

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

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ISSUER: Frances Baez, PhD
Chief Academic Officer
Division of Instruction

Sophia Mendoza
Director
Instructional Technology Initiative

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POLICY: A student's parent or guardian is liable for any Los Angeles Unified School District (LAUSD) property that a student loses or damages. After due process, a student's grades, diploma, and transcripts can be withheld. Loss or damage to instructional materials may also result in the denial of participation in school activities that are deemed privileges (e.g., culmination/graduation ceremonies, dances, senior prom, student body office, interscholastic athletics, or other local school activities).

MAJOR CHANGES: This bulletin updates Bulletin 5509.3 with the same title, dated July 25, 2018, to include all Information Technology (IT) computing devices and peripherals. This policy reflects the new liability amount for parents or guardians and new cost amounts for replacement devices or peripherals. This provides links for schools to acquire replacement devices or peripherals, as well as reflects new procedures in the payment process.

GUIDELINES: California Education Code (EC) section 48904(a)(1) states that a 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 \$21,700 adjusted annually for inflation per EC Section 48904(a)(2). 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 and

ROUTING

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guardian pays for the lost or damaged school property (e.g., textbooks, library books, computers, devices, shop materials, loaned physical education clothes, sports equipment).

EC 49014 provides additional parameters for students if the damage to school property was not due to vandalism, loss, or willful damage. It also provides for a program of voluntary work for the minor in lieu of payment of monetary damages.

Teachers and other school employees, under the direction of the principal, are held responsible for the care of the school's property, equipment, materials, and supplies, particularly such property as located in the room or rooms to which they are assigned.

RESTITUTION

It is the policy of the District to seek restitution, as authorized by law, when a student, among other things, willfully cuts, defaces, or otherwise damages any property, or loses or fails to return District or school property. District property includes, but is not limited to, buildings and grounds, as well as instructional materials, library books, computers, devices, shop materials, physical education clothes, and sports equipment. With regard to District technology, damage includes, but is not limited to, installing unauthorized software applications, modifying, adding or deleting District software or any alteration to the configuration of any and all (IT) computing devices and peripherals, such as iPads, laptops and other devices. The parent/guardian is liable for damages, not exceeding \$21,700 increased annually for inflation. 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.

THEFT AND VANDALISM

In the case of theft or vandalism, the school administrator shall consult with school police to determine any criminal justice recourse and Student Discipline and Expulsion Support Unit for possible disciplinary action. 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.

WITHOLDING OF RECORDS

The authority to withhold grades, diplomas, or transcripts applies only to situations where the student, parent or guardian requests a copy of the student's records. When a student transfers to another K-12 school within LAUSD, the student's permanent record must be sent to the requesting K-12 school. If the student transfers to a K-12 school in another district, a copy of the student's permanent record must be sent to the requesting district.

A copy of the permanent record must be sent even though there may be charges or fees owed by the student, parent, or guardian (5 CCR section 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 (EC section 48904.3).

- PROCEDURES:**
- I. Responsibilities of the School – Policy Implementation
 - A. The school shall make use of the Remedy and Destiny inventory system which clearly identifies the student and the type of school property issued to the student. No student shall have grades, diploma, or transcripts withheld in the absence of satisfactory evidence of an accounting (inventory) system for the school and/or District property.
 - B. 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 the parents' or guardians' financial responsibility for school property that is not returned or where the student causes damage to school property. The school shall review these policies with students in the appropriate classrooms or homeroom. Attachment A contains a sample letter to parents in English explaining the policy. Attachment B is an example of a debt notification letter which can be formulated using the Destiny Resource Management System, under the "Reports" tab Attachment C contains a notice to parents/guardians informing them of lost

or damaged equipment. For more information regarding all IT computing devices and peripherals devices, please contact the IT Asset Management Office at (213) 241-3023.

- C. The school shall implement a restitution process by which students are afforded the opportunity to return the missing property, pay for the damages, or participate in a voluntary work program (or a combination of both) in lieu of payment of the monetary amount owed. This process shall be approved by the school's Governing Council, consistent with its role in deciding matters related to student discipline. Schools may initiate a payment process. Upon completion of the restitution process, the debt is discharged, and any withheld grades, diploma, or transcripts of the student shall be released and the full privileges of participation in school activities shall be restored.
- D. The school shall adopt the due process procedure listed below that allows the parent/guardian or student an opportunity to review, discuss, and respond to the imposition of any fees or charges resulting from this policy.
1. The guardian shall be informed in writing immediately after any alleged loss which gives rise to an obligation under Section 48904 of the EC. This notification must include an itemized invoice for any amount owed, as well as reference to this policy and the rights and responsibilities of parents.
 2. The parent or guardian may present information on behalf of the student, during a conference at the school, or via zoom 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 to withhold the grades, 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. 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 or the parent and or

guardian can agree to a combination of both payment and voluntary work.

