

# POLICY

**SUBJECT: Loss or Destruction of District Property or Resources**

The District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) when such student:

- a) Has willfully, maliciously, or unlawfully damaged, defaced or destroyed real or personal property in the care, custody and/or ownership of the District; or
- b) Has knowingly entered or remained in a District building, and wrongfully taken, obtained or withheld personal property owned or maintained by the District, a District employee, a District student or a duly authorized volunteer.

In instances where the District has sought and obtained a judgement from a court of competent jurisdiction, parent/guardian liability for civil damages shall not exceed \$5,000. Prior to the entry of a judgment in the sum total of \$500 or more, a court will provide the parent/guardian with an opportunity to apply to the court to demonstrate financial inability to pay any portion or all of the amount of damages which are in excess of \$500. Thereafter, the court will enter a judgment in an amount within the financial capacity of the parent or guardian. However, no such judgment shall be entered for an amount which is less than \$500.

**False Reporting of an Incidents and/or Placing a False Bomb**

The District is also authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has falsely reported an incident; as defined in Penal Law Sections 240.50, 240.55 or 240.60; or
- b) Has placed a false bomb as defined in the Penal Law Section 240.61.

The District's damages for falsely reporting an incident or placing a false bomb shall be the funds reasonably expended by the District in responding to such false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as enumerated in law.

In seeking restitution, the District shall file with the court, district attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

General Obligations Law Section 3-112  
Penal Law Sections 60.27, 240.50, 240.55, 240.60 and 240.61

Adopted: 08/07/95  
Revised: 01/20/98, 04/20/15