

Mark Desetti, Director of Governmental Affairs, testimony
House Committee on Education
February 18, 2013
House Bill 2232

Madame Chair, members of the Committee, I appear before you today on **House Bill 2232**.

House Bill 2232 would require the State Department Education within its legislative allocation, to purchase liability insurance for the protection of teachers from liability resulting from any tortuous conduct. KNEA stands neutral on this bill. However, we believe that the bill raises a number of questions. We do not have specific answers to these but believe that a dialogue about them is necessary. I will attempt to identify a number of our questions:

1. The precise cost of this proposal is unknown. At least one “guesstimate” has put the cost at more than \$1,000,000 per year. In light of the current budget debates is this the right time to expand the scope of State responsibilities?
2. How many school districts now purchase liability insurance for all of their employees? What is the current aggregate cost of the current liability insurance?
3. How would the current liability insurance policies integrate with any additional insurance that the State might purchase? Should the State interfere with individual school district decision making in regard to the purchase of liability insurance?
4. Should the State Department of Education make decisions about the level and type of liability insurance that they make available to school districts? Should that be an individual district decision? Many districts purchase broad umbrella insurance policies that cover ALL of their employees at a cost that might be cheaper than the premium that teacher liability insurance standing alone might cost. Would it be good public policy to know that information? We believe that it would.
5. Does the bill intend to cover nurses and others who do not hold a teachers certificate? On its face it does not. However these employees may have a greater exposure to tort claims than classroom teachers. The bill does not indicate that it would provide coverage for coaches. Are they covered for on the field injury claims? What about class sponsorship activities are they covered if duties are performed away from the classroom?

6. Current case law provides immunity from suit for a variety of claims arising out of recreational activities. Does this bill unintentionally amend or change the district's liability for recreational activity injuries?

In conclusion it appears that not only is this proposal a solution looking for a problem but it also raises not only these questions but many more that need to be answered. Everybody wants to protect teachers but this bill makes that goal more complicated and perhaps more expensive to achieve. I strongly urge this Committee to take a more studied approach to the topic before rushing to any final judgment.