

BIE - BOARD MEMBER INDEMNIFICATION

Category R

The members of the District's School Board, its officers, elected officials and employees act as agents of the District. The Board affirms the policy position that none of these individuals should be placed in a position of personal liability for the performance of their lawful duties and responsibilities within the scope of their position. The Board hereby memorialized the fact that it has voted in accord with NH RSA 31:105 to indemnify and save harmless for loss or damage any person employed by it, any member or officer of its Board, administrative staff, including, but not limited to, its superintendents, directors, financial administrator from personal financial loss and expense including reasonable legal fees and costs, if any, arising out of any claim, demand, suit, or judgment by reason of accidental injury to a person or accidental damage to or destruction of property if the indemnified person at the time of the accident resulting in the injury, damage or destruction was acting in the scope of employment or office.

Any Board members, employees, administrators, and the like who seek indemnification in accord with NH RSA 31:105, RSA 31:106 or common law for a claim, demand, or suit shall promptly submit notice of the claim to the Superintendent and the Board. After seeking the advice of legal counsel, the Board shall determine whether the claim, demand or suit warrants indemnification and shall promptly inform the Board member, employee or administrator of its determination. The Board shall not indemnify any individual for actions arising outside the scope of their employment or office.

In order to protect the individual members of the Board, its employees and other agents, and the educational interest of the community, the Board will purchase, from public school funds, in the absence of governmental immunity or in coordination with governmental immunity, adequate insurance to indemnify Board members and agents of the District for their official actions in the service of the School District.

Legal References:

RSA 31:104, Powers and Duties of Towns: Liability of Municipal Executives

RSA 31:105, Powers and Duties of Towns: Indemnification for Damages

RSA 31:106, Powers and Duties of Towns: Indemnification: Civil Rights Act

RSA 31:107, Powers and Duties of Towns: Purchase of Insurance

First Reading: 10/23/07

Second Reading: 11/13/07

Adopted 11/27/2007