

Board Policy

Loss or Destruction of ESBOCES Property or Resources

Eastern Suffolk 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 (10) and under the age of eighteen (18) where such student:

1. has willfully, maliciously, or unlawfully damaged, defaced or destroyed real or personal property in the care, custody and/or ownership of ESBOCES; or
2. has knowingly entered or remained in an ESBOCES building and wrongfully taken, obtained or withheld personal property owned or maintained by ESBOCES.

In instances where ESBOCES has sought and obtained a judgment from a court of competent jurisdiction, parent/guardian liability for civil damages shall not exceed five thousand dollars (\$5,000). Under certain circumstances, a court may consider the parent's or guardian's inability to pay any portion or all of the amount of damages which are in excess of five hundred dollars (\$500), and 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 that is less than five hundred dollars (\$500).

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

ESBOCES 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:

1. has falsely reported an incident; or
2. 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 shall mean the funds reasonably expended by ESBOCES 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, ESBOCES 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 NYS General Obligations Law §3-112.

References:

- [NYS General Obligations Law §3-112](#)
- [NYS Penal Law §60.27](#)