

EGD-R Indemnification and Protection for District Personnel

8/23/12

GSBA Reference: EGD (Liability Insurance)

RATIONALE/OBJECTIVE:

The Cobb County Board of Education (Board) and the Cobb County School District (District) seek to provide appropriate indemnification and protection for Board members and District administrators, employees, teachers and volunteers.

RULE:**A. GENERAL PROVISIONS:**

The Cobb County School District is a political subdivision of the State of Georgia and, as such, is afforded sovereign immunity by Act. I, Sec. II, Para. IX of the State Constitution. The District, being the arm of the County government concerned with public educational affairs, will rely on and will invoke sovereign immunity on its behalf and on behalf of Board of Education members and District employees, administrators, teachers and those individuals who are volunteering their labor and services to the District against all suits in law or equity brought against Board members and/or District employees, administrators, teachers and volunteers. The District will indemnify and hold harmless the foregoing against all alleged causes of action arising out of the good faith performance of duties while the foregoing are acting within the scope of their employment and within the scope of their duties. The District will defend any and all suits at law or equity against Board members, and/or District employees, administrators, teachers and volunteers whether sounding in tort or contract, and whether originating in Federal or State constitutional or statutory law. In conjunction with the foregoing, the District will expend funds for court costs, attorneys' fees, witness fees and investigative fees in defending said suits and will pay, to the extent allowed by law, all judgments that it or Board members, teachers, administrators, employees and volunteers are determined to be legally obligated to pay because of their acts or omissions arising out of the good faith performance of duties or employment.

B. LIMITATIONS:

The obligation of the District in regard to the foregoing will not apply (a) to any party against whom the Board or Administration has brought legal or administrative action or (b) to any legal action which the Board member, employee, administrator, teacher or volunteer institutes in a court of law seeking monetary compensation on his or her own behalf.

C. PROVIDING COUNSEL:

In regard to criminal prosecutions brought against Board members and/or District employees, administrators, teachers and volunteers alleging violation of State or Federal criminal statutes because of acts committed in the scope of duty or employment, the District will provide competent counsel skilled in criminal law or will compensate counsel selected by the Board member or District employee, teacher, administrator or volunteer, and approved by the Board, at a rate agreed upon between counsel and the District.

D. ALLEGATIONS WITHOUT BASIS:

Allegations against District employees without basis or in situations where it can be determined by an investigation by Human Resources that no grounds for complaint exist will be defended by the Board attorney if recommended by administration and approved by the Board of Education. Legal defense will not be provided for complaints filed by the District as required by State law or regulation.

The provisions of this Administrative Rule are limited by and subject to any provisions included in any plans of self-insurance that the Board has adopted or may adopt. Should any portion of this policy be declared illegal or unconstitutional, the remainder will continue in effect, it being the intent that each provision hereof is enacted separately and independently of other provisions and will not be affected by a court determination that a part is unconstitutional or illegal.

Adopted: 10/27/77

Revised: 10/12/83; 8/8/84; 7/10/86; 2/27/87; 07/25/96; 06/26/97

Reclassified an Administrative Rule: 9/1/04

Revised: 12/8/05

Revised and recoded: 8/23/12 (Previously coded as Administrative Rule EIB)

Legal Reference

O.C.G.A. 20-02-1000	Limitation on civil damages for disciplining students
O.C.G.A. 20-02-1001	Limited immunity from criminal liability
O.C.G.A. 20-02-0992	Immunity not waived
O.C.G.A. 20-02-0993	Defense of actions against officials and employees
O.C.G.A. 20-02-0994	Payment of amount of deductible under liability policies
O.C.G.A. 20-02-0991.1	Including non-profit organizations, their members, and school volunteers in policies and indemnity contracts
O.C.G.A. 20-02-0776	Auto-injectable epinephrine defined; requirements for student retention of medication; liability of school system
O.C.G.A. 20-02-0776.1	Administration of auto-injectable epinephrine by school personnel
O.C.G.A. 20-02-1090	Accident insurance for children on school buses
O.C.G.A. 20-02-1092	Insurance coverage for general public against negligent operation of school bus
O.C.G.A. 20-02-0991	Liability insurance for board members and employees of public schools
Rule 160-5-3-.04	School Bus Insurance