

BOARD MEMBER INDEMNIFICATION

Because they are members of an agency of government whose powers and duties can only be exercised by a decision of the majority of Board membership when the Board is officially in session, the members of the Board and its employees and agents act as agents of the district. None of these individuals should be placed in a position of personal liability for the performance of the responsibilities vested in them by the voters of the District and the state and federal governments.

Therefore, 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.

The Board will present to the legislative body for approval appropriate indemnification resolutions prescribed in RSA 31:104, 105, 106, and 107, and will purchase insurance to protect the district against potential liability for such indemnification, structuring such insurance to preserve statutory immunities wherever possible.

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
RSA 50-B:2, Liability for Negligence

Adopted: September 2001
Reviewed: September 27, 2009
Approved by NHSBA: August 2011