

# REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

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**Related Entries:** COB-RA, COC-RA, COC-EA, DNA-RA, JNA-RB  
**Responsible Office:** Chief Operating Officer  
**Related Source:** *Annotated Code of Maryland*, Education Article, § 7-305  
(ED §7-305); *Code of Maryland Regulations* 13A.08.01.11 (D)

## Loss of or Damage to Montgomery County Public Schools Property

### I. PURPOSE

To establish procedures for identifying and reporting property loss, including accidental and malicious damage, theft, and fire or other damage; deleting stolen or destroyed items from the inventory; and establishing responsibility for follow-up procedures

### II. PROCEDURES

#### A. Report of Damage or Destruction and/or Theft of Property

When Montgomery County Public Schools (MCPS) property has been damaged, destroyed, or removed from the premises without authorization, the principal/director is notified. The principal/director is responsible for:

1. Determining whether the loss is accidental or malicious or due to theft
2. Reporting to the police all cases when MCPS property is stolen, or those cases of vandalism for which notification of police is appropriate
3. Following procedures for reporting a serious incident, consistent with MCPS Regulation COB-RA, *Reporting a Serious Incident*. The following are examples of serious incidents:
  - a) Serious property damage that results in disruption of the school day
  - b) Any involvement of police and/or fire and rescue officials

4. Contacting the risk management specialist, within the Employee and Retiree Service Center in the Department of Financial Services, when the loss or damage is estimated to be valued equal or greater to \$1,000. Claims are not filed for loss or damage valued less than \$1,000.
5. Completing MCPS Form 234-17: *Furniture/Equipment Inventory Property Report: Delete* for each incident. It is necessary to complete the form by providing all available information including the make, model number, serial number (if applicable), and MCPS barcode for each item.
  - a) The cost can be obtained from the purchase requisition or estimated.
  - b) MCPS Form 234-17: *Furniture/Equipment Inventory Property Report: Delete* is completed within 48 hours after the destruction of property or discovery of unauthorized removal of property, and copies are forwarded to the Department of Materials Management, Supply and Property Unit.

B. Repair

If the principal/director believes that the damaged MCPS property can be repaired, the Division of Maintenance should be contacted for an assessment. If the Division of Maintenance can repair the damage, the division prepares an invoice.

C. Recovery and Restitution (See also MCPS Regulation JNA-RB, *Collection of Student Obligations*.)

1. The principal/director makes every effort to recover MCPS property or obtain restitution for the amount of the property loss or damage when liability and culpability has been determined. In carrying out this responsibility, the following procedures are implemented:
  - a) A conference is held with the individual or entity representative or, in the case of a student, with the student and parent/guardian to:
    - (1) Determine the extent of liability and the degree to which the loss or damage is accidental or malicious

- (2) Provide information concerning the amount of restitution to be made to MCPS
    - b) When the principal/director is unable to reach a satisfactory agreement for recovery of MCPS property or restitution for the amount of the property loss or damage, the Department of School Safety and Security is contacted for assistance in making appropriate contact with the police and/or courts for restitution.
    - c) When a student is referred to the Department of Juvenile Services, the determination of restitution is made by the court.
2. The principal shall require the student or the student's parent, guardian, and any other appropriate person to make restitution if a student violates a state or local law or regulation and has not been referred to the Department of Juvenile Services and during or as a result of the commission of that violation damaged, destroyed, or substantially decreased the value of school property.
  - a) The restitution may be in the form of monetary restitution not to exceed the lesser of the fair market value of the property or \$2,500, or by the student's assignment to a school work project, or both.
  - b) A financial obligation, as defined in MCPS Regulation JNA-RB, *Collection of Student Obligations*, is assigned to the student and/or arrangements are made for a school work project.
3. When property is recovered or restitution is paid, the following procedures are followed:
  - a) If the loss or damage is valued at less than \$1,000, funds collected in restitution for property loss or damage are deposited in the school's independent activity fund loss/damage account.
  - b) If the loss or damage is valued equal or greater to \$1,000 and the risk management specialist has filed a claim, restitution is made to MCPS through the risk management specialist. If no claim has been filed through the risk management specialist, the funds collected are deposited in the school's independent activity fund loss/damage account.

- c) When an inventory item is recovered or replaced, MCPS Form 234-18: *Furniture/Equipment Inventory Property Report: Addition/Correction* is completed by the principal/director.

**Regulation History:** Formerly Regulation No. 230-3, March 16, 1974; reviewed April, 1988; revised May 26, 1992; revised September 29, 1999; updated office titles June 1, 2000, revised July 24, 2013.