

## **Bigfork School District #38**

### **NON-INSTRUCTIONAL OPERATIONS**

8310

#### Liability Insurance

Pursuant to Section 2-9-111, MCA, trustees are immune from suit for damages arising from legislative actions that result in adoption of school board policies. School district employees are also immune from suit for damages arising from the lawful discharge of an official duty associated with the legislative acts of the Board.

The district shall maintain sufficient liability insurance to protect the district and its trustees and employees against claims alleging personal injury or property damage. The amount and terms of such insurance protection shall be regularly reviewed as part of the district's risk management program.

Pursuant to Section 2-9-305, MCA, the district shall indemnify and defend its trustees and employees civilly sued for actions taken within the course and scope of their office or employment provided that the conduct upon which the claim is based does not constitute oppression, fraud, or malice, or a criminal offense as defined in Title 45, chapters 4 through 7, MCA; the trustee or employee did not compromise or settle the claim without the consent of the Board; and the trustee or employee cooperated reasonably in the defense of the case.

Legal Reference:     2-9-111, MCA  
                          2-9-305, MCA

#### Policy History:

Adoption Date: August 14, 1995

Revision Date: August 12, 2004