Board Member Liability Insurance

A district may purchase insurance to protect itself and its board members from the cost and expense of defending litigation brought against them individually for acts or omissions committed by them in the good faith discharge of their official duties. A district may also purchase insurance to indemnify its board members from awards of damages only where the district was or might have been held liable for the same damages. A board may not purchase insurance to indemnify its board members in situations where it is not itself exposed, actually or potentially, to a similar liability. *Atty. Gen. Op. H-70 (1973)*

Employee Liability Insurance

As an element of district employees' compensation, a district may purchase necessary liability insurance in the name of such employees who are exposed to individual liability by virtue of their official duties. *Atty. Gen. Op. M-989 (1971)*

Career and Technology Insurance

The board may obtain accident, liability, or automobile insurance coverage to protect:

1. A business or entity that participates with the district to provide district students a career and technology program; and
2. A district student who participates in a district career and technology program.

The coverage must be obtained from a reliable insurer authorized to engage in business in Texas, or provided through the district's self-funded risk pool.

The amount of coverage a district obtains:

1. Must be reasonable considering the financial condition of the district; and
2. May not exceed the amount that is reasonably necessary in the opinion of the board.

If the board obtains accident, liability, or automobile insurance coverage, an administrator designated by the board shall notify the parent or guardian of each student participating in the career and technology program. A district may not directly or indirectly charge a student or the student's parent or guardian for the cost of providing insurance to the student.

The failure of a board to obtain coverage authorized by these provisions or to obtain a specific amount of coverage may not be construed as placing any legal liability on the district or its officers, agents or employees.

Education Code 29.191

If a business that contracts with a district to develop or operate a career and technology program obtains any insurance related to the student other than liability insurance, any proceeds of the insurance must be used for the benefit of the student and the student's family. *Education Code 29.187(g)*

[See EEL]

Student Immunity

A student who participates in a career and technology program approved by a district is entitled to immunity in the same manner provided under Education Code 22.053 as a volunteer who is serving as a direct service volunteer of a district. *Education Code 29.192*
[See GKG]

Tort Claims Act Liability Insurance

A district may purchase insurance protection against claims for property damage, personal injury, or death proximately caused by the negligence, wrongful act, or omission of the district's officers or employees, acting within the scope of their employment or office, and arising from the operation or use of a motor vehicle under circumstances where such officers or employees would be personally liable to the claimant in accordance with the laws of this state. *Civ. Prac. & Rem. Code 101.021, .027(a)*

Tort Claims Payments

A district may pay actual damages, court costs, and attorney's fees awarded against an employee or officer if the damages result from an act or omission by the employee or officer in the course and scope of his or her employment or duties and arise from a cause of action for negligence. A district shall not pay damages awarded against an employee or officer that arise from a willful or wrongful act or omission, an act or omission constituting gross negligence, or official misconduct.

Defense Counsel

A district may provide counsel to represent a defendant for whom the district may pay damages. Counsel may be an attorney regularly employed by a district, unless there is a potential conflict of interest between the defendant and the district, in which case the district may employ other counsel to defend the suit.

Civ. Prac. & Rem. Code 102.002, 102.004

Mold Remediation

A person is not liable in a civil lawsuit for damages related to a decision to allow occupancy of a property after mold remediation has been performed if a certificate of mold damage remediation has been issued for the property, the property is owned or occupied by a school, and the decision to occupy was made by the board or any person authorized by the board. *Occupations Code 1958.304*

For Law Enforcement Motor Vehicles

A board shall insure each law enforcement officer appointed or employed by a district against liability to third persons arising out of the officer's operation of a motor vehicle owned, leased, or otherwise controlled by the district at any time the officer is authorized to operate the vehicle, including times that the officer is authorized to operate the vehicle while off duty. The motor vehicle liability coverage must be in amounts not less than those required by Transportation Code Chapter 601, Subchapter D, to establish financial responsibility. A district may satisfy this requirement by:

1. Electing to be self-insured;
2. Entering into a risk retention group, risk management pool, or interlocal contract with other political subdivisions; or
3. Providing for coverage by an insurance company authorized to write motor vehicle liability insurance coverage.

The policy may exclude coverage for operation of a motor vehicle in the commission of a criminal offense other than a traffic offense.

Gov't Code 612.005

[See also FFD regarding student insurance]