

LITIGATION PROCEDURES

The Board of Education recognizes the seriousness of legal allegations against the school district and the importance of responding promptly to such allegations. The Board further acknowledges that it may be served legal documents including notice of claim and summons and complaint documents either by personal delivery or mail delivery.

The Board notes that when service is made on the district by mail it may be addressed to any school official, including Board members, the Superintendent of Schools, Clerk, Collector, Treasurer, Attendance Officer, or any person whose duties generally relate to the administration of school affairs. Because such a large class of persons may be properly served on behalf of the district, the Superintendent shall ensure that all district employees whose duties relate to school administration understand their responsibility to identify and immediately forward legal papers to the Superintendent.

If any employee, Board Member, or volunteer is sued as a result of action taken while acting in the discharge of his/her duties within the scope of his/her employment, office or authorized service, the district shall provide legal aid and render all necessary assistance in his/her defense, within the limitations of New York State Law. The employee, Board member or volunteer shall notify the Superintendent within ten (10) days after the action is brought against him/her. In the event action is submitted to the Board concerning an employee, Board member or volunteer, that person shall be notified by the Superintendent within ten (10) days.

The Superintendent shall establish effective procedures to ensure that the district responds within the time frames prescribed by law. The procedures developed, when implemented, will help protect the district from penalties for failure or refusal to acknowledge receipt of a summons served either by mail or personal delivery.

Cross-ref: 2270, School Attorney

Ref: 22 NYCRR §130.1 (b); 130.2
Education Law §2 (13); 3813
Civil Practice Law and Rules §311; 312(a); 318

Note: Policy added