

SECTION 2. AND BE IT FURTHER ENACTED, That new Section ~~[[56B(e)]]~~ 56C be and it is hereby added to Article 77 - Public Education, of the Annotated Code of Maryland (1969 Replacement Volume and 1974 Supplement) to read as follows:

Article 77 - Public Education

~~[[56B.~~

(E) IN ANY SUIT OR CLAIM BROUGHT AGAINST ANY PRINCIPAL, TEACHER, SCHOOL SECURITY GUARD, OR ANY OTHER AGENT OR EMPLOYEE OF THE BOARD BY THE PARENT OR ANY OTHER CLAIMANT, THE COUNTY BOARD OF EDUCATION OR BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, AS THE CASE MAY BE, SHALL PROVIDE LEGAL COUNSEL FOR, OR IN THE ALTERNATIVE, MAY PROVIDE REIMBURSEMENT FOR THE REASONABLE EXPENSE OF LEGAL DEFENSE THEREOF FOR ANY PRINCIPAL, TEACHER, SCHOOL SECURITY GUARD, OR ANY OTHER AGENT OR EMPLOYEE OF THE BOARD. ]]

56C

(A) THE COUNTY BOARDS OF EDUCATION AND THE BOARD OF SCHOOL COMMISSIONERS OF BALTIMORE CITY MAY PROVIDE FOR LEGAL REPRESENTATION AS SET FORTH IN THIS SECTION.

(B) IN ANY SUIT OR CLAIM BROUGHT AGAINST ANY PRINCIPAL, TEACHER, SCHOOL SECURITY GUARD, OR ANY OTHER AGENT OR EMPLOYEE OF ANY SUCH BOARD BY THE PARENT OR ANY OTHER CLAIMANT WITH RESPECT TO ANY ACTION TAKEN BY THE EMPLOYEE IN THE PERFORMANCE OF THE EMPLOYEE'S DUTIES WITHIN THE SCOPE OF EMPLOYMENT AND WITHOUT MALICE, THE BOARD SHALL PROVIDE LEGAL COUNSEL, WHICH MAY BE PROVIDED THROUGH THE OFFICE OF THE COUNTY ATTORNEY OR CITY SOLICITOR, FOR THE EMPLOYEE OF THE BOARD IF THE BOARD DETERMINES THAT THE PERSON BEING SUED OR CLAIMED AGAINST WAS ACTING WITHIN HIS AUTHORIZED OFFICIAL CAPACITY IN THE INCIDENT INVOLVED.

THIS SUBSECTION DOES NOT REQUIRE THE PROVISION OF OR REIMBURSEMENT FOR LEGAL COUNSEL TO ANY PLAINTIFF OR CLAIMANT IN A SUIT OR CLAIM AGAINST BOARDS, THEIR MEMBERS, AGENTS, OR EMPLOYEES.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1975.

Approved May 15, 1975.