- E. Pursuant to EC section 49014, a school may not take punitive action against a student or former student due to a debt owed to the school/District, including but not limited to the following:
1. Denying full credit for any assignments for a class.
 2. Denying full and equal participation in classroom activity.
 3. Denying access to on-campus educational facilities, including, but not limited to, the library.
 4. Denying or withholding grades or transcripts.
 5. Denying or withholding a diploma.
 6. Limiting or barring participation in an extracurricular activity, club, or sport.
 7. Limiting or excluding from participation in an educational activity, field trip, or school ceremony.

II. Procedures for Reimbursement

- A. This section applies to students whose parents have not paid the debt for damage to school property that was not caused by vandalism, willful damage, or failure to return. Current and former students experiencing homelessness or in foster care shall not be subject to punitive action based on parents not paying a school debt, regardless of the type of school property damage.
- B. When the parent/guardian agrees to pay the debt, in full or part:
1. For all IT computing devices and peripherals, follow the procedures below:
 - a. The parent/guardian shall complete Attachment C and ensure a response is provided for all required fields.
 - b. The parent/guardian writes either a cashier's check or money order (made payable to LAUSD) or gives cash to the School Administrative Assistant (SAA) or Financial Manager along with Attachment C. The SAA or Financial Manager provides a receipt to the parent/guardian.
 - c. The school must provide the parent/guardian with a receipt for each payment made to the school for any amount owed.

- d. If cash is received, deposit cash into the Student Body
 - e. fund and issue a check for the same amount payable to LAUSD.
 - f. Checks are to be sent to the Cash Receipts Unit (CRU) on the 26th Floor, Beaudry Building for deposit into account 16144. Complete CRU Remittance Form and include Attachment C.
2. Other instructional materials and equipment follow the procedures below:
 - a. The designated staff member will contact Region staff to determine replacement and service costs.
 - b. The parent/guardian writes a cashier's check or money order (made payable to LAUSD) or gives cash to the school SAA or Financial Manager. The SAA or Financial Manager provides a receipt to the parents/guardian.
 - c. Deposit cash into the Student Body fund and issue a check for the same amount payable to LAUSD.
 - d. Checks are submitted to the Region Fiscal Service Manager by December 31st and June 30th.
 - e. Regions deposit checks into the 14152 account for Textbooks and into the 13950 account for Library. For other items deposit into appropriate funding account.
 - f. The parent/guardian brings the receipt of payment to the designated staff member. The designated staff member clears the student's record.
 3. Upon payment or satisfactory completion of the school voluntary work assignment, the grades, diploma, or transcripts shall be released, and the debt discharged.

AUTHORITY: California Civil Code section 1714.1 California Education Code Sections 48904, 48904.35, 49014 Title V, California Code of Regulations section 438 LAUSD Board Rule 1704

RELATED RESOURCES: BUL-999.13 *Responsible Use Policy (RUP) For District Computer and Network Systems*, dated March 5, 2019
BUL-5892.2 *Donations*, dated August 23, 2018

ASSISTANCE: For assistance or further information, please contact:

For the most current replacement cost: Click the link [Replacement Cost](#) or ITAssetMgmt@lausd.net or (213) 241-3023.

For more information and/or assistance with Digital Citizenship, including device care: Instructional Technology Initiative at iti@lausd.net or (213) 241-5532.

For assistance regarding all IT computing devices and peripherals: Gus Tiongco at (213) 241-1309 or augustus.tiongco@lausd.net.

ATTACHMENTS: Attachment A – Sample Beginning of the Year Responsibility Letter RE Financial Responsibility for Damaged School Property
Attachment B – Sample Debt Notification Letter from Destiny Checked Out/Overdue Materials & Unpaid Fine(s)
Attachment C – Sample Lost or Damaged IT Computing Device and Equipment Notice
Attachment D – Los Angeles Unified School District CRU Remittance Form

SAMPLE BEGINNING OF THE YEAR RESPONSIBILITY LETTER
RE: Financial Responsibility for Damaged School Property

Dear Parents/Guardians:

This letter is to inform you of your legal responsibility regarding loss or damage of school property belonging to the Los Angeles Unified School District (District). California Education Code sections 48904 and 49014 states that the parent or guardian of any minor who willfully cuts, defaces, or otherwise injures any real or personal property of the District or its employees shall be liable for all damages caused by the minor up to \$21,700, increased annually for inflation.

