

1 HB133
2 106976-2
3 By Representative Grimes
4 RFD: Education Appropriations
5 First Read: 12-JAN-10
6 PFD: 01/07/2010

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8 SYNOPSIS: Currently, local boards of education carry
9 liability insurance for actions arising during the
10 course of the performance of a teacher's duties.
11 However, neither the state of Alabama nor local
12 boards of education provide teachers with educator
13 professional liability insurance to protect them
14 from potential financial ruin or loss of reputation
15 in the event the teacher is sued individually or as
16 a party in a 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 educator professional liability insurance to
21 insure certificated personnel employed by a local
22 board of education and student teachers and would
23 authorize the State Department of Education and the
24 Department of Finance to adopt rules and
25 regulations for the implementation of such program.

26
27 A BILL

1 TO BE ENTITLED

2 AN ACT

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4 To require the State Department of Education and the
5 Department of Finance implement a program to purchase or
6 provide a policy of educator professional liability insurance
7 to insure certificated personnel employed by a local board of
8 education and student teachers and to authorize the State
9 Department of Education and the Department of Finance to adopt
10 rules and regulations for the implementation of such program.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. The Legislature intends that all the
13 teachers in this state be protected from liability for
14 monetary damages and the cost of defense of actions resulting
15 from claims made against them arising out of occurrences in
16 the course of activities in their professional capacity.

17 Section 2. This act shall be known as and may be
18 cited as "The Teacher Protection Act of 2010."

19 Section 3. (a) For purposes of this act, the
20 following terms shall have the respective meanings ascribed by
21 this section, except when the context clearly indicates a
22 different meaning:

23 (1) "Certificated personnel" means all full-time
24 teachers, principals, and other education personnel employed
25 by a local board of education and required to hold a
26 certificate issued by the State Superintendent of Education.

1 (2) "Student teacher" means a college or university
2 student in an education degree program who, as part of the
3 degree program, is in a local public school in a classroom
4 setting providing instruction to students and being mentored
5 by a teacher.

6 (3) "Local board of education" means any city or
7 county board of education, the Board of Trustees of the
8 Alabama Institute for Deaf and Blind, the Alabama Youth
9 Services Board in its capacity as the Board of Education for
10 the Youth Services School District, the Board of Directors of
11 the Alabama School of Fine Arts, and the Board of Directors of
12 the Alabama School of Mathematics and Science.

13 (b) The State Department of Education and the
14 Department of Finance shall be authorized to purchase or
15 provide a policy or policies of educator professional
16 liability insurance, subject to appropriations by the
17 Legislature, insuring certificated personnel who are employed
18 by a local board of education and student teachers. Such
19 policy or policies shall protect against damages arising out
20 of the performance of their duties or in any way connected
21 therewith. The amount of such insurance and the appropriate
22 coverage shall be in the discretion of the Department of
23 Finance. Specific appropriations by the Legislature to fund
24 the program shall be included in the annual Education Trust
25 Fund Appropriations Act. Any insurance carrier providing any
26 portion of the educator professional liability coverage under
27 the program must be selected by a competitive process. The

1 amount of the appropriation for purchase of liability
2 insurance remaining after liability insurance is provided
3 shall revert to the Education Trust Fund.

4 (c) Insurance coverage provided pursuant to this
5 section shall automatically cover all full-time certificated
6 personnel who are employed by a local school system and
7 student teachers and shall be at no cost to such certificated
8 personnel or student teachers. Educator professional liability
9 coverage may be extended at cost to all part-time certificated
10 personnel who choose to participate in the state-provided
11 program.

12 (d) The program of insurance under this act shall be
13 jointly administered by the State Department of Education and
14 Department of Finance and such departments are authorized to
15 jointly promulgate any necessary rules and regulations to
16 implement such program.

17 (e) The program of insurance shall be effective for
18 insurance coverage of certificated personnel and student
19 teachers no later than July 1, 2011.

20 Section 4. All laws or parts of laws which conflict
21 with this act are repealed.

22 Section 5. This act shall become effective
23 immediately following its passage and approval by the
24 Governor, or its otherwise becoming law.