

## **Legal Protection**

BB 9260 (a)

### **Board Bylaws**

#### **Liability Insurance**

The Governing Board shall provide insurance necessary to protect Board members and employees while acting within the scope of their office or employment in accordance with Education Code 35208.

(cf. 3530 - Risk Management/Insurance)

#### **Protection Against Liability**

No Board member shall be liable for harm caused by his/her 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.

Legal Reference:

EDUCATION CODE

17029.5 Contract funding; board liability

35208 Liability insurance  
35214 Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)  
GOVERNMENT CODE  
815.3 Intentional torts  
820-823 Tort Claims Act  
825.6 Indemnification of public entity  
1090-1098 Conflicts of interest, prohibitions applicable to specified officers  
54950-54963 The Ralph M. Brown Act  
87100-89503 Conflicts of interest  
UNITED STATES CODE, TITLE 18  
16 Crime of violence defined  
UNITED STATES CODE, TITLE 20  
6731-6738 Teacher Protection Act  
COURT DECISIONS  
Caldwell v. Montoya (Paramount Unified School District) 10 Cal 4th 972 (1995)