



LOS ANGELES UNIFIED SCHOOL DISTRICT
POLICY BULLETIN

TITLE: Restitution Procedures for the Loss or Damage of School Property

NUMBER: BUL-4808

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Office of Curriculum, Instruction, & School Support

ROUTING
Local District
Superintendents
Directors
Principals
Library Media
Personnel
Fiscal Specialists

DATE: July 28, 2009

POLICY: ~~A student's parent or guardian is liable for any Los Angeles Unified School District (District) property that student loses or damages. After due process, a student's grades, diploma, and transcripts can be withheld until the student or parent/guardian pays for the lost or damaged property.~~

PURPOSE: This Bulletin replaces Bulletin No. N-7 (Rev.), with the same title, dated November 12, 1999, to update contact information and Education Code changes.

BACKGROUND: California Education Code section 48904 states that the parent or guardian of a minor is liable to a school district for all property loaned to and failed to be returned, or willfully damaged by a minor. The liability shall not exceed \$10,000. In addition, it authorizes school districts, after affording the student due process rights, to withhold the grades, diploma, and transcripts of a student until the student or parent/guardian pays for the lost or damaged school property, e.g., textbooks, library books, graffiti, computers, shop materials, physical education clothes, and sports equipment. It also provides for a program of voluntary work for the minor in lieu of the payment of monetary damages.

Teachers and other District employees, under the direction of the principal, are held responsible for the proper use and control of school property, equipment, materials, and supplies, particularly such property as is located in the room or rooms to which they are assigned (Board Rule 1704 and UTLA-District Agreement article IX. 4.0 "Other Professional Duties").

It is the policy of the District to seek restitution when a student, among other things, willfully cuts, defaces, or otherwise injures any property, or loses or fails to return property, real or personal, belonging to the school District or school employee. The parent/guardian is liable for such damages, not exceeding \$10,000. In cases of the above types of loss or damage, the school must attempt to identify the student(s) responsible and the amount of the loss in accordance with the procedures as outlined in this bulletin.



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In the case of theft or vandalism, the school administrator shall consult with School Police to determine any criminal justice recourse. If a criminal case is filed, the courts may order restitution upon successful prosecution. The Division of Risk Management and Insurance Services will then pursue the collection of court-ordered restitution. In cases where no criminal charges are filed, the school is responsible for the collection of damages from the student and parent/guardian.

The authority to withhold grades, diploma, or transcripts applies only to situations where the student, parent or guardian have requested a copy of the student's records. When a student transfers to another K-12 school or school district, a copy of the student's permanent record must be sent to the requesting K-12 school or district even though there may be charges or fees owed by the student, parent, or guardian. (5 CCR 438). In such cases, upon sending the permanent student record to the new (receiving) school, the new school shall be notified of the restitution debt so that the new school may likewise withhold the grades, diploma, or transcripts. (Education Code section 48904.3)

PROCEDURES: Responsibilities of the School – Policy Implementation

1. The school shall adopt an accounting system that clearly identifies the student and the type of school property issued to the student. No student shall have marks, diploma, or transcripts withheld in the absence of satisfactory evidence of an accounting (inventory) system for school and/or District property.
2. At the time of enrollment or at the beginning of each school year, the school shall notify the student and parent or guardian of the District's and school's policies regarding financial responsibility for school property that is not returned or where the student causes damage to school property. The school policy shall be reviewed with students in the appropriate classrooms or homeroom. Attachment A contains a sample beginning of the school year responsibility letter to parents in English and Spanish. Attachment B is a sample debt notification letter.
3. The school shall develop a restitution process by which students are afforded the opportunity to return the property, pay for the damages, or participate in a voluntary work program in lieu of payment of the monetary amount owed. This process shall be approved by the School Site Council, consistent with its role in deciding matters related to student discipline. Upon completion of the voluntary work, the debt is discharged and any withheld grades, diploma, or transcripts of the student shall be released.



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4. The school shall adopt a due process procedure that allows the parent, guardian, or student an opportunity to review, discuss, and respond to the imposition of any fees or charges as a result of this policy.
5. The school shall follow District policies for the accounting and receipt of money from the student or parent/guardian.

Responsibilities of the School – Parent Notification

1. The parent or guardian shall be informed in writing immediately after any alleged loss which gives rise to an obligation under Section 48904 of the Education Code.
2. The parent or guardian may present information on behalf of the student, during a conference at the school, as to the reasons why a fee should not be imposed.
3. The principal/designee shall, after reviewing any information presented during this meeting, decide whether or not to withhold the marks, diploma, or transcripts and/or impose the fee for damages. The parent/guardian and student shall be notified in writing of the decision. The decision of the principal is final, and there is no appeal beyond the school level.
4. Upon receiving notification of the school's decision, the parent or guardian may, if necessary, pay the outstanding obligation, or the student may complete a voluntary work assignment determined by the school.
5. Upon satisfactory completion of the school voluntary work assignment, the marks, diploma, or transcripts shall be released and /or the debt discharged.

ASSISTANCE:

For assistance or further information regarding library books and textbooks, please contact Nancy Reich, Specialist, Library Services, at (213) 207-2255, Rick Hassler, Specialist, Textbook Services, at (213) 207-2280, or Esther Sinofsky, Director, Instructional Media Services, at (213) 207-2271.

For assistance or further information regarding computers, please contact Anna Cortez, Equipment Replacement Fund (Division of Risk Management and Insurance Services), at (213) 241-3127.