

Public Activities Involving Staff or Students

LEGAL SERVICES FOR EMPLOYEES OF THE BOARD

In the event that an employee of the Board is assaulted in connection with school duties, or an employee of the Board is sued in a civil action or charged in a criminal action as a result of an incident occurring while the employee is engaged in the proper performance of duties, the procedure is as follows:

Assault on Employee

The Board Attorney is not authorized to represent School Board employees in actions against an assailant. However, upon request by the employee, the principal or immediate supervisor shall submit a request for consultation with the Board Attorney to the appropriate deputy, area or assistant superintendent together with a description of the incident and his/her approval or disapproval of the request. If approved by the appropriate superintendent, the request is forwarded to the Board Attorney who arranges for the consultation.

Legal Action against Employee

All employees of the Board are covered by professional liability insurance and the carrier usually undertakes the defense of the employee sued civilly or charged criminally as a result of proper performance of his/her duties. Under some circumstances, nonemployees who are engaged in school-connected activities may also be entitled to this insurance protection (parents acting as chaperones with school approval, for example). Any employee who is sued civilly or charged criminally as a result of school activities should be urged to follow the procedure set forth below in order that the question of entitlement to coverage can be resolved as quickly as possible.

Civil

When the employee (or the school-related non-employee) is served with a summons and a complaint, it is the employee's responsibility to notify the Board Attorney, telephone 995-1304, **and** the Division of Risk Management, telephone 995-7130. Notification must be made immediately upon receipt of the suit papers, and these should be delivered to the Office of the Board Attorney at once. Delay can result in the loss of insurance protection or even in the entry of a default judgment against the person sued. The Division of Risk Management and the Board Attorney should be informed immediately when any formal demand for monetary damages resulting from alleged employee action or inaction is received.

Criminal

When the employee (or school-related non-employee) is arrested or charged criminally, it is the employee's responsibility to secure his/her own release and to notify the Board Attorney, telephone 995-1304, **and** the Division of Risk Management, telephone 995-7130. Notification must be made as soon as possible after the charge is made, and the charge should be delivered to the Office of the Board Attorney at once. Delay can result in the loss of insurance protection.

If the Board Attorney or retained counsel is to represent the employee in a case in which the insurance coverage does not apply, the Superintendent of Schools will make that recommendation to the Board. When time does not permit prior recommendation to the Board, the Superintendent of Schools shall authorize the Board Attorney to represent the employee and report his/her action at the next regular meeting of the Board.

Prosecution of Violators

The School Board of Dade County, Florida recognizes that under the provisions of Florida Statutes, sections 231.06, 231.07, certain persons who upbraid, abuse, insult or assault instructional personnel of the Board shall be guilty of a crime, and that in appropriate instances the Superintendent of Schools or the Superintendent's designee, at the discretion of the Board, may initiate the prosecution of violators of the aforementioned statutes.

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 230.234; 231.06; 231.07 F.S.

History: THE SCHOOL BOARD OF DADE COUNTY, FLORIDA

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