

Policy

GENERAL COMMITMENTS

0030

INDEMNIFICATION AND DEFENSE OF SCHOOL DISTRICT EMPLOYEES

I. General Provisions

- A. Pursuant to the provisions of Sections 3023, 3028 and 3811 of the Education Law, and supplemented by the adoption of Section 18 of the Public Officers' Law, the Board of Education (the Board) of the Waterville Central School District (the District) recognizes that it is required to defend, indemnify and hold harmless Board members and employees joined as parties in civil actions or proceedings arising out of the exercise or performance of their duties.
 - B. This policy shall apply to all District employees, including administrators, Board members, authorized participants in school volunteer programs, teachers and all other employees, including former Board members and employees, their estates and judicially appointed representatives.
- II. Pursuant to Education Law Section 3023, the Board agrees to indemnify and defend all practice or cadet teachers, teachers, supervisors, administrative employees and authorized participants in school volunteer programs from financial loss resulting from a claim of alleged negligence or other act resulting in accidental personal injury or damage to property within the school or on the school grounds provided that:
- A. The individual involved was acting within the scope of employment;
 - B. The individual involved provides an original or copy of the summons, complaint, process, notice, demand or pleading (hereinafter referred to as "charges") to the Board within ten (10) days of the receipt of said charges.
- III. Pursuant to Section 3028 of the Education Law, The Board agrees to pay attorney's fees and expenses for any teacher, authorized participant in a school volunteer program, administrator or supervisor in any civil or criminal action arising out of disciplinary action against a pupil, provided that:
- A. The individual against whom the charges are filed was acting within the scope of his/her employment.
 - B. The individual against whom the charges are filed provides an original or copy of the charges to the Board within ten (10) days of the receipt of said charges.
- IV. Pursuant to Education Law Section 3811, the Board agrees to indemnify and defend all Board members, volunteers, teachers, supervisors, administrative employees, and all other employees including non-instructional employees and members of committees of

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special education, for any action, either civil or administrative, including hearings brought before the Commissioner of Education, excepting only criminal prosecutions and actions or proceedings brought against him/her by this Board, provided that:

- A. The individual was acting in good faith in the performance of his/her duties;
- B. The individual provides written notification to the Board of such charges within five (5) days of receipt of said charges.

With respect to Section 3811 of the Education Law, the Board further agrees that it will appoint an attorney for the individual if requested to do so by said individual within ten (10) days of receipt of the complaint; and if such appointment does not constitute a conflict of interest.

- V. Pursuant to Section 18 of the Public Officers' Law, the Board agrees to indemnify and defend all Board members and employees as defined in Section I. B. hereof against any alleged act or omission arising out of the scope of any individual's employment. This provision is not available for any employee who commits an intentional wrong or acts recklessly or with willful disregard for the consequences of his/her actions. This coverage will only apply provided that:
 - A. The District receives the full cooperation of the employee; and
 - B. A written request and a copy or original of the charges is provided to the Board within ten (10) days of the receipt of said charges.

The District does not intend the provisions of Public Officers' Law Section 18 to be in lieu of any of the foregoing provisions relating to the Education Law, but rather intends the protection set forth under Public Officers' Law Section 18 to be a supplement to the foregoing Education Law provisions relating to the indemnification and defense of employees.

Waterville Central School District

Legal Ref: Sections 3023, 3028 and 3811, New York State Education Law; Section 18,
Public Officers' Law

Adopted: 05/11/21