

1 SB202  
2 136269-1  
3 By Senators Taylor, Beason, Scofield, Williams and McGill  
4 RFD: Finance and Taxation Education  
5 First Read: 07-FEB-12

2  
3  
4  
5  
6  
7  
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.

1  
2 A BILL  
3 TO BE ENTITLED  
4 AN ACT  
5

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

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

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

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

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

23           Section 4. The State Department of Education and the  
24 Department of Finance may purchase or provide a policy or  
25 policies of education employee professional liability  
26 insurance, subject to appropriations by the Legislature,

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

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

25 Section 6. The program of insurance established by  
26 this act shall be jointly administered by the State Department

1 of Education and the Department of Finance and those  
2 departments may jointly promulgate any necessary rules to  
3 implement the program.

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

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