Bylaws of the Board

LEGAL PROTECTION   **BB 9260**

Liability Insurance

The Governing Board shall provide insurance necessary to protect Board members from liability caused by a negligent act or omission that occurs within the scope of the Board member's office in accordance with Education Code 35208.

Protection Against Personal Liability

No Board member shall be liable for any harm caused by the Board member's negligent act or omission when acting within the scope of the Board member's responsibilities, including, but not limited to, Board responsibilities as specified in Board Bylaw 9000 - Role Of The Board. Additionally, no Board member shall be vicariously liable for injuries caused by the district's acts or omissions. (Education Code 35208; Government Code 820.9)

In addition, no Board member shall be liable for any harm caused by the Board member's act or omission if the Board member was acting within the scope of the Board member's responsibilities, made 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 7946)

This protection against liability shall not apply when: (20 USC 7946)

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

Nothing in this Board bylaw is intended to protect a Board member from criminal or civil liability for injury caused by the Board member's own wrongful conduct, for certain violations of law, including the Brown Act, or for liability from the requirement to reimburse the district under certain circumstances as specified in law. (Government Code 820.9, 825, 825.6, 54959, 54960)

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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	**Description**
Ed. Code 17029.5	*Contract funding; board liability*
Ed. Code 35208	*Liability insurance*
Ed. Code 35214	*Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)*
Gov. Code 1090-1098	*Prohibitions applicable to specified officers*
Gov. Code 54950-54963	*The Ralph M. Brown Act*
Gov. Code 815.3	*Intentional torts*
Gov. Code 820-823	*Tort claims act*
Gov. Code 825-825.6	*Indemnification of elected officials*
Gov. Code 87100-89503	*Conflicts of interest*
Federal	**Description**
18 USC 16	*Crime of violence; definition*
20 USC 7941-7948	*Teacher liability protection*
Management Resources	**Description**
Court Decision	*Caldwell v. Montoya (1995) 10 Cal 4th 972*
Website	*CSBA District and County Office of Education Legal Services*

Cross References

Policy	**Description**
1330.1	*Joint Use Agreements*
3530	*Risk Management/Insurance*
3530	*Risk Management/Insurance*
4119.1	*Civil And Legal Rights*
4219.1	*Civil And Legal Rights*
4319.1	*Civil And Legal Rights*
9000	*Role Of The Board*
9124	*Attorney*

9323.2   *Actions By The Board*
9323.2-E(1)   *Actions By The Board*

Bylaw   **PASADENA UNIFIED SCHOOL DISTRICT**
Adopted: March 26, 1996   Pasadena, California
Revised: 03/12/2013; 05/22/2025;