

**P4096 LEGAL COUNSEL FOR BOARD OF EDUCATION MEMBERS AND FOR THE SUPERINTENDENT AND OTHER DISTRICT EMPLOYEES**

**BOARD POLICY:**

**Unified School District 259 or its insurance carrier shall provide legal counsel for Board of Education members and for the Superintendent and other district employees who are subject to litigation relating to and arising out of their employment.**

Administrative Implemental Procedures:

1. In compliance with K.S.A. 75-6101, et seq., Kansas Tort Claims Act, legal defense shall be provided by the school district for all officers, elected or appointed officials, employees, and persons acting on behalf of the school district, except the school district may refuse to provide for the defense of an action against any of the above individuals if it is determined that:
  - a. The act or omission is not within the scope of employment or office held.
  - b. The act or omission is because of actual fraud or actual malice.
  - c. Defense by the school district would create a conflict of interest between the school district and the elected official, officer, or employee.
  - d. 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 prescribed 15 days may be waived.
2. Each request for defense shall be reviewed on its own merit to determine whether legal defense shall be provided. Request for defense shall be made in writing within 15 days after service of process.
3. The Board 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 or a majority of the Board in the case of a Board 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: June 1981

Previous Revision Date: June 1979 P4096