

**P4008 LEGAL COUNSEL FOR BOARD OF EDUCATION MEMBERS AND FOR THE SUPERINTENDENT, OR OTHER DISTRICT EMPLOYEES**

**BOARD POLICY:**

**USD 259 shall provide legal counsel for Board of Education members, the Superintendent, or other district employees who are subject to litigation relating to and arising out of their employment, in accordance with K.S.A. 72-1138 and K.S.A. 75-6108. Request for defense must be made in writing 15 days after service of process and shall be reviewed on its own merit to determine whether legal defense shall be provided. The school district may refuse to provide for the defense of an action against any of the above individuals if it is determined that:**

- **The act or omission is not within the scope of employment or office held.**
- **The act or omission is because of actual fraud or actual malice.**
- **Defense by the school district would create a conflict of interest between the school district and elected official, officer, or employee.**
- **The request for defense was not made within 15 days after service of process upon the employee. Upon review the failure to request defense within the 15 days may be waived.**

**The Board of Education legal counsel may be directed to aid in the defense of a charge by or prosecution of a third party at the discretion of the President of the Board of Education or a majority of the Board of Education in the case of the Board of Education member or the Superintendent, or at the discretion of the Superintendent in the case of other district employees.**

Administrative Responsibility: Human Resources

Latest Revision Date: October 2019

Previous Revision Date: June 1981 P4008