

# MASSP Legal Assistance Program

## RULES & GUIDELINES

The rules and guidelines for the Missouri Association of Secondary School Principals (MASSP) Legal Assistance Program were revised by the Association's Board of Directors and are effective for all claims occurring after July 1, 2000. The rules were revised in order to clarify and simplify the Legal Assistance Program and will allow the Association to even better serve members in the future.

The Legal Assistance Program is available to all regular, active Association members and is designed to help members with legal counsel and with legal fees in the event of a lawsuit. Inquiries should be directed to the Executive Director.

A summary of the **NASSP Legal Fee Reimbursement Program** offered by the National Association of Secondary School Principals (NASSP) is included (p. 4). Often the MASSP Legal Assistance Program can be used in conjunction with the NASSP program for even greater membership benefit. For questions regarding the NASSP program or for a copy of their exact rules and guidelines, please contact NASSP Legal Services at 800-253-7746 or <http://www.principals.org>.

In addition to MASSP and NASSP assistance, the following may also provide administrators with liability coverage:

1. The school district's liability insurance may defend the administrator and cover all legal costs and penalties.
2. The individual's homeowners' policy.

The laws regarding professional liability and the rules governing insurance coverage can be very difficult to understand. Whenever there is a potential legal problem, it is important to identify the type of problem, who is responsible for providing legal representation (either the school district, some other entity, or you personally) and the sources of liability coverage. MASSP is available to assist members in sorting through these questions.

For more information contact the MASSP Executive Director,  
2409 West Ash Street, Columbia, MO 65203-0045.  
Tel: 573-445-5071 or Fax: 573-445-6416  
Toll Free Tel: 877-606-2777 Fax: 877-996-2777  
Web site: <http://www.moassp.org>

### **Purpose:**

The Legal Assistance Program of the Missouri Association of Secondary School Principals (MASSP) was established to provide financial assistance to active members who are involved in due process or job related legal actions or other situations where the member is an interested party as well as legal matters arising in the course of certain professional activities. It could include legal assistance relative to a member's employment and other matters where legal advice may be of urgency to the member and of interest to the association.

### **How to Obtain Assistance:**

The Executive Director is available to consult with members and make suggestions for an appropriate course of action or provide attorney referrals. In accordance with Executive Board policy, MASSP will not represent individual members in court or other related proceedings.

**Guidelines for Financial Assistance:**

Should a given situation warrant the use of legal counsel, the following rules and stipulations apply:

1. The individual seeking assistance must be an active member of MASSP in good standing and must have been a member in good standing before the issue arose.
2. The decision to retain legal counsel must be a joint decision by MASSP and the member. MASSP is not financially responsible for legal fees incurred prior to such a joint agreement. Before being approved to receive legal assistance related to employment or to school issues, the member shall have
  - a. Consulted with the MASSP Executive Director,
  - b. Consulted with the NASSP legal counsel, if an NASSP member, and
  - c. Explored other means at the local, state and national levels for securing advice and information.
3. A member must show that the school district or other party took affirmative steps to threaten the member, the member's position, or job related benefits.
4. The Legal Assistance Program covers only hourly services of a licensed attorney.
5. Only legal fees that arise out of approved cases and are the personal responsibility of the member are subject to reimbursement.
6. Excluded from the Legal Assistance Program shall be claims for or arising out of the following:
  - a. Criminal proceedings or actions, unless the member is found not guilty,
  - b. Any allegation of sexual harassment or abuse unless, (1) in a criminal suit the member is found not guilty, or (2) in a civil suit the member prevails in defending the suit,
  - c. Situations in which the defense of the member is the legal responsibility of another party, such as the member's employer,
  - d. Member initiated lawsuits, except as approved by the Executive Board,
  - e. Fines, penalties, punitive or exemplary damages of any kind,
  - f. The reoccurrence of matters for which the Legal Assistance Program has already provided reimbursement (This does not include the reoccurrence of matters before a different tribunal or decision making body.), and
  - g. Other factors as determined by the Executive Director.

**Amount of Assistance Available:**

1. The Executive Director is empowered to refer a member to outside counsel if a member
  - a. Is involved in a school situation where legal advice is important in the decision making process and MASSP has an interest in the advice and judgment as it may relate to the professional activities and concerns of the membership as a whole, or
  - b. Is in a situation where his or her contract is not renewed and there is some reasonable cause for contesting the non-renewal.

