

Bylaw 9260: Legal Protection**Status:** ADOPTED

Original Adopted Date: 03/01/1988 | **Last Revised Date:** 07/01/2003 | **Last Reviewed Date:** 07/01/2003

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.

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.

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.

State

Ed. Code 17029.5

Ed. Code 35208

Description[Contract funding; board liability](#)[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 825.6	Indemnification of public entity
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 (Paramount Unified School District) 10 Cal 4th 972 (1995)
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	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
9124	Attorney