

EDUCATION AND LABOR CABINET

Board of Education

Department of Education

(Amended at ARRS Committee)

702 KAR 3:330. Liability insurance.

RELATES TO: KRS 161.212

STATUTORY AUTHORITY: KRS 156.070, 156.160, **160.105, 161.212**

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 and 156.070 require the Kentucky Board of Education to promulgate administrative regulations concerning the management of the school districts. KRS 160.105 requires the Kentucky Board of Education to promulgate **administrative** regulations to require school districts to provide each certified employee with primary liability insurance coverage. KRS 161.212 requires the Kentucky Board of Education to promulgate administrative regulations to implement requirements for the Educators Employment Liability Insurance Program.

Section 1. School District Certified Employee Liability Insurance. Beginning with the 2024-2025 school year, each school district shall provide each certified district employee with primary liability insurance coverage **in an amount not less than \$1 million** for the protection of the employee from liability arising in the course and scope of pursuing the duties of **his or her** employment ~~in an amount not less than one million dollars (\$1,000,000)~~.

Section 2. Educators Employment Liability Insurance Program.

(1) By October 1 of each year, **and in the format determined by the department,** each school district shall provide the Kentucky Department of Education ~~in the format determined by the department,~~ with ~~the following~~:

- (a) The name of the district's insurance carrier providing primary liability insurance coverage for each certified employee for liability arising in the course and scope of employment;
- (b) Verification that the amount of liability coverage provided to each certified employee is at least equal to **\$1 million** ~~one million dollars (\$1,000,000)~~;
- (c) The number of covered certified employees under the district's primary liability insurance policy;
- (d) ~~Whether there has been~~ Any change in coverage from the previous reporting year; and
- (e) If the district has excess liability insurance to the primary liability insurance for certified employees, the name of the carrier and the amount of excess coverage.

(2) The school district shall immediately notify the Kentucky Department of Education if the district's primary liability insurance policy that provides coverage to certified employees is cancelled during the policy term.

(3) ~~If~~ ~~In the event,~~ the school district's primary liability insurance policy that provides coverage to certified employees is canceled during the policy term, the district shall procure alternative liability insurance coverage for each certified employee and shall notify the Kentucky Department of Education of the terms of the replacement liability insurance, including the name of the carrier, the amount of coverage, and the number of certified employees covered under the policy.

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