

Obtaining Restitution from Students

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RESOURCES:

- BCPS Property Loss/Damage Report, PS 109, F1
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Overview

Pursuant to Board of Education Policy, any student who damages, destroys, or substantially decreases the value of school property or the property of another that was on school property will be required to make restitution to the school system. As part of the conference on the matter with the student, the principal shall require the student or the student's parent/guardian to make restitution. In the event a student has been deemed to have violated Policy 5550, Students: Conduct, Disruptive Behavior, and is expelled, the executive director of the Department of Student Support Services, the superintendent's designee, and/or the Expulsion Review and Reinstatement Committee may make the payment of restitution a condition for readmission. Restitution is subject to the following conditions:

I. Conditions

- A. Restitution may be in the form of monetary restitution, or the student's assignment to a school work project, or both.
- B. If monetary restitution is ordered, it may not exceed the lesser of the fair market value of the property or \$2,500.
- C. The student's parent/guardian must be notified of the restitution order.
- D. If the student is suspended or expelled, the imposition of the order of restitution shall be reported to the superintendent's designee.
- E. This procedure does not apply if the student has been referred to the Department of Juvenile Justice.
 1. If criminal charges are brought, the Office of Risk Management, the Loss Control Safety supervisor, and the Office of Law will coordinate with the

appropriate juvenile authorities to ensure that they have knowledge of the actual damages in each case of vandalism and to facilitate the obtaining of appropriate orders of restitution.

2. School administrators shall refer all requests from juvenile authorities and/or the court system to the Office of Law.

II. Reporting

- A. All instances of vandalism, property loss and damage, including fire and theft, are to be recorded on the *Property Loss/Damage Reporting Form*, PS 109, F1, and reported to the Office of Risk Management within 24 hours.
- B. Procedures for reporting property loss are located on the Intranet under the Office of Risk Management.
- C. Claims for restitution must be accompanied by a written estimate of the damage sustained.
 1. All requests for restitution must be accompanied by an itemized repair bill, itemized estimate of the cost of repairing the damage, or the fair market value of the property (for theft, this may include a receipt for the property, a BCPS' purchase order, or any document that will verify proof of purchase and cost).
 2. The Office of Risk Management and the Loss Control Safety supervisor will assist school personnel in determining the extent of damage and in providing an estimate of cost involved.

III. Notice to Parent/Guardian

- A. The principal will verbally advise the parent/guardian of the extent of the damage/loss and will notify him/her that restitution will be required in the amount of the cost to the school system.
- B. For tracking purposes, each claim for restitution will be assigned a restitution case number. The restitution case number will be the school year followed by the last four digits of the student's ID number (i.e., 10-1234). This restitution case number will be used on all correspondence regarding the demand for restitution.
- C. The principal will send to the parent/guardian the *Notice of Restitution* letter, PS 109, L1. The *Notice of Restitution* letter, PS 109, L1, will be sent with the following enclosures:
 1. Written estimate of damage or loss.
 2. *Restitution Agreement Form*, PS 109, F2.
 3. Board of Education Policy and Superintendent's Rule 3532.

Links to policy/rule:

http://www.bcps.org/system/policies_rules/policies/3000Series/POL3532.pdf

http://www.bcps.org/system/policies_rules/rules/3000Series/RULE3532.pdf

- D. Copies of all correspondence requesting restitution shall be forwarded to the following offices:
1. Assistant Superintendent
 2. Office of Law
 3. Office of Accounting
 4. Superintendent's designee (if restitution required as result of suspension or expulsion hearing)

IV. Payment

- A. The parent/guardian will be given 30 days to return the *Restitution Agreement Form*, PS 109, F2, to the school.
- B. All payments by the parent/guardian will be made by cashier's check or money order, payable to Baltimore County Public Schools and sent to the attention of the principal.
- C. The principal will notify the Office of Accounting of the arrangements for payment by providing the Office of Accounting with a copy of the completed *Restitution Agreement Form*, PS 109, F2.
- D. The Office of Accounting will issue an invoice to establish an account for receiving restitution payments.
- E. The principal will forward all restitution payments he/she receives to the Office of Accounting using the *Cash Receipt/Remittance Report for Schools Form*. The restitution case number shall be noted on the *Remittance Report Form*.
- F. The principal will keep a record of all restitution payments made.

V. Collection

- A. If the parent/guardian fails to return the *Restitution Agreement Form*, PS 109, F2, or to comply with the payment schedule agreed to in the *Restitution Agreement Form*, PS 109, F2, the principal will forward the case to the Office of Law for collection. Once the case has been sent for collection, the principal has no further responsibility.
- B. The Office of Law may negotiate a settlement or institute legal proceedings to collect restitution.

1. The Office of Law will notify the Office of Accounting if a settlement agreement has been finalized.
2. All money collected will be forwarded to the Office of Accounting.

VI. School Work Project

- A. At the discretion of the principal, a school work project may be assigned in lieu of monetary restitution.

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