

## **BYLAWS OF THE BOARD**

### **SUBJECT: Legal Protection**

#### **Liability Insurance**

The County Board of Education and County Superintendent of Schools shall provide insurance necessary to protect the Riverside County Office of Education, Board members, the County Superintendent of Schools, and his or her employees from any judgment resulting from suits brought against them alleging their liability. The insurance shall cover claims in such matters as civil rights actions, negligence or other acts resulting in damages or loss for death, injury to person, or damage or loss of property caused by the negligent act or omission of the Board member, County Superintendent, or employee when acting within the scope of his/her employment or under the direction of the County Superintendent of Schools.

(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 County Office of Education 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.

*Riverside County Office of Education*  
*Board Bylaw 9260 Legal Protection*

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Legal Reference:

EDUCATION CODE

1274 Funds to Cover Losses; Insurance

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 20

6731-6738 Teacher Protection Act

COURT DECISIONS

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