

Bylaw 9260: Legal Protection

Liability Insurance

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

Protection Against **Personal Liability**

No **Governing** Board member shall be liable for **any** harm caused by ~~his/her~~ **the Board member's negligent** act or omission when acting within the scope of ~~district responsibilities. The act or omission must be~~ **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 **Governing** 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 ~~6736~~)

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~~The~~ 7946)

This protection against liability shall not apply when: (20 USC ~~6736~~ 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)