

MODESTO CITY SCHOOLS

Board Policy

BP 5131.5

STUDENTS

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. To that end, the Superintendent or designee shall develop strategies for preventing graffiti and vandalism on school grounds, including collaborating with local law enforcement and city and county officials, as appropriate, to help develop a coordinated response to graffiti and vandalism in the community.

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.

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.

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.

STUDENTS

Vandalism And Graffiti

Legal References:

EDUCATIONAL CODE

48900 Grounds for Suspension and/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

GOVERNMENT CODE

53069.5 Reward for information

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

CODE OF REGULATIONS, TITLE 5

305 Student responsible for care of property

CIVIL CODE

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

51.7 Freedom from violence or intimidation

52.1 Discrimination liability

Management Resources:

WEBSITES

California Department of Education: <https://www.cde.ca.gov/>

CSBA: <https://www.csba.org/>

Cross References (cf.):

0450 – Comprehensive Safety Plan (N/A)

1330.1 – Joint Use Agreements (N/A)

3515 – Campus Security

3515.3 – District Police/Security Department (N/A)

3515.3 – Sex Offender Notification

3515.4 – Recovery For Property Loss Or Damage (N/A)

4156.3/4356.3 – Employee Property Reimbursement (N/A)

5125.2 – Withholding Grades, Diploma Or Transcripts

5131 – Conduct

5131.1 – Bus Conduct

5131.4 – Student Disturbances (N/A)

5136 – Gangs (N/A)

5136 – Class rings and Pins

5137 – Positive School Climate

5138 – Conflict Resolution/Peer Medication (N/A)

5138 – Electronic Signaling or Communication Devices

STUDENTS

Vandalism And Graffiti

Cross References (cf.) (cont.):

5144 – Discipline (N/A)

5144 – Subpoena Power, Expulsion Proceedings

5144.1 – Suspension And Expulsion/Due Process

5145.3 – Nondiscrimination/Harassment

5145.7 – Sexual Harassment

5145.9 – Hate-Motivated Behavior (N/A)

6161.2 – Damaged or Lost Instructional Materials

ADOPTED: May 16, 2022