

Palo Verde USD

Board Bylaw

Legal Protection

BB 9260

Board Bylaws

Liability Insurance

~~The Governing Board shall provide insurance necessary to protect Board members and employees from any judgment resulting from suits brought against them alleging their liability while acting within the scope of their employment and/or under the direction of the Board. The insurance shall cover claims in such matters as civil rights actions, negligence or other acts resulting in accidental injury to any person or damage to property.~~

~~(cf. 3530 – Risk Management/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

17729.5 Contract funding; board liability

35208 Liability insurance

35214 Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)

~~39140-39159 Field Act, approvals~~

~~39210-39232 Field Act, fitness for occupancy~~

GOVERNMENT CODE

~~820.9 Immunity from liability~~

815.3 Intentional torts

820-823 Tort Claims Act

~~825 Defense by public entity~~

825.6 Indemnification of public entity

1090-1098 Conflicts of interest, prohibitions applicable to specified officers

54950-54957.9 The Ralph M. Brown Act

87100-89503 Conflicts of interest

UNITED STATES CODE, TITLE 18

16 Crime of violence defined

COURT DECISIONS

Caldwell v. Montoya (Paramount Unified School District) 10 Cal 4th 972 (1995)

Bylaw PALO VERDE UNIFIED SCHOOL DISTRICT

adopted: December 12, 1996 Blythe, California