

## Students

**SUBJECT: LOSS OR DESTRUCTION OF BOCES PROPERTY OR RESOURCES**

The BOCES is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten and under the age of 18 where the student:

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

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

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

- a) Has falsely reported an incident; or
- b) Has placed a false bomb as defined in the New York State Penal Law.

Damages for falsely reporting an incident or placing a false bomb means the funds reasonably expended by the BOCES in responding to the 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 described in law.

In seeking restitution, the BOCES will file with the court, the county 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 in accordance with General Obligations Law.

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

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