SB202

136269-1

By Senators Taylor, Beason, Scofield, Williams and McGill

RFD: Finance and Taxation Education

First Read: 07-FEB-12
SYNOPSIS: Under existing law, neither the State of Alabama nor a local board of education is required to provide teachers and educational support personnel with education employee professional liability insurance to protect against potential financial ruin or loss of reputation in the event the teacher or other education employee, or student teacher is sued individually or as a party in a legal action.

This bill would require the State Department of Education and the Department of Finance to implement a program to purchase or provide a policy of education employee professional liability insurance to insure certificated personnel and support personnel employed by a local board of education and student teachers and would authorize the State Department of Education and the Department of Finance to adopt rules for the implementation of such program.
A BILL

TO BE ENTITLED

AN ACT

Relating to public education; to establish the Teacher and Education Employee Protection Act; to require the State Department of Education and the Department of Finance to implement a program to purchase or provide a policy of education employee professional liability insurance to insure certificated personnel and support personnel employed by a local board of education and student teachers; and to authorize the State Department of Education and the Department of Finance to adopt rules for the implementation of the program.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is the intent of the Legislature to protect teachers, educational support personnel, and student teachers in the public schools of this state from liability for monetary damages and the cost of defense of any action resulting from a claim made against the teacher, support employee, or student teacher arising out of occurrences in the course of activities in his or her professional capacity.

Section 2. This act shall be known and may be cited as the Teacher and Education Employee Protection Act.
Section 3. For the purposes of this act, the following terms shall have the following meanings:

(1) CERTIFICATED PERSONNEL. Full-time teachers, principals, and other education employees employed by a local board of education and required to hold a certificate issued by the State Superintendent of Education.

(2) LOCAL BOARD OF EDUCATION. A city or county board of education, the Board of Trustees of the Alabama Institute for Deaf and Blind, the Alabama Youth Services Board in its capacity as the Board of Education for the Youth Services School District, the Board of Directors of the Alabama School of Fine Arts, and the Board of Directors of the Alabama School of Mathematics and Science.

(3) STUDENT TEACHER. A college or university student in an education degree program who, as part of the degree program, is assigned to teach in a local public school classroom, is providing instruction to students, and is being mentored by a teacher.

(4) SUPPORT PERSONNEL or SUPPORT EMPLOYEE. Full-time maids, custodonts, adult bus drivers, lunchroom or cafeteria workers, secretaries, clerks, clerical assistants, maintenance workers, or other non-certificated employees.

Section 4. The State Department of Education and the Department of Finance may purchase or provide a policy or policies of education employee professional liability insurance, subject to appropriations by the Legislature,
insuring certificated personnel and support personnel who are employed by a local board of education and student teachers. Such policy or policies shall protect against damages arising out of the performance of their duties or in any way connected therewith. The amount of the insurance and the appropriate coverage shall be in the discretion of the Department of Finance. Specific appropriations by the Legislature to fund the program shall be included in the annual Education Trust Fund Appropriations Act. An insurance carrier providing any portion of the education employee professional liability coverage under the program shall be selected by a competitive process. Any amount of the appropriation for purchase of liability insurance remaining after liability insurance is provided shall revert to the Education Trust Fund.

Section 5. Insurance coverage provided by this act shall automatically cover all full-time certificated personnel and support personnel who are employed by a local board of education, and student teachers who are assigned to a classroom under the purview of a local board of education, and shall be at no cost to the certificated personnel, support personnel, or student teachers. Education employee professional liability coverage may be extended at cost to all part-time certificated personnel and part-time support personnel who choose to participate in the program.

Section 6. The program of insurance established by this act shall be jointly administered by the State Department
of Education and the Department of Finance and those
departments may jointly promulgate any necessary rules to
implement the program.

Section 7. The program of insurance shall be
effective for insurance coverage of certificated personnel,
support personnel, and student teachers not later than July 1,
2013.

Section 8. This act shall become effective
immediately following its passage and approval by the
Governor, or its otherwise becoming law.