
FRESNO COUNTY BOARD OF EDUCATION

**Board Bylaws
LEGAL PROTECTION****Liability Insurance**

The County Board, working with the County Superintendent, shall provide self-insurance or insurance necessary to protect the County Board and its members against liability caused by their negligent act or omission when acting within the scope of their offices.

Protection Against Personal Liability

No County Board member shall be liable for harm caused by the County Board member's negligent act or omission when acting within the scope of the County Board member's responsibilities, including, but not limited to, County Board responsibilities as specified in County Board Bylaw 9000 - Role Of The Board. Additionally, no County Board member shall be vicariously liable for injuries caused by the County Board's acts or omissions. (Government Code 820.9).

In addition, no County Board member shall be liable for any harm caused by the County Board member's act or omission if the County Board member was acting within the scope of the County 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 7943, 7946)

This protection against liability shall not apply when: (20 USC 7946)

1. The County 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 County Board member caused harm by operating a motor vehicle.
3. The County Board member was not properly licensed, if required, by the State of California for such activities.
4. The County Board member was found by a court to have violated a federal or state civil rights law.
5. The County 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 County Board member has been convicted in a court.
7. The misconduct involved a sexual offense for which the County Board member has been convicted in a court.

Nothing in this County Board bylaw is intended to protect a County Board member from criminal or civil liability for injury caused by the County Board member's own wrongful conduct, for

FRESNO COUNTY BOARD OF EDUCATION

certain violations of law, including the Brown Act, or for liability from the requirement to reimburse the County Board or County Office of Education under certain circumstances as specified in law. (Government Code 820.9, 825, 825.6, 54959, 54960)

Adopted: 04/20/1995

Amended: 11/15/2018, 11/20/2025

Legal ReferenceGovernment Code

815.3 Intentional Torts

820-823 Tort Claims Act

825-825.6 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 18

16 Crime of violence defined

United States Code, Title 20

7941-7948 Teacher Protection Act

Court Decisions

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