

EDUCATION AND LABOR CABINET
Board of Education
Department of Education
(New Administrative Regulation)

702 KAR 3:330. Liability insurance.

RELATES TO: KRS 161.212

STATUTORY AUTHORITY: KRS 156.070, 156.160

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 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 for the protection of the employee from liability arising in the course and scope of pursuing the duties of 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, 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 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) 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.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

ROBIN KINNEY, Interim Commissioner of Education

SHARON PORTER ROBINSON, Chair

APPROVED BY AGENCY: October 11, 2023

FILED WITH LRC: October 11, 2023 at 1:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21 at 10:00 a.m., ET, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by 5 workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.