

**Policy Name: Licensed Personnel
Protection****Policy Code: 3.19M****Date Adopted: R/A 4/16/12****A. LIABILITY INSURANCE**

Liability insurance is provided by the State Board of Education to each public school employee being classified as follows: All persons requiring certification by the Department of Education, school nurses, student teachers, teacher aides, substitute teachers, authorized volunteers, and school boards. Act 540 of 1999 established a limit of 150,000 per incident for this coverage. Coverage is PRIMARY to any group policy furnished by any teacher organization. The coverage is EXCESS to any coverage purchased by a local school district.

The state policy DOES NOT provide automobile coverage. The district has liability coverage on all school owned vehicles used for school activities.

The defense of any criminal charges arising from CORPORAL PUNISHMENT applies to licensed personnel ONLY.

The defense of any other criminal charges (school boards excluded) will be covered up to \$5,000 attorney's fees for incidents arising out of the insured's activities within the scope of his/her employment, provided the insured is exonerated by a court of law or all charges are subsequently withdrawn or dismissed unless such withdrawal or dismissal is conditioned upon termination of employment.

Employees should report immediately any incident which could cause a claim to their immediate supervisor or principal, who will in turn report to the Superintendent. The Superintendent will make appropriate reports to the State Department of Education.

B. BOARD OF EDUCATION LIABILITY INSURANCE

The Board of Education maintains liability insurance coverage for itself and all its employees, both licensed and non-licensed. Therefore, the state liability insurance coverage for licensed personnel as listed in A, above becomes coverage and provides additional coverage for licensed personnel.

C. SCHOOL BUSINESS TRIP INSURANCE

All employees and school board members are covered by trip insurance provided by the District. The employee must be full-time working a minimum of twenty (20) hours per week. Each covered person is insured for \$100,000 Accidental Death coverage while on a "Business Trip". There is a limit of \$300,000 payable on a common accident with multiple deaths.

"Business Trip" means a trip while on assignment or at the discretion of the District to further the business of the District. Coverage begins when a person leaves his/her residence or place of regular employment (whichever comes first). Travel to and from work or travel while on leave of absence or vacation is excluded. This policy will not cover any loss of resulting from the following.

1. Intentionally self-inflicted injury, suicide or attempted suicide, whether sane or insane;
2. War or act of war, whether declared or undeclared;
3. Injury sustained while in the armed forces of any country or international authority;
4. Injury sustained while on any aircraft, less, and only to the extent a hazard specifically describes such coverage. A Business Trip on a scheduled airline would be covered.

C. EMPLOYEE LIABILITY

- 1. A School Board is generally immune to suits for injury or damage; however, the individual employee of the District charged with the responsibility of the activity, the operation, the group, or the individual student can, under certain circumstances, be charged with liability.**
- 2. As a general policy, courts have sustained the judgment and actions of a teacher when and only when there was evidence of "reasonableness" in the teacher's actions.**

D. Civil Liability

- 1. Teachers and other school personnel in this state shall be immune from any civil liability for communication information in good faith concerning drug abuse by any pupil to that pupil's parents, to law enforcement officers, or to health care providers.**
- 2. Teachers, school counselors, school health care providers, and other school personnel shall be immune from any civil liability for providing counseling, referral, emergency medical care, or other assistance offered in good faith to suicidal students or other suicidal youth. "Suicidal" refers to a person who poses a substantial risk of physical harm to himself/herself as manifested by evidence of, threats of, or attempts at suicide or self-inflicted bodily harm, or by evidence of other behavior or thoughts that create a grave and imminent risk to his physical condition.**

Legal References: Act 175 of 1979; Act 741 of 1987; Act 587 of 1991; Act 590 of 1999;
Ark. Stat. Ann. §6-17-106.