(s) of
74 any perpetrator(s); the date, time and place of the act; any special circumstances
75 related to the act; the date reported to law enforcement authorities, if applicable; a
76 description of the damage(s) to the school property and its effect on school or work
77 unit operations; cost analysis of the damage(s), including estimated cost of repairs
78 or replacement and labor; any other pertinent information.

79 ~~When vandalism occurs to school property, the Superintendent shall provide~~
80 ~~direction in reporting these incidents, conforming with State Board of Education~~
81 ~~Regulations.~~

82 ~~Civil action against parents for vandalism by their minors who shall have been~~
83 ~~found guilty of such vandalism by competent authority may be instituted in an~~
84 ~~appropriate action at law to recover damages permitted by law.~~

85 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41, 1001.42 ~~230.22(2)~~

86 LAWS IMPLEMENTED: Fla. Stat. §§ 741.24, 806.13, 1001.43, 10013.10 ~~230.22(2)~~

87 HISTORY: February 18, 1972; June 25, 1975; ___/___/09

Legal Signoff:

The Legal Department has reviewed proposed Policy 7.20 and finds it legally sufficient for adoption by the Board.

Attorney _____ Date _____