

HOUSE BILL 645

By McCormick

AN ACT to amend Tennessee Code Annotated, Title 9,  
Chapter 8, to enact the Educator Protection Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 9, Chapter 8, is amended by adding the following language as a new, appropriately designated part:

**9-8-501.** This part shall be known and may be cited as “The Educator Protection Act of 2015.”

**9-8-502.** The purpose of this part is to create the Tennessee educator liability fund to provide excess professional liability insurance coverage for all teachers and student teachers, subject to the appropriations of the general assembly. The fund shall protect against damages for claims arising out of the performance of teachers’ and student teachers’ duties within the scope of their employment or assignment. The fund shall be administered by the board of claims.

**9-8-503.**

(a) As used in this part, unless the context otherwise requires:

(1) “Fund” means the Tennessee educator liability fund;

(2) “Student teacher” means an individual enrolled as a student in an institution of higher education approved by the state board of education for teacher training, who is jointly assigned by the institution of higher education and either a local board of education or a charter school to teach under the direction of a licensed teacher employed by the local board of education or the charter school.

(3) “Teacher”:

(A) Means any individual employed by a local board of education in a position that requires a license issued by the department of education for service in public elementary and secondary schools of this state, supported, in whole or in part, by local, state, or federal funds; and

(B) Includes an individual employed at a public charter school in a position that requires a license issued by the department of education for service in a public elementary and secondary school of this state.

(b) For the purposes of this part, teachers and student teachers shall not be considered "state employees" as defined in § 8-42-101.

**9-8-504.**

(a) The Tennessee educator liability fund shall be established as a separate account in the state treasury and shall be separate and apart from the risk management fund established by § 9-8-109.

(b) The fund shall be funded from appropriations by the general assembly, and shall include interest earned on the appropriated money. Appropriations to the fund may be adjusted based on the number of claims filed and amounts paid from the fund. Amounts remaining in the fund at the end of each fiscal year, including interest, shall not revert to the general fund.

(c) Moneys in the fund shall be invested by the state treasurer pursuant to chapter 4, part 6, of this title, for the sole benefit of the fund.

**9-8-505.**

(a) Notwithstanding any provision of law to the contrary and in addition to the board of claims' authority set forth in § 9-8-108, the board of claims is authorized to:

(1) Establish the type or types of insurance and the insurance limits as excess insurance coverage necessary to carry out the purposes of this part;

(2) Purchase or procure the insurance policy or policies with the fund as the insured;

- (3) Establish the effective date for which insurance coverage will be provided;
- (4) Enter into contracts with financial consultants, actuaries, auditors, investment managers, individual attorneys, law firms, and other consultants and professionals as necessary to effectuate the purposes of this part;
- (5) Establish the process for the administration of claims filed pursuant to this part;
- (6) Recommend annually to the commissioner of finance and administration the total occurrence basis funding required to satisfy the liabilities arising under this part; and
- (7) Promulgate rules that are necessary to carry out the purpose and intent of this part.

**9-8-506.**

(a) Coverage provided under this part shall automatically cover all full-time and part-time teachers and student teachers at no cost to the teachers or student teachers.

(b) The expenses paid from the fund shall include the costs associated with the administration of the fund, including, but not limited to, any insurance policy, policies, or contracts that may be authorized by the board of claims.

(c) Pursuant to this part, the insurance policy or policies that may be purchased or procured, and the contracts that may be executed, shall cover incidents that have occurred on or after the effective date of this act.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.