

MINNETONKA PUBLIC SCHOOLS

POLICY #730: Liability Indemnification

I. PURPOSE

The purpose of this policy is to establish a statement by the District of its policy regarding indemnification responsibility for employees, members of the board of education, and volunteers.

II. GENERAL STATEMENT OF POLICY

It is the policy of this school district to defend, hold harmless, and indemnify members of the School Board, School Employees, and School Volunteers (hereafter referred to as individuals) past and present, from any and all tort claims or demands, including suits, actions, and legal proceedings brought against said individual in his/her individual capacity or in his/her official capacity when acting as a member of the School Board, employee of the district, or volunteer of the district, arising out of an alleged act or omission occurring within the scope of the individual's employment or official duties subject to limitations hereafter set out.

III. REQUIREMENT

A. The School Board shall provide legal counsel and pay the fees for services rendered and costs advanced by such counsel in defense of an action brought against said individual and shall pay all expenses to the ultimate conclusion of such action, and shall pay subject to limitations of IV.B any judgment which may be rendered against said individual. In the event that a conflict exists as regards the defense to any claim between the legal position of the individual and the legal position of the School District, the School District agrees to engage separate counsel for said individual and the School District agrees to pay for fees for services rendered and costs advanced by such counsel. The School District further agrees that the choice of such separate counsel shall be made by the individual and subject only to final approval by the School Board.

B. The School Board shall furnish such defense and pay such expenses and judgment only if the insurance carrier of the School District and the insurance carrier of the school board member or employee, if any, declines to furnish the defense or pay such judgment, or both.

IV. IMPLEMENTATION

- A. The school board places the responsibility for administering the adopted budget with the Executive Director of Finance and Operations. The superintendent may delegate duties related thereto to other school officials, but maintains the ultimate responsibility for this function.

- B. In no case shall the aggregate cost of providing defense and payment of expenses and judgment for any one incident exceed \$4,000,000 including any payments made by an insurance company.

- C. Provision of counsel, payment of judgments, or any other costs of disbursements as provided herein, shall not apply in the case of malfeasance in office or willful or wanton neglect of duty.

Legal References: Minn. Stat. §123B.25
Minn. Stat. §466.04 and 466.07

Approved: July 11, 2002