

EXHIBIT MONTGOMERY COUNTY PUBLIC SCHOOLS

Comprehensive Liability Insurance (State Law)

- (a) Comprehensive liability insurance. –
 - (1) Each county board shall carry comprehensive liability insurance to protect the board and its agents and employees.
 - (2) The purchase of insurance in accordance with paragraph (1) of this subsection is a valid educational expense.
- (b) Standards for policies; coverage. –
 - (1) The State Board shall establish standards for these insurance policies, including a minimum liability coverage of not less than \$400,000 for each occurrence.
 - (2) The policies purchased under this section shall meet these standards.
- (c) Self-insurance; minimum coverage. –
 - (1) A county board complies with this section if it:
 - (i) Is individually self-insured for at least \$400,000 for each occurrence under the rules and regulations adopted by the State Insurance Commissioner; or
 - (ii) Pools with other public entities for the purpose of self-insuring property or casualty risks under Title 19, Subtitle 6 of the Insurance Article.
 - (2) A county board that elects to self-insure individually under this subsection periodically shall file with the State Insurance Commissioner, in writing, the terms and conditions of the self-insurance.
 - (3) The terms and conditions of this individual self-insurance:

- (i) Are subject to the approval of the State Insurance Commissioner; and
 - (ii) Shall conform with the terms and conditions of comprehensive liability insurance policies available in the private market.
- (d) Defense of sovereign immunity. – A county board shall have the immunity from liability described under §5–518 of the Courts and Judicial Proceedings Article.

Source: Annotated Code of Maryland, *Education Article*, §4-105

- (a) Retention of counsel – County boards. –
- (1) Except in Baltimore County, each county board may:
 - (i) Retain counsel to represent it in legal matters that affect the board; and
 - (ii) Contract for the payment of a reasonable fee to the counsel.
 - (2) Funds for these fees shall be included in the annual budget.
- (b) Retention of counsel – Baltimore County Board. – The Baltimore County Board may retain counsel to represent it in legal matters that involve disputes with the Baltimore County government.
- (c) Payment for counsel in suits against board members. – Each county board may pay all or part of the counsel fees for the defense of a county board member who is involved in litigation because of his service and in his official capacity on that board. These payments are a valid educational expense.
- (d) Counsel to be provided in suits against teachers and other board agents and employees. –
- (1) In any suit or claim brought against a principal, teacher, school security guard, or other agent or employee of a county board by a parent or other claimant with respect to an action taken by the agent or employee, the board shall provide for counsel for that individual if:
 - (i) The action was taken in the performance of his duties, within the scope of his employment, and without malice; and
 - (ii) The board determines that he was acting within his authorized official capacity in the incident.

- (2) The counsel required by this section may be provided through the office of the county attorney or city solicitor.
- (3) This subsection does not require a county board to provide or reimburse the cost of counsel to a plaintiff or claimant in a suit or claim against a county board or its members, agents, or employees.

Source: Annotated Code of Maryland, *Education Article*, §4-104

MCPS Exhibit History: January 1983; revised April 1988; revised June 2020.