

NONINSTRUCTIONAL OPERATIONSLiability Insurance

The district shall maintain sufficient liability insurance to protect it against claims for the negligent or wrongful acts of its staff or agents. The amount and terms of such insurance protection shall be reviewed annually as part of the district's risk management program.

The board shall hold individual board members, administrators, staff or agents of the district harmless and defend them from any financial loss, including reasonable attorneys' fees, arising out of any act or failure to act, provided that at the time of the act or omission complained of the individual so indemnified was acting within the scope of his/her responsibilities or employment and in compliance with the policies and procedures of the district. A member of the board of directors or a superintendent of any school district is immune from civil liability for damages for any discretionary decision or failure to make a discretionary decision within his or her official capacity, but liability shall remain on the district for the tortious conduct of the board members and superintendent. The superintendent shall obtain errors and omissions insurance in the amounts deemed necessary by the board.

Legal References: RCW 4.24.470	Liability of officials and members of governing body of public agency
4.96.010	Tortious conduct of political subdivision--Liability for damages
4.96.040	Elected officials of special purpose districts--Immunity from civil liability
28A.320.100	Actions against officers, employees or agents of school districts and educational service districts-- Defense, costs, fees--Payment of obligation
28A.320.060	Officers, employees or agents of school districts or educational service districts, insurance to protect and hold personally harmless

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Liability Insurance

Most labor agreements specify that an employee shall be protected from any financial loss arising out of any act or failure to act providing the employee was acting within the scope of his or her responsibilities. A district's insurance policy should be reviewed to determine if coverage protects the staff and the officers of the district.

"Gross negligence", as used in the statute, is defined in Black's Law Dictionary as the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another; such a gross want of care and regard for the rights of others as to justify the presumption of willfulness and wantonness. *Seelig v. First Nat. Bank, D.C.Ill., 20 R.Supp.61,68.*