

BB9260 Legal Protection
Board Bylaws

Status: ADOPTED
April 11, 2016

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 his/her act or omission when acting within the scope of his/her responsibilities for the county office of education. 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.

Legal Reference:

EDUCATION CODE

35208 Liability insurance

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)