

# POLICY

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

The Massena Central School Board has a duty under state law to provide for the care, control and management of school property and equipment.

Students, individuals or groups who damage or vandalize school property will be responsible for its repair and/or replacement.

Students, individuals or groups shall not intentionally cause or attempt to cause damage to school property. Additionally, they shall not steal, or attempt to steal, school property, including textbooks and other curricular related materials, school owned furniture, machinery, tools and equipment, lockers, and other property owned by the school district. This includes the intentional destruction of computer data or programs and the unauthorized use of a computer. Students, individuals or groups shall not intentionally cause or attempt to cause damage to private property, either on the school grounds or during a school activity, function or event off school grounds.

## **Restitution**

The District is authorized to seek restitution, through civil action when necessary, and will follow the following protocols.

## **Students**

Restitution will be sought from the parent or guardian of an unemancipated student under the age of eighteen (18) where 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.

The principal upon ascertaining the names of the student(s) who willfully damaged school property shall, if the student is a minor, provide written notification to the student's parents/guardians requesting that the school property be restored or replaced in accordance with the actual damages as determined by the principal. Any adult student involved in the vandalism or destruction of school property shall be held solely responsible for the damages.

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## Non-Students and Organizations

Attempts will be made by the principal or department head to collect damages through the use of collection letters and other means pursuant to law.

## Restitution through Criminal Proceedings

If criminal charges are commenced related to vandalism or damage to school property, the School District may pursue restitution for any damages through the criminal proceedings.

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

A School District is also authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student under the age of eighteen (18), where such 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 shall mean the funds reasonably expended by the School 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 School 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 Section 60.27

Adopted: 2-16-17