District property includes, but is not limited to, buildings and grounds, as well as instructional materials, library books, computers, devices, shop materials, loaned physical education clothes, and sports equipment. A parent or guardian is liable to the District for all District property loaned to a minor and not returned to the school/District.

We will discuss the meaning of this responsibility with all students. We need your help to ensure that District property is kept in good condition, damaged items are reported as soon as possible, and that loaned items are returned to school when requested.

Parents are responsible for the payment of replacement or repair cost for any lost or willfully damaged District property. For this type of damage, the school is legally authorized to withhold the grades, diploma, and transcripts of students, or to deny participation in school activities that are deemed privileges (e.g., culmination/graduation ceremonies, dances, interscholastic sports, student body office, or other local school activities) until the obligation is cleared, except for students experiencing homelessness or in foster care.

The following are ways to help your student understand this responsibility:

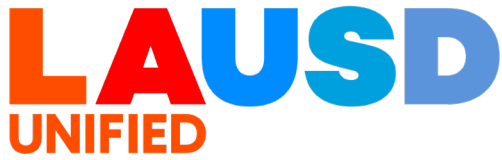
- Model careful handling of instructional materials, library books, devices, and other school property.
- Help students find a safe place to keep books during the borrowing period.
- Inform students that vandalism is not only a crime, but parents or guardians shall be held financially responsible for the damage.
- Understand that the device assigned may include a protective case that is to always remain on the device.
- Protect the screen from scratches.
- Keep food and beverages away from assigned device since it may cause damage to it.

- Do not disassemble or attempt any repairs on any part of the assigned device. Doing so will void the device warranty.
- Damages may include, but not limited, to scratches, cracks, or dents. Please report the damage to the school's administrator within 24 hours or as soon as possible thereafter.

In case of theft or vandalism, file a police report and notify school administrator within 24 hours or soon as soon as possible thereafter.

We look forward to a productive school year with your students and want to ensure that they have access to all of the materials they need to be successful.

(Signed by the School Principal or Designee)



**SAMPLE DEBT NOTIFICATION LETTER FROM DESTINY
Checked Out/Overdue Materials & Unpaid Fine(s)**

Notice

Dear Parent/Guardian:

This letter is to inform you that school records show your child has overdue materials that need to be returned to the school. After reviewing this notification, please check with your child and contact the school.

Sections 48904 and 49014 of the Education Code provide that parents/guardians are responsible for property loaned to students; therefore, we are requiring that the materials listed below be returned to the school or payment made by [insert due date here]. Our school is authorized to withhold the grades, diploma, and transcripts of the student, or to deny participation in school activities that are deemed privileges (e.g., dances, senior prom, culmination/graduation ceremonies, student body office, interscholastic athletics, or other local school activities) until the debt is cleared.

You have an opportunity to review, discuss, and respond to the imposition of any fees or charges. Please know that our school provides a program of voluntary work in lieu of payment of monetary damages. If you have any questions or concerns about this letter, please contact [insert contact person's name here] at [insert phone number here.]

Parent Signature

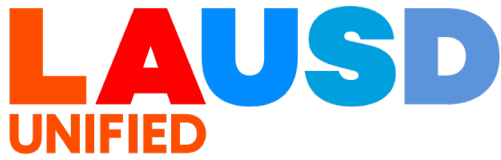
Date

Student Signature

Date

Textbooks

<i>Due</i>	<i>Barcode</i>	<i>Title</i>	<i>Est. Fine</i>
6/15/2011	4000000000069	Holt California Geometry	(\$76.60)



SAMPLE LOST OR DAMAGED IT COMPUTING DEVICE AND EQUIPMENT NOTICE

Dear Parent/Guardian:

Section 48904 of the Education Code provides that parents/guardians are responsible for property loaned to students. Our school is authorized to withhold the grades, diploma, and transcripts of the student, or to deny participation in school activities that are deemed privileges (e.g. culmination/graduation ceremonies, dances, senior prom, student body office, interscholastic athletics, or other local school activities) until the debt is cleared for damage to school property caused by vandalism, willful damage, or failure to return the school property.

