



BYLAWS

BOARD POLICY – LEGAL PROTECTION

BP 9260

Liability Insurance

The County Board of Education shall provide insurance necessary to protect its members against liability for death, personal injury, or damage or loss of property caused by their negligent act or omission when acting within the scope of their office.

Protection Against Liability

No County Board member shall be liable for harm caused by their act or omission when acting within the scope of his/her responsibilities for the County Education Office. 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 6733, 6736)

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

1. The County 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 County Board member caused harm by operating a motor vehicle.
3. The County Board member was not properly licensed, if required, by the state for such activities.
4. The County Board member was found by a court to have violated a federal or state civil rights law.
5. The County 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 County Board member has been convicted in a court.
7. The misconduct involved a sexual offense for which the County Board member has been convicted in a court.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in

the subject matter of the policy.

Federal

18 USC 16
20 USC 6731-6738

Description

Crime of violence defined
Teacher Protection Act

Management Resources

Court Decision

Description

Caldwell v. Montoya (Paramount Unified School District) 10
Cal 4th 972 (1995)

State

Ed. Code 35208
Gov. Code 1090-1098
Gov. Code 54950-54963
Gov. Code 815.3
Gov. Code 820-823
Gov. Code 825.6
Gov. Code 87100-89503

Description

Liability insurance
Conflicts of interest, prohibitions applicable to specified officers
[The Ralph M. Brown Act](#)
Intentional torts
Tort Claims Act
Indemnification of public entity
Conflicts of interest

ADOPTED BY COUNTY BOARD: May 8, 2025