

1 SB278
2 126937-1
3 By Senators Taylor, Holtzclaw, Williams, Bussman, McGill,
4 Marsh, Waggoner, Beason and Scofield
5 RFD: Finance and Taxation Education
6 First Read: 24-MAR-11

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8 SYNOPSIS: Under existing law, neither the State of
9 Alabama nor a local board of education is required
10 to provide teachers and educational support
11 personnel with education employee professional
12 liability insurance to protect against potential
13 financial ruin or loss of reputation in the event
14 the teacher or other education employee, or student
15 teacher is sued individually or as a party in a
16 legal action.

17 This bill would require the State Department
18 of Education and the Department of Finance to
19 implement a program to purchase or provide a policy
20 of education employee professional liability
21 insurance to insure certificated personnel and
22 support personnel employed by a local board of
23 education and student teachers and would authorize
24 the State Department of Education and the
25 Department of Finance to adopt rules for the
26 implementation of such program.
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1 A BILL
2 TO BE ENTITLED
3 AN ACT
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5 Relating to public education; to establish the
6 Teacher and Education Employee Protection Act; to require the
7 State Department of Education and the Department of Finance to
8 implement a program to purchase or provide a policy of
9 education employee professional liability insurance to insure
10 certificated personnel and support personnel employed by a
11 local board of education and student teachers; and to
12 authorize the State Department of Education and the Department
13 of Finance to adopt rules for the implementation of the
14 program.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

23 Section 2. This act shall be known and may be cited
24 as the Teacher and Education Employee Protection Act.

25 Section 3. For the purposes of this act, the
26 following terms shall have the following meanings:

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

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

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

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

21 Section 4. The State Department of Education and the
22 Department of Finance may purchase or provide a policy or
23 policies of education employee professional liability
24 insurance, subject to appropriations by the Legislature,
25 insuring certificated personnel and support personnel who are
26 employed by a local board of education and student teachers.
27 Such policy or policies shall protect against damages arising

1 out of the performance of their duties or in any way connected
2 therewith. The amount of the insurance and the appropriate
3 coverage shall be in the discretion of the Department of
4 Finance. Specific appropriations by the Legislature to fund
5 the program shall be included in the annual Education Trust
6 Fund Appropriations Act. An insurance carrier providing any
7 portion of the education employee professional liability
8 coverage under the program shall be selected by a competitive
9 process. Any amount of the appropriation for purchase of
10 liability insurance remaining after liability insurance is
11 provided shall revert to the Education Trust Fund.

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

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

1 Section 7. The program of insurance shall be
2 effective for insurance coverage of certificated personnel,
3 support personnel, and student teachers not later than July 1,
4 2012.

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