

NON-INSTRUCTIONAL SERVICES: PHYSICAL PLANT SERVICES

[Obtaining] Restitution for Vandalism

I. PURPOSE

BALTIMORE COUNTY PUBLIC SCHOOLS (BCPS) SHALL SEEK FULL RESTITUTION FROM ANY INDIVIDUAL, OR THE PARENT/GUARDIAN OF A MINOR, FOR VANDALISM OF SCHOOL PROPERTY. TO EXPEDITE, CONTROL, AND ENSURE THE COLLECTION OF RESTITUTION MONIES, ALL COLLECTIONS SHALL BE MADE IN ACCORDANCE WITH THE GUIDELINES SET FORTH IN THIS RULE. [The following information states the procedures used by the Baltimore County Public Schools relative to obtaining restitution for vandalism.]

II. DEFINITIONS

- A. *VANDALISM* – THE INTENTIONAL, WILLFUL, OR UNLAWFUL DAMAGE TO, DESTRUCTION OF, OR ACTS THAT SUBSTANTIALLY DECREASE THE VALUE OF SCHOOL SYSTEM PROPERTY.
- B. *SCHOOL PROPERTY* – ALL SCHOOL SYSTEM PROPERTY, BUILDINGS, GROUNDS, FIXTURES, AND VEHICLES OWNED BY, LEASED TO, OR UNDER THE JURISDICTION OF THE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD).

III. GUIDELINES

- A. REQUIREMENTS
 - 1. FINANCIAL RESTITUTION FOR VANDALISM OF SCHOOL PROPERTY IS REQUIRED WHEN THE STUDENT OR INDIVIDUAL RESPONSIBLE FOR THE DAMAGE IS KNOWN. RESTITUTION OCCURS THROUGH:
 - a. AGREEMENT OF THE PARENT/GUARDIAN, OR STUDENT (IF 18 YEARS OF AGE OR OLDER).
 - b. BY ORDER OF THE COURT OR THE DEPARTMENT OF JUVENILE SERVICES.
- B. REPORTING
 - 1. IN ALL CASES OF LOSS OR DAMAGE, THE SCHOOL

PRINCIPAL OR DEPARTMENT HEAD SHALL FILE A *PROPERTY LOSS/DAMAGE REPORT FORM* WITH THE OFFICE OF RISK MANAGEMENT AND AS OUTLINED IN THE *CRITICAL RESPONSE AND SCHOOL EMERGENCY SAFETY MANAGEMENT GUIDE*.

- a. THE OFFICE OF RISK MANAGEMENT SHALL BE RESPONSIBLE FOR NOTIFYING AND COORDINATING REPAIRS OR REPLACEMENT WITH THE SCHOOL SYSTEM'S INSURANCE CARRIER WHEN VANDALISM EXCEEDS THE POLICY DEDUCTIBLES.
2. IN ALL CASES OF VANDALISM, THE POLICE ARE TO BE PROMPTLY NOTIFIED.

C. DETERMINING AMOUNT OF LOSS

1. IN CASES INVOLVING DAMAGE AND LOSS TO THE PHYSICAL PLANT, the DEPARTMENT OF PHYSICAL FACILITIES [Department of Fiscal Services and the Office of Safety and Security] will DETERMINE [assist the school personnel in determining] the extent of damage OR LOSS and PROVIDE [reach] an estimate FOR REPAIR OR REPLACEMENT COST. [of cost involved. Where necessary, the Department of Physical Facilities will assist with developing the estimate. The information will be forwarded to the Assistant County Attorney and to the Office of the Controller.]
2. IN CASES INVOLVING DAMAGE AND LOSS TO CLASSROOM OR OFFICE EQUIPMENT/SUPPLIES, THE OFFICE OF PURCHASING WILL ASSIST SCHOOL PERSONNEL IN DETERMINING REPAIR OR REPLACEMENT COSTS.
3. IN CASES INVOLVING DAMAGE TO VEHICLES, THE OFFICE OF TRANSPORTATION WILL DETERMINE THE AMOUNT OF DAMAGE OR LOSS AND PROVIDE AN ESTIMATE FOR REPAIR OR REPLACEMENT.

