

Board Bylaws
LEGAL PROTECTION

BB 9260 (a)

Liability Insurance

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

Protection Against Liability

No Board member shall be liable for harm caused by the Board member's negligent act or omission when acting within the scope of 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 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 responsibility, 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)

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.

Nothing in this Board bylaw is intended to protect a Board member from criminal or civil

Board Bylaws
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BB 9260 (b)

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)

State

Ed. Code 17029.5: Contract funding; board liability

Ed. Code 35208: Liability insurance

Ed. Code 35214: Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)

Gov. Code 1090-1098: Prohibitions applicable to specified officers

Gov. Code 54950-54963: The Ralph M. Brown Act

Gov. Code 815.3: Intentional torts

Gov. Code 820-823: Tort claims act

Gov. Code 825-825.6: Indemnification of elected officials

Gov. Code 87100-89503: Conflicts of interest

Federal

18 USC 16: Crime of violence; definition

20 USC 7941-7948: Teacher liability protection

Management Resources

Court Decision: Caldwell v. Montoya (1995) 10 Cal 4th 972

Website: CSBA District and County Office of Education Legal Services

Bylaw Adopted: 05/14/25

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California