

Bylaws of the Board

LIABILITY INSURANCE

The Board of Trustees shall provide insurance necessary to protect Board members (current and former) in their individual capacity or official capacity, as well as employees (current and former) while acting within the scope of their office, official duties, or employment in accordance with Education Code 35208. The legal defense and indemnification shall be pursuant to the terms of the District's insurance policy coverage and State law.

Protection Against Liability

No Board member shall be liable for harm caused by their act or omission when acting within the scope of district responsibilities. The act or omission must be in conformity with federal, state, and local laws and made in furtherance of an effort to control, discipline, expel or suspend a student, or maintain order or control in the classroom or school. (20 USC 6736).

The protection against liability shall not apply when: (20 USC 6736)

1. The Board member acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to the harmed person's right to safety.
2. The Board member caused harm by operating a motor vehicle.
3. The Board member was not properly licensed, if required by the State for such activities.
4. The Board member was found by a court to have violated a federal or state civil rights law.
5. The Board member was under the influence of alcohol or any drug at the time of the misconduct.
6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the Board member has been convicted in a court.
7. The misconduct involved a sexual offense for which the Board member has been convicted in a court.

(cf.. 3530 - Insurance Management)

Legal reference:

EDUCATION CODE

35208 Liability insurance

35214 Liability insurance (self insurance or a combination of self insurance and insurance through an insurance company)

GOVERNMENT CODE

820.9 Immunity from liability

8/14/91

10/18/23