



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

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

NUMBER: BUL-5509.3

ISSUER: Frances M. Gipson, Ph.D.
Chief Academic Officer

Sophia Mendoza, Director
Instructional Technology Initiative

ROUTING

Local Districts Superintendents
Directors
Principals
Fiscal Specialists
Local District Coordinators
Counselors
Library Media Personnel
UTLA Representatives

DATE: July 25, 2018

POLICY: A student's parent or guardian is liable for any Los Angeles Unified School District (District) 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, inter-scholastic athletics, or other local school activities).

MAJOR CHANGES: This Bulletin updates Bulletin 5509.2 with the same title, dated March 7, 2017 to include all IT computing devices and peripherals. It reflects the new liability amount for parents or guardians; new cost amounts for replacement devices and peripherals as well as provides links for schools to acquire replacement devices or peripherals. It also reflects new procedures in the payment process.

GUIDELINES: California Education Code 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 \$19,100, 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/guardian pays for the lost or damaged school property (e.g., textbooks, library books, computers, devices, shop materials, physical education clothes, and sports equipment). It also provides for a program of voluntary work for the minor in lieu of payment of monetary damages.



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Teachers and other District employees, under the direction of the principal, are held responsible for the care of school's 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 damage any property, or loses or fails to return property, borrowed or personal belonging to the school District or school employee. This 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 such damages, not exceeding \$19,100, 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.

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.

The authority to withhold grades, diploma, or transcripts applies only to situations where the student, parent or guardian has requested 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. The permanent record, or copy, must be sent 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).



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PROCEDURES: Responsibilities of the School – Policy Implementation

1. The school shall make use of the Destiny inventory system that 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 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 the parents' or guardians' 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 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.
3. 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) 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.
4. 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.
 - a. 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.



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- b. 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.
 - c. The principal/designee shall, after reviewing any information presented during this meeting, decide whether or not 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.
 - d. 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/guardian can agree to a combination of both payment and voluntary work.
5. When the parent/guardian agrees to pay the debt, in full or in part:
- a. For all IT computing devices and peripherals, follow the procedure below:
 - The parent/guardian shall complete Attachment C and ensure a response is provided for all required fields.
 - 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 parents/guardian.
 - If cash is received, deposit cash into the Student Body fund and issue a check for the same amount payable to LAUSD
 - Checks are to be sent to Cash Receipts (26th Floor Beaudry Bldg.) for deposit into account 16144. Complete CRU Remittance Form and include Attachment C.
6. Other instructional materials and equipment follow the procedures below:
- The designated staff member will contact LD staff to determine replacement and service costs.



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- 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.
 - Deposit cash into the Student Body fund and issue a check for the same amount payable to LAUSD.
 - Checks are submitted to the Local District Fiscal Service Manager by December 31st and June 30th.
 - Local Districts deposit checks into the 14152 account for Textbooks and into the 13950 account for Library. For other items deposit into appropriate funding account.
 - The parent/guardian brings the receipt of payment to the designated staff member. The designated staff member clears the student's record.
7. Upon payment or satisfactory completion of the school voluntary work assignment, the grades, diploma, or transcripts shall be released and the debt discharged.
 8. School sites should only use program 16141 to purchase IT computing devices and peripheral replacements. Schools can use the links provided below to make purchases. School site administrators are able to make the procurement order either online or by contacting the ITD resources found at the end of this policy document.

AUTHORITY: California Education Code Sections 48904 and 48904.35
CCR 438.
LAUSD Board Rule 1704
UTLA and District Agreement IX 4.0

ASSISTANCE:

1. Procurement Shopping Cart: <http://achieve.lausd.net/procurement>
2. LAUSD Store Catalog Shopping Cart: <https://storescatalog.lausd.net/>
3. For the most current replacements costs, please click the link to access the re- order matrix: <http://achieve.lausd.net/itam>
4. For assistance regarding all IT computing devices and peripherals, please contact, IT Asset Management at (213) 241-3023 or ITAssetMgmt@lausd.net



[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 section 48904 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 \$19,100, 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, 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 upon demand.

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 and that loaned items are returned to school upon demand. Parents are expected to pay the replacement or repair cost for any lost or damaged District property due to the student's carelessness and negligence. 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.

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.

We look forward to a successful school year with your student.
(Signed by the School Principal or Designee)



EXAMPLE OF A DEBT NOTIFICATION LETTER FROM DESTINY

Checked Out/Overdue Materials & Unpaid Fined Notice

Dear parents or guardians of
Section 48904 of the Education Code provides 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, inter-scholastic 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, 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.]

Parents 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)	



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ATTACHMENT C

LOST OR DAMAGED IT COMPUTING DEVICE AND EQUIPMENT NOTICE
[SAMPLE]

Dear Parent or 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, inter-scholastic 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 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 # / Part #	Description	Qty	Unit Cost**	Total Cost

D. Signature

Principal Signature

Date

* Information required

** For Unit Cost please refer to Attachments

**INTER-OFFICE CORRESPONDENCE
Los Angeles Unified School District**

To : Cash Receipts Unit
Treasury and Revenue Accounting Branch

Date : _____

From : _____

Cost Center : _____
(your 7-digit Location Code)

Tel # : _____

LD : _____

Fax # : _____

Subject : Request to Deposit Checks - for Fiscal Year _____

Please use the following accounting lines 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	0 1 0	0 0 0 0	1110	1000	14152	410060		
Lost/Stolen/Damage/Computing Devices/Peripherals	0 1 0	0 0 0 0	1110	1000	16141	440001		
Lost/Damage Library Books	0 1 0	0 0 0 0	0000	0000	00000	869906	9999999	
Lost/Damage Eqpt/Property/Facility	0 1 0	0 0 0 0	0000	0000	00000	869901	9999999	
Library Fines	0 1 0	0 0 0 0	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 No. 5895.1**)