



POLICY 7.20

5-C I recommend that the Board approve development of the proposed **revised** Policy 7.20, entitled “Vandalism and Damage to School Property.”

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

Development

CONSENT ITEM

- 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~~

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

5 2. **Definitions.**

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

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

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

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

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

29 b. *Non-students.*

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

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

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

47 4. **Restitution.**

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

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

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

60 5. **Civil Actions.**

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

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

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

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

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

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

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

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

86 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 development by the Board.

Attorney

Date
