

Idaho State Board of Education
GOVERNING POLICIES AND PROCEDURES

SECTION: V. FINANCIAL AFFAIRS
Subsection: W. Litigation

August 2009

1. Initiation of Litigation

- a. An institution or agency under the governance of the Board may initiate a legal action with respect to any matter in which the amount in controversy does not exceed fifty thousand dollars (\$50,000). Any initiation of litigation of a legal matter that is in excess of fifty thousand dollars (\$50,000) must be approved by the Board prior to such initiation of litigation.
- b. Notwithstanding the authority to initiate litigation provided above, any legal action involving the exercise of the right of eminent domain must have the prior approval of the Board.
- c. Pursuant to Idaho Code §33-3804, an institution is permitted to initiate legal action in its own name.

2. Settlement of Litigation

The chief executive officer has authority to settle a legal matter involving the payment or receipt of up to fifty thousand dollars (\$50,000) of institution or agency funds. Any settlement of a legal matter that is in excess of fifty thousand dollars (\$50,000) in institution or agency funds must be approved by the Board prior to any binding settlement commitment.

3. Litigation Reporting by Institutions

Legal counsel for the institutions shall provide monthly attorney – client privileged litigation reports to the members of the Board, with a copy to the Board office (to the attention of the Board’s legal counsel). Such reports should include a description of all claims and legal actions filed against the institution since the date of the last report (and identify legal counsel for the parties involved, for conflict analysis purposes); a summary of the current status of all claims and pending litigation; risk analysis pertaining to all such claims and pending litigation; and the settlement of any legal claims or actions since the date of the last report, including settlements of matters handled by the State of Idaho Department of Administration, Division of Internal Management Systems, Risk Management Program. With respect to the reporting of a legal settlement, such report shall describe the amount of institution funds that were used, and the amount and source of any other funds that were provided in connection with such settlement, including funds from the Office of Insurance Management or from any other parties. Legal counsel for the institutions should also include in the report any significant incident occurring since the last report that is reasonably expected to give rise to a claim, as well as probable claims or legal actions the institution is aware of which have been threatened but not yet instituted.