

Fresno Unified Board Policy (BP) 5131.5 Vandalism And Graffiti

The Governing Board desires to enhance student learning by striving to provide an environment where students and staff can feel safe and secure and can take pride in their school and shall seek redress in the amount of the damage from any individual or the parents/guardians of any minor who commits any act of vandalism. Vandalism includes negligent, willful, or unlawful damaging or taking of any district-owned real or personal property.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

(cf. 4158/4258 - Employee Protection)

(cf. 5137- Positive School Climate)

(cf. 5136 - Gangs)

(cf. 5138 - Conflict Resolution/Peer Mediation)

Students and staff are encouraged to report any graffiti or vandalism to the principal or designee for investigation. The principal or designee shall determine whether the incident necessitates an investigation pursuant to the district's sexual harassment, hate-motivated behavior, or nondiscrimination grievance procedure.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

As appropriate, the principal or designee may contact local law enforcement in instances when the graffiti is repetitive, identifies particular targets or groups, identifies the perpetrator, and/or contains incitements to violence, threats, or intimidation. Photographs or other evidence of the vandalism or graffiti shall be preserved as necessary for investigation by the district or law enforcement and as evidence in any district disciplinary proceedings.

The principal or designee shall ensure that graffiti on school grounds is removed and covered as soon as possible, and if practicable before the beginning of the school day.

Parents/Guardians

A student who commits an act of vandalism or graffiti on school grounds shall be subject to disciplinary action, including, but not limited to, suspension or expulsion in accordance with Board policy and administrative regulation. If reparation for damages is not made, the district also may withhold the student's grades, diploma, and/or transcripts in accordance with law.

(cf. 5144.1 - Suspension and Expulsion/Due Process)

The parent/guardian having custody or control of a minor who commits an act of vandalism may be held liable for that act and any reward up to amounts specified by law. Prior to withholding a student's grades, diploma or transcript, the district shall notify the student's parent/guardian of the student's alleged misconduct. (Education Code 48904).

When the minor and parent/guardian are unable to pay for the damages (upon showing by certification of the parent/guardian that they cannot reasonably afford the cost), the district

shall provide a program of voluntary work for the minor. Upon completion of the work, the student's grades, diploma and transcripts shall be released.

(cf. 5125 - Student Records; Confidentiality)

Fresno Unified School District prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age, creed, religion, political affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, medical information, military veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension (or expulsion)

48904 Willful misconduct, limit of liability of parent or guardian

48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; transfer of pupils to new school districts; notice to rescind decision to withhold

CODE OF REGULATIONS, TITLE 5

305 Pupil responsible for care of property

CIVIL CODE

51.7 Right to be free from violence

52.1 Discrimination liability

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

GOVERNMENT CODE

53069.5 Reward for information concerning person causing death, injury, or property damage; liability for reward

PENAL CODE

594.1 Aerosol containers of paint

594.2 Intent to commit vandalism or graffiti

594.6 Vandalism or graffiti, community service

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

Policy FRESNO UNIFIED SCHOOL DISTRICT

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