IV. RESTITUTION FROM STUDENTS

- A. A STUDENT WHO COMMITS AN ACT OF VANDALISM SHALL BE SUBJECT TO DISCIPLINARY ACTION IN ACCORDANCE WITH BOARD OF EDUCATION POLICY 5550, *BEHAVIOR*.
- B. WHEN A STUDENT HAS BEEN REASSIGNED AS A RESULT OF AN

ACT OF VANDALISM, THE SUPERINTENDENT, SUPERINTENDENT'S DESIGNEE, OR THE REVIEW AND REINSTATEMENT COMMITTEE, IS AUTHORIZED TO REQUIRE PAYMENT OF RESTITUTION AS A CONDITION FOR READMISSION. RESTITUTION IN THIS SUBSECTION IS SUBJECT TO THE FOLLOWING:

1. THE RESTITUTION MAY BE IN THE FORM OF MONETARY RESTITUTION, OR THE STUDENT'S ASSIGNMENT TO A SCHOOL WORK PROJECT, OR BOTH.
2. IF MONETARY RESTITUTION IS ORDERED, IT MAY NOT EXCEED THE LESSER OF THE LOSS AS DETERMINED IN SECTION III(C) OR \$2,500.00.
3. THE STUDENT'S PARENT OR GUARDIAN IS NOTIFIED IN WRITING OF THE RESTITUTION ORDER.
4. THIS SECTION DOES NOT APPLY IF THE STUDENT HAS BEEN REFERRED TO THE DEPARTMENT OF JUVENILE JUSTICE.

- C. THE OFFICE OF STUDENT SUPPORT SERVICES WILL ESTABLISH PROCEDURES FOR THE COLLECTION OF RESTITUTION FROM STUDENT OFFENDERS.

V. CRIMINAL PROCEEDINGS

- A. IF CRIMINAL CHARGES ARE COMMENCED RELATING TO VANDALISM OF SCHOOL PROPERTY, BCPS MAY PURSUE RESTITUTION FOR ANY DAMAGES THROUGH THE CRIMINAL PROCEEDINGS.
- B. SCHOOLS SHALL IMMEDIATELY REFER ALL REQUESTS AND NOTICES OF HEARINGS FROM JUVENILE AUTHORITIES, THE COURT SYSTEM, AND THE STATE'S ATTORNEY'S OFFICE TO THE OFFICE OF LAW.
- C. THE OFFICE OF LAW WILL COORDINATE RESPONSES TO THE COURT AND ENSURE THAT THE APPROPRIATE AUTHORITIES HAVE KNOWLEDGE OF THE ACTUAL DAMAGES TO THE SCHOOL SYSTEM AND FACILITATE OBTAINING ORDERS OF RESTITUTION.

VI. PAYMENT.

ALL RESTITUTION FUNDS RECEIVED PURSUANT TO THIS RULE WILL BE DEPOSITED IN ACCORDANCE WITH ESTABLISHED ACCOUNTING PROCEDURES.

VII. COLLECTION

THE OFFICE OF LAW IS EMPOWERED TO NEGOTIATE SETTLEMENT OR INSTITUTE LEGAL PROCEEDINGS TO COLLECT RESTITUTION.

- [2. The principal will discuss the extent and cost of the damages with the parents and request restitution. Parents will be given the request, in writing, with a copy to the Assistant County Attorney and the Office of the Controller. Parents are to be informed that failure to make arrangements for voluntary restitution will result in the case being referred to the Assistant County Attorney who will sue for restitution.
3. Parents will be given 30 days by the school administration to respond to the request.
4. If the parents agree to pay through the local school, they will be informed that all money is to be sent to the principal in the form of a check or money order made payable to the local school. The local school will notify the Office of the Controller of the arrangements for repayment. The Office of the Controller will issue an invoice and establish an account for receiving restitution payments. The local school will forward all payments to the Office of the Controller. The local school will keep a record of all payments made.
5. If parents refuse to make arrangements for compensation or fail to follow through with arrangements made with the local school, the case will be referred to the Office of Law that will follow-up (see #1). The school has no further responsibility. In the event that restitution is not made through arrangements with the local school and the case is referred to the Office of Law that will follow the appropriate course of action.
 - a. The Office of Law has the authority to arrange a settlement with the parents and may arrange for collection of all the money involved in the restitution arrangements. The Office of the Controller will be notified of the arrangements and all money collected will be forwarded to the Office of the Controller.

- b. If no arrangement for restitution is reached, the Office of Law is empowered to sue for the amount due in restitution. If negotiating with the parents, the Office of Law has the authority to arrive at a reasonable settlement.
- 6. In the event of an expulsion related to vandalism, the Superintendent or the Superintendent's designee, and/or the Review and Reinstatement Committee can make the payment of restitution a condition for readmission. In that event, the procedures outlined above will be used.]

LEGAL REFERENCES: *ANNOTATED CODE OF MARYLAND*, EDUCATION ARTICLE §7-305, *SUSPENSION AND EXPULSION*

RELATED POLICIES: BOARD OF EDUCATION POLICY 3150, *BOARD INSURANCE PROGRAM*
BOARD OF EDUCATION POLICY 5550, *BEHAVIOR*

Rule

Superintendent of Schools

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