



CALIFORNIA  
DEPARTMENT OF  
EDUCATION

**TOM TORLAKSON**

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

## **FISCAL MANAGEMENT ADVISORY 16-01**

**DATE:** September 16, 2016

**TO:** County and District Superintendents  
Charter School Administrators

**FROM:** Nick Schweizer, Deputy Superintendent  
Services for Administration, Finance, Technology, and Infrastructure

**SUBJECT: Pupil Fees: Damage to School Property**

Questions have arisen recently as to the circumstances in which school districts can charge fees for damage to school property. This memo is intended to augment Fiscal Management Advisory (FMA) 12-02, *Pupil Fees, Deposits, and Other Charges*, dated April 24, 2013.

A school district can charge a fee (not to exceed \$10,000) when a student “willfully” cuts, defaces, or otherwise injures any real or personal property belonging to a school district, or personal property of a school employee. California *Education Code* Section 48904(a)(1). It appears, based on rules of construction, that the word “willfully” modifies each of the phrases -- “cuts, defaces or otherwise injures” -- that follows. Therefore, school districts should analyze, on a case-by-case basis, whether property has been willfully damaged. A blanket policy that charges fees for any damage to property would appear to be inconsistent with the statute.

This Advisory reflects current law on this specific issue, and supersedes any previous communication regarding this specific issue.