

**LIABILITY COVERAGE FOR TEACHERS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: David L. Gladwell**

**This act modifies provisions related to Administrative Services to address issues of providing teachers information regarding state coverage of legal liability.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**63A-4-204**, as last amended by Chapter 225, Laws of Utah 1999

**63A-4-204.5**, as enacted by Chapter 231, Laws of Utah 1998

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **63A-4-204** is amended to read:

**63A-4-204. School district participation in Risk Management Fund.**

(1) (a) For the purpose of this section, action by a public school district shall be taken upon resolution by a majority of the members of [its] the school district's board of education.

(b) (i) Upon approval by the state risk manager and the board of education of the school district, a public school district may participate in the Risk Management Fund and may permit a foundation established under Section 53A-4-205 to participate in the Risk Management Fund.

(ii) Upon approval by the state risk manager and the State Board of Education, a state public education foundation may participate in the Risk Management Fund.

(c) Subject to any cancellation or other applicable coverage provisions, either the state risk manager or the public school district may terminate participation in the fund.

(2) The state risk manager shall contract for all insurance, legal, loss adjustment, consulting, loss control, safety, and other related services necessary to support the insurance program provided to a participating public school district, except that all supporting legal services are subject to the prior approval of the state attorney general.

(3) (a) The state risk manager shall treat each participating public school district as a state

agency when participating in the Risk Management Fund.

(b) Each public school district participating in the fund shall comply with the provisions of this part that affect state agencies.

~~[(4) (a) The risk manager shall at least annually:]~~

~~[(i) prepare information summarizing the coverage provided to school teachers by the Risk Management Fund; and]~~

~~[(ii) provide that information to participating school districts:]~~

~~[(b) Each participating school district shall provide the coverage information to each school teacher:]~~

(4) (a) By no later than March 31 of each year, the risk manager shall prepare, in writing, the information required by Subsection (4)(b) regarding the coverage against legal liability provided a school teacher of this state:

(i) by the Risk Management Fund;

(ii) under Title 63, Chapter 30, Utah Governmental Immunity Act; and

(iii) under Title 63, Chapter 30a, Reimbursement of Legal Fees and Costs to Officers and Employees.

(b) (i) The information described in Subsection (4)(a) shall include:

(A) the eligibility requirements, if any, to receive the coverage;

(B) the basic nature of the coverage for a school teacher; and

(C) whether the coverage is primary or in excess of any other coverage the risk manager knows is commonly available to a school teacher in this state.

(ii) The information described in Subsection (4)(a) may include:

(A) comparisons the risk manager considers beneficial to a school teacher between:

(I) the coverage described in Subsection (4)(a); and

(II) other coverage the risk manager knows is commonly available to a school teacher in this state; and

(B) any other information the risk manager considers appropriate.

(c) The risk manager shall provide the information prepared under this Subsection (4) to each school district that participates in the Risk Management Fund.

(d) A school district that participates in the Risk Management Fund shall provide a copy of the information described in Subsection (4)(c) to each school teacher within the school district:

- (i) within 30 days of the day the school teacher is hired by the school district; and  
(ii) by no later than April 15 of each calendar year.

Section 2. Section **63A-4-204.5** is amended to read:

**63A-4-204.5. Charter school participation in Risk Management Fund.**

(1) A charter school established under the authority of Title 53A, Chapter 1a, Part 5, [the] Utah Charter Schools Act, may participate in the Risk Management Fund upon the approval of the state risk manager and the governing body of the charter school.

(2) (a) For purposes of administration, the state risk manager shall treat each charter school participating in the fund as a state agency.

(b) Each charter school participating in the fund shall comply with the provisions of this part that affect state agencies.

~~[(3) (a) The risk manager shall at least annually:]~~

~~[(i) prepare information summarizing the coverage provided to school teachers by the Risk Management Fund; and]~~

~~[(ii) provide that information to participating charter schools:]~~

~~[(b) Each participating charter school shall provide the coverage information to each school teacher.]~~

(3) (a) By no later than March 31 of each year, the risk manager shall prepare, in writing, the information required by Subsection (3)(b) regarding the coverage against legal liability provided a school teacher of this state:

(i) by the Risk Management Fund;

(ii) under Title 63, Chapter 30, Utah Governmental Immunity Act; and

(iii) under Title 63, Chapter 30a, Reimbursement of Legal Fees and Costs to Officers and Employees.

(b) (i) The information described in Subsection (3)(a) shall include:

(A) the eligibility requirements, if any, to receive the coverage;

(B) the basic nature of the coverage for a school teacher; and

(C) whether the coverage is primary or in excess of any other coverage the risk manager knows is commonly available to a school teacher in this state.

(ii) The information described in Subsection (3)(a) may include:

(A) comparisons the risk manager considers beneficial to a school teacher between:

- 90           (I) the coverage described in Subsection (3)(a); and  
91           (II) other coverage the risk manager knows is commonly available to a school teacher in  
92 this state; and  
93           (B) any other information the risk manager considers appropriate.  
94           (c) The risk manager shall provide the information prepared under this Subsection (3) to  
95 each charter school that participates in the Risk Management Fund.  
96           (d) A charter school that participates in the Risk Management Fund shall provide a copy  
97 of the information described in Subsection (3)(c) to each school teacher within the charter school:  
98           (i) within 30 days of the day the school teacher is hired by the charter school; and  
99           (ii) by no later than April 15 of each calendar year.
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**Legislative Review Note****as of 1-29-01 7:14 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**