You have an opportunity to review, discuss, and respond to the imposition of any fees or charges. Please know that our school provides a program of voluntary work in lieu of payment of monetary damages. If you have questions about this form, please contact [*insert contact person's name here*] at [*insert phone number*].

A. Loss Information

Student Name _____
Mailing Address _____
School Name _____
Location Code _____
Police Report # _____

B. Contact Information

Contact _____
Employee ID _____
Phone Number _____
E-mail Address _____

C. Loss Detail

Item	Serial # or Asset Tag	Description	Quantity	Unit Cost**	Total Cost

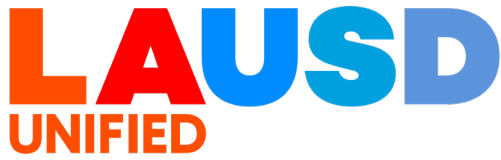
D. Signature

Principal Signature

Date

*For Unit Cost, please go to ITAM website: <https://achieve.lausd.net/ITAM>

Los Angeles Unified School District



CRU Remittance Form

TO: Cash Receipts Unit
 Treasury and Revenue Accounting Branch

DATE: _____

FROM: _____

COST CENTER: _____
 Your 7-digit location code

TEL: _____

FAX: _____

SUBJECT: REQUEST TO DEPOSIT CHECKS – FOR FISCAL YEAR

Please use the accounting lines below to process the check(s) enclosed.

ELEMENTARY / MIDDLE / HIGH SCHOOL

Type of Remittance	Fund		Functional Area			GL Account (Object)	Cost Center (Org Code)	Check Amount
	Fund	Resource	Goal	Function	Program			
Lost/Damage/Obsolete Textbooks	010	0000	1110	1000	14152	410060		
Lost/Stolen/Damage/Computing Devices/Peripherals	010	0000	1110	1000	16141	440001	10044001	
Lost/Damage Library Books	010	0000	0000	0000	00000	869906	9999999	
Lost/Damage Eqpt/Property/Facility	010	0000	0000	0000	00000	869901	9999999	
Library Fines	010	0000	0000	0000	00000	869906	9999999	
Total								

APPROVED BY:

PRINCIPAL

Note: Please issue check payable to **LOS ANGELES UNIFIED SCHOOL DISTRICT**
 Do not use this form for Donation Checks (*please use [Attachment A, BUL-5895.2](#)*)

SAMPLE INFORMATION FOR PARENTS/GUARDIAN

As part of their education, students are provided with materials and equipment, including textbooks and devices, to assist with instruction. In order to ensure the District maintains materials so all students have access, certain procedures are in place. Students should handle instructional materials, library books, devices and other school property with care.

The following are ways to help your student understand this responsibility:

- Model careful handling of instructional materials, library books, devices, and other school property.
- Help students find a safe place to keep books during the borrowing period.
- Inform students that vandalism is not only a crime, but parents or guardians may be held financially responsible for the damage.

What happens if District/school property, such as textbooks or devices, are damaged? Parents and legal guardians should report damage to school property to the school as soon as possible. If a student's device is damaged, the student will be provided a replacement upon return of the damaged property, to ensure access. If the pupil fails to return a device or willfully damages textbooks by cutting, defacing, or otherwise injuring the school property, under the Civil Code and Education Code, as well as District policy, parents are liable for damage to school property, including textbooks and/or devices, since these items are purchased with public funds.

However, schools shall not take negative action against a pupil or former pupil because of a debt owed to the school, including but not limited to all of the following, in cases that do not involve willful damage or loss:

1. Denying full credit for any assignments for a class.
2. Denying full and equal participation in classroom activity.
3. Denying access to on-campus educational facilities, including, but not limited to, the library.
4. Denying or withholding grades or transcripts.
5. Denying or withholding a diploma.
6. Limiting or barring participation in an extracurricular activity, club or sport.
7. Limiting or excluding from participation in an educational activity, field trip, or school ceremony.

If the school finds that its property is damaged as a result of willful acts, the school may:

1. Provide an itemized invoice for the amount owed by the parent.
2. A payment plan may be established, and a receipt will be provided after each payment.
3. The school may offer the parent and the pupil alternatives to repayment with money. Alternatives to repayment must be approved by the parent. Any alternatives that include service or work in exchange for repayment shall comply with all provisions

of the Labor Code, including those sections relating to youth employment. Examples of service or work in exchange for repayment may include library service, completing a service-learning project, assignment, or research report, to name a few.

We look forward to a productive school year with your students and want to ensure that they have access to all of the materials they need to be successful. Please contact the school if you have any questions or concerns.