

# LODI UNIFIED SCHOOL DISTRICT

## REVISION

Bylaw 9260

### Bylaws of the Board

#### Legal Protection

##### Liability Insurance

The Board of Education 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~~ *their* 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.

The protection against liability shall not apply when:

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 references:    EDUCATION CODE  
                          17029.5 Contract funding; board liability  
                          35208 Liability insurance  
                          35214 Liability insurance (self-insurance or a combination of  
                          self-cont. 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, p~~ 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~~  
                          18 USC 16 Crime of violence; definition  
                          20 USC 7941-7948 Teacher liability protection  
                          COURT DECISIONS  
                          Caldwell v. Montoya (Paramount Unified School District) 10  
                          Cal 4<sup>th</sup> 972 (1995)

Policy

*Bylaw*

adopted:    11/04/03