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Feb 24

[See **POLICY ALERT No. 232**]

R 7610 VANDALISM

A. Definitions

1. “Vandalism” means the willful and malicious acts of any person that result in the destruction, defacement, or damage of any property, real or personal, belonging to or entrusted to the Board of **Education**. Vandalism includes arson and **acts an-aet** of graffiti.
2. “Arson” means the willful and malicious burning or setting on fire of any building or part of any building owned or operated by the Board, by any person.
3. “Act of graffiti” means the drawing, painting, or making of any mark or inscription on school district real or personal property without the permission of the school district.

B. Reporting Vandalism

1. Any school employee who has reason to believe ~~that~~ an act of vandalism has occurred shall immediately report that belief or suspicion to the Principal of the affected building or, if the vandalism occurs at a facility other than a school, the supervisor in charge of the facility.
2. The Principal or supervisor shall promptly institute an investigation of the report by taking these steps as appropriate to the extent and seriousness of the vandalism:
 - a. Requesting the reporting employee to file a report of the evidence giving rise to **their his/her** belief or suspicion that vandalism has occurred;
 - b. Visiting the site of the vandalism and examining its extent, taking photographs as necessary;
 - c. Determining and recording the names of witnesses, if any;



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- d. Interviewing witnesses and requesting their written reports of events;
 - e. Assessing the costs of repair and replacement of any parts of the building, furnishings, and/or equipment; and
 - f. Questioning the ~~person or~~ person(s), if any, identified as having caused the vandalism.
3. The Principal will complete and file with the Superintendent a detailed vandalism and property damage report.
 4. The Principal will notify **law enforcement** ~~the policee~~ **when appropriate and in accordance with applicable laws.** ~~if the vandalism involves:~~
 - a. ~~Significant damage, or~~
 - b. ~~Arson, or~~
 - c. ~~Theft or burglary, or~~
 - d. ~~The use of any symbol that exposes persons to violence, contempt, or hatred on the basis of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability, or~~
 - e. ~~An act of graffiti.~~
- C. Penalties and Restitution
1. A student who vandalizes school property is subject to discipline, which may include suspension or expulsion, in accordance with **Board Policy, Board Regulation, and law Policy Nos. 5600, 5610, and 5620.**
 2. A student who vandalizes school property will be held liable for any damages caused by the act of vandalism.



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3. The parent(s) ~~or legal guardian(s)~~ of any minor who **shall injure any injures/vandalizes public or nonpublic** school property; ~~whether or not the minor is enrolled in this district~~, shall be liable for damages ~~for to~~ the amount of the injury **to be collected by the Board or the owner of the premises in any Court of competent jurisdiction**, together with costs of suit **in accordance with** ~~if the Board must resort to legal process to obtain payment of damages.~~ N.J.S.A. 18A:37-3.
 - a. The **Principal or designee** _____ shall obtain a professional estimate of the cost of repairs and/or replacements necessitated by the vandalism.
 - b. The **Principal or designee** _____ shall present the student's parent(s) ~~or legal guardian(s)~~ with an itemized bill based on the estimated costs.
 - c. If, within **thirty** _____ calendar days, the student's parent(s) ~~or legal guardian(s)~~ has not paid the bill or made arrangements with the **Principal or designee** _____ for the payment of the bill in periodic installments, the Superintendent shall inform the Board and **may** recommend ~~that~~ the Board Attorney commence civil action for the amount due together with costs.
 - d. No diploma, transcript, transfer card, or report card will be issued to the student until all obligations to the Board have been met.
- ~~4. The Principal will recommend to the Superintendent and the Superintendent will recommend to the Board, a student whose vandalism of school property is so serious or chronic as to warrant reporting the student to the police.~~
45. Any person who purposely defaces or damages school property with any symbol that exposes persons to violence, contempt, or hatred on the basis of **any of the protected categories listed at N.J.A.C. 6A:7-1.1(a)** ~~race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or~~



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~~sex, social or economic status, or disability is~~ **may have committed** ~~guilty of~~ a crime and shall be reported to the appropriate law enforcement agency **in accordance with Policy and Regulation 8465; N.J.A.C. 6A:16-6.3; and the Memorandum of Agreement with Local Law Enforcement.**

56. Any person who purposely or knowingly damages school district property recklessly or negligently in the employment of fire, explosives, or another dangerous means listed in accordance with N.J.S.A. 2C:17-2, or purposely or recklessly tampers with the tangible property of the school district so as to endanger school district property, will be reported to the appropriate law enforcement agency.
67. A person convicted of an offense of **criminal mischief** that involves an act of graffiti **may, in addition to any other penalty imposed by the Court,** ~~will~~ be required to ~~pay~~ **reimburse** the school district **monetary restitution in the amount of the pecuniary damage caused by the act of graffiti** ~~the cost of damages and may be required to perform community service, which may include removing the graffiti from the property, in accordance with N.J.S.A. 2C:17-3.c. the law.~~ **If community service is ordered by the Court, it shall be for either not less than twenty days or not less than the number of days necessary to remove the graffiti from the property.** ~~In addition, the courts may suspend or postpone driving privileges of any person, at least thirteen and under eighteen years of age, if convicted of an act of graffiti.~~

Issued:

