

## Document Status: Draft

Policy Required: No

### BB 9260 LEGAL PROTECTION

Note: For all districts, Sections ~~2361-2368~~ 8551-8558 of the ~~No Child Left Behind Act~~ Every Student Succeeds Act are designed to provide teachers, principals/Head Teachers and other school professionals, including board members, the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment. Section ~~2366~~ 8556 limits the liability of a school employee or official for acts or omissions when he/she is acting within the scope of employment or district responsibilities and his/her actions were in conformity with federal, state and local laws in an effort to control, discipline, expel or suspend, or maintain order or control in the classroom or school.

Limitations on liability do not apply when the officer or employee: (1) acted with willful or criminal misconduct, gross negligence, recklessness or a conscious or flagrant indifference to the harmed student's right to safety; (2) caused harm by operating a motor vehicle; (3) violated a federal or state civil right law (e.g., sexual harassment, discrimination, IDEA claims); (4) was convicted of a sexual offense, crime of violence or act of terrorism; or (5) was under the influence of alcohol or drugs.

If a civil action is brought against the employee or officer, and the laws' conditions are satisfied, Sections ~~2366 and 2367~~ 8556 and 8557 limit the amount of the employee's/officer's liability to a formula based on the percentage of responsibility for the harm, and also limits punitive damages. ~~The provisions of the law took effect on April 8, 2002.~~

The School Board shall provide insurance necessary to protect ~~School~~ Board members, officers, and employees from any judgment resulting from suits brought against them alleging their liability while acting within the scope of their employment and/or under the direction of the ~~School~~ Board. The insurance shall cover claims in such matters as civil rights actions, negligence, or other act resulting in accidental injury to any person or property damage in or out of the school buildings.

(cf. 3530 - Risk Management)

Legal Reference:

ALASKA STATUTES

[14.12.115](#) Indemnification

~~No Child Left Behind Act of 2001; §§ 2361-2368 ([P.L. 107-110](#))~~

*Every Student Succeeds Act, §§ 8551-8558 ([P.L. 114-95](#))*

Revised ~~1/03~~ 5/2024

AASB POLICYREFERENCE MANUAL

**9/92**