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INDEMNIFICATION FOR DAMAGES

The School Board of School Administrative Unit #9, by adoption of this policy, votes approval of provisions in RSA 31:105 and acknowledges its responsibilities as specified in RSA 31:104 and RSA 31:106. To these ends, a comprehensive general liability insurance will be purchased to protect the board, its officers, and its employees against such liability (RSA 31:107).

Adopted by the SAU #9 School Board – February 28, 1990

Indemnification for Damages

RSA 31:104 – Liability of Municipal Executives – Notwithstanding any provisions of law to the contrary, no member of the governing board of any municipal corporation or political subdivision, no member of any other board, commission, or bureau of any municipal corporation or political subdivision created or existing pursuant to a statute or charter, and no chief executive officer of such municipal corporation or political subdivision, including but not limited to city councilors and aldermen, selectmen, county convention members, members of boards of adjustment, members of planning boards, school board members, mayors, city managers, town managers, county commissioners, regional planning commissioners, overseers of public welfare, and school superintendents shall be held liable for civil damages for any vote, resolution, or decision made by said person acting in his or her official capacity in good faith and within the scope of his or her authority.

RSA 31:105 – Indemnification for Damages – A city, town, county, village district or precinct, school district, chartered public school, school administrative unit, or any other municipal corporation or political subdivision may by a vote of the governing body indemnify and safe harmless for loss or damage occurring after said vote any person employed by it and any member or officer of its governing board, administrative staff or agencies including but not limited to selectmen, school board members, chartered public school trustees, city councilors and aldermen, town and city managers, regional planning commissioners, and superintendents of schools from personal financial loss and expense including reasonable legal fees and costs, if any, arising out of any claim, demand, suit, or judgment by reason of negligence or other act resulting in accidental injury to a person or accidental damage to or destruction of property if the indemnified person at the time of the accident resulting in the injury, damage, or destruction was acting in the scope of employment or office.

RSA 31:106 – Indemnification; Civil Rights Suits – All cities, towns, counties, village districts and precincts, school districts, chartered public schools, school administrative units, and other municipal corporations and political subdivisions shall indemnify and safe harmless any person employed by it and any member or officer of its governing board, administrative staff, or agencies including but not limited to selectmen, school board members, chartered public school trustees, city councilors and aldermen, town and city managers, regional planning commissioners, and superintendents of schools from personal financial loss and expense including reasonable legal fees and costs, if any, arising out of any claim, demand, suit, or judgment by reason of any act or omission constituting a violation of the civil rights of an employee, teacher or student or any other person under any federal law if such act or omission was not committed with malice, and if the indemnified person at the time of such act or omission was acting within the scope of employment or office.

RSA 31:107 – Purchase of Insurance – A political entity permitted or required to indemnify its officers and employees under RSA 31:105 and 106 may purchase a comprehensive general liability insurance policy necessary to protect itself and its officers and employees against such liability. The insurance policy may be issued by any insurance company organized or authorized to do business in this state.