Following initial discussion with the Executive Director the member may be referred to outside counsel for consultation. The attorney will provide the member and MASSP a "letter of summary." MASSP will pay the cost for up to one hour of legal consultation with MASSP selected attorneys.

2. Beyond an initial consultation as listed in item 1, all legal fees incurred shall be shared equally by MASSP and the member, subject to provisions 3 through 6 listed below. (For example, if the member's total legal bill is \$600, the Legal Assistance Program will reimburse the member \$300.)
3. The Executive Director is empowered to commit additional MASSP funds (up to \$400) above the initial consultation, in a situation where a member's contract is not renewed and there is some reasonable cause for contesting the non-renewal or legal defense, except for member initiated lawsuits in which case the Executive Board must approve all expenses. (If the member is also a member of NASSP, assistance may also be available from NASSP up to \$500 and MASSP will match the amount provided by NASSP up to \$500.)
4. The MASSP Executive Board may approve an additional amount (up to \$500), bringing to \$900 (\$1,000 for NASSP/MASSP members) the total amount of the Association's commitment beyond the initial consultation.
5. The MASSP Executive Board may approve the expenditure of additional MASSP funds (up to \$4,000). This brings the maximum amount of the MASSP commitment to \$5,000, except for landmark cases.
6. Landmark cases are defined as those cases where the successful resolution thereof would result setting a legal precedent beneficial to a large number of MASSP members. In such a case, the MASSP Executive Board may agree to expend funds in excess of the \$5,000 limit and agree to bear more than one-half of the member's legal costs.

7. In all cases, the member is responsible for paying his or her legal fees. The Legal Assistance Program will make all reimbursements payable to the individual member.
8. MASSP reserves the right to cancel or otherwise limit the Legal Assistance Program, with or without notice, should financial resources become depleted.

### **Appeal of Decisions:**

The Executive Director is authorized to interpret all rules and regulations of the Legal Assistance Program, including which members are eligible for financial assistance. Members who disagree with a decision of the Executive Director may appeal such decision to the MASSP Executive Board. All decisions of the Executive Board are final.

### **NASSP Legal Fee Reimbursement Program** (Revised 2001)

NASSP's Legal Fee Reimbursement Program provides financial help to eligible members in payment of certain reasonable and necessary legal expenses. This benefit is available when members have been threatened with the loss of their positions or other job-related benefits contrary to due process. *\*Some exclusions may apply. See eligibility parameters below.*

### **How the Plan Works**

Through Savers Property & Casualty Insurance Company, NASSP offers varying levels of reimbursement of certain "out-of-pocket" legal expenses incurred by members whose positions or other job-related benefits have been threatened contrary to due process. The amount of assistance is based on a member's current length of continuous membership with the association and is subject to a \$500 deductible. For claims arising on or after July 1, 2001, the reimbursement range available to eligible participants is \$1000 to a maximum of \$10,000.

### **Eligibility**

The Legal Fee Reimbursement plan is available to Individual and Institutional members for eligible claims. Retired members who wish to take advantage of this benefit must retain individual membership at the regular dues rate.

To participate in the program, you must be a member of NASSP: (1) at the time the incident giving rise to the claim occurred, (2) when the request for assistance is made and (3) continuously throughout the claims process.

Certain types of claims may be excluded from coverage under the policy. For example, the policy will not cover expenses arising out of: bargaining unit negotiations, criminal actions or suits, changes in the member's position or benefits resulting from demonstrated reductions in force, workers compensation related actions or proceedings. *(This is not an all-inclusive listing of exclusions)*. The insurance administrator of the program will address eligibility issues regarding the nature of your particular claim and the specific terms of the Savers Property & Casualty policy will govern all determinations for claims made under the program.

To apply you can download an application or you can contact NASSP's Legal Services department to have an application package mailed to you. Either way, simply fill out the application and send required documents (listed in the application package) to NASSP Legal Services. NASSP attorneys will send you a letter confirming receipt of your materials and the insurance administrator of NASSP's program will handle your claim from that point forward corresponding with you directly.