

EDUCATORS PROFESSIONAL LIABILITY INSURANCE POLICY INFORMATION

What the Policy Covers

Your policy coverage runs concurrent with your present TASBO membership term for as long as the program is in effect. Coverage is limited to the amounts specified below and applies only to occurrences during the policy period (Coverage A) or to actions resulting from activities of the Insured which first take place during the policy period (Coverage B).

The Insured is defined in the policy as an active, life, or retired member of the Association who is an employee of a public or charter school district, ESCs, Dallas Co. Schools, Harris Co. Dept. of Educ., school district and ESC operated Cooperatives, or public community colleges. Coverage is provided for the member in his/her capacity as an administrator or educator. The policy specifically excludes private contracts or endeavors. Coverage is available for a \$45 fee. The annual fee will not be prorated.

Coverage A – Liability Coverage

A True Professional Liability Policy:

- ❖ Errors and omissions insurance for claims for damages arising out of a member's duties as a professional educator, including all defense costs.
- ❖ The occurrence giving rise to such claims is simply defined as an event which results in damages to some other person.

What the Policy Pays: Up to \$1,000,000 per Insured per occurrence/\$3,000,000 per occurrence, plus the cost of defense, investigation and legal fees.*

* NOTE: *The duty of the insurer to defend extends even to groundless, false and frivolous suits or accusations.*

Coverage B – Reimbursement of Attorney Fees

Provides for reimbursement of attorney's fees in a broad range of situations not insured under Coverage A such as:

- ❖ Criminal charges, allegations of sexual misconduct, actions involving dismissal, revocation of certification, and other professional rights and duties. As respects some of these situations, payment of attorney fees is contingent on the Insured's case prevailing. In such cases, \$1,000 (for consultation or otherwise) is reimbursed without regard to that outcome.

What the Policy Pays: Up to \$5,000 per claim per Insured. Coverage for criminal proceedings and/or sexual misconduct limited to \$10,000 aggregate per member per policy year.

Coverage C – Bail Bonds

Provides for payment of premium on bail bonds required of the Insured arising out of activities of the Insured in his/her professional capacity.

What the Policy Pays: Up to \$1,000 premium on bail bonds.

Special Features – This policy could provide coverage for the following situations:

- ❖ **Failure to report financial information to school district and/or board**

- ❖ **Inaccurate financial reporting**
- ❖ **Misappropriation of school district funds**
- ❖ **Inappropriate employee relationships**
- ❖ **Employment rights concerns involving dismissal, contract nonrenewal, and assignment**

Effective September 1, 2019-Firearms Exclusion Endorsement

Amidst the devastating school shootings that have occurred in recent times, the subject of teachers bearing firearms in the classroom has become a topic of controversy that has reached the corporate office of our carrier, Nationwide. As respects our Educators Professional Liability policy, the reality of educators carrying concealed handguns in the classroom has propelled Nationwide to implement a new Firearms Exclusion on the 2019-2020 policy. This exclusion is not absolute, however. The intent is to eliminate coverage for educators who possess or use a firearm in the classroom, and for the negligent hiring or supervision of an educator who possesses or uses a firearm in the classroom. The Nationwide policy will continue to cover certain types of claims involving firearms – as long as the insured educator is not the person wielding the gun. For example, a current claim in our book involves a school shooting, whereby a student entered the classroom and shot several students. The administrator of the school (our insured) was named in a lawsuit alleging negligence for failure to see that the student (i.e. the active shooter) was a threat. The policy affords coverage now for such third-party firearms-related claims, and the new policy in 2019 will also afford coverage.

The parameters of our policy are intended to cover educators while acting in the course and scope of their professional duties. It is important to state that Nationwide's intent has never been to afford coverage for acts that involve a teacher shooting, and possibly killing, a student(s). Firearms in the classroom that are possessed, maintained or used by our insured transform the role of the educator and also Nationwide's role as an Insurer – transforming the latter into a carrier covering school security and law enforcement. Adding this exclusion will clarify the intent of the policy as respects this growing exposure, and importantly, it will keep rates from significantly increasing in the event of serious loss in this area.