

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Senator Hardin**

# A Bill

**SENATE BILL 327**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 6-17-1113 TO  
9 SPECIFICALLY DESCRIBE THE CLAIMS WHICH ARE TO BE PAID  
10 UNDER CIVIL LIABILITY INSURANCE ESTABLISHED OR PROCURED BY  
11 THE DEPARTMENT OF EDUCATION COVERING PUBLIC SCHOOL  
12 DISTRICT EMPLOYEES; AND FOR OTHER PURPOSES."

## Subtitle

14 "TO DESCRIBE CLAIMS TO BE PAID UNDER CIVIL LIABILITY  
15 INSURANCE FOR PUBLIC SCHOOL EMPLOYEES."

17  
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19  
20 SECTION 1. Arkansas Code Annotated 6-17-1113 is amended to read as  
21 follows:

22 "6-17-1113. Civil liability insurance.

23 (a) The Department of Education is authorized and directed to establish  
24 a self-insurance fund or negotiate for and procure a group or blanket policy  
25 or policies of insurance, or both, insuring school board members, school  
26 nurses, school secretaries, substitute teachers, authorized volunteers, and  
27 each employee of a public school district and each employee of the Arkansas  
28 School for the Deaf and Arkansas School for the Blind who is required to hold  
29 a teaching certificate issued by the Department of Education and each  
30 teacher's aide and each student teacher in a public school district or in the  
31 Arkansas School for the Deaf or Arkansas School for the Blind and each member  
32 of the dormitory staff of the Arkansas School for the Deaf or Arkansas School  
33 for the Blind against civil liability for acts or omissions of each employee  
34 in the performance of his or her official duties as a school employee,  
35 including claims for civil rights violations, personal injury, third-party

1 liability, and civil liability for administering corporal punishment to  
2 students, in the amount of two hundred fifty thousand dollars (\$250,000) for  
3 each claimant, *one million dollars (\$1,000,000) per occurrence*. The two  
4 hundred fifty thousand dollars (\$250,000) insurance coverage provided herein  
5 shall be the limit of liability for each person from the aforesaid self-  
6 insurance fund or any insurance policy procured under the requirements of this  
7 section. The self-insurance fund established by the Department of Education  
8 shall be considered *liability insurance,* so as to permit an action against  
9 the individuals insured under this section as provided by law. Except as  
10 provided herein, the provisions of this section shall in no way affect the  
11 tort immunity enjoyed by school districts under the provisions of Article 5,  
12 Section 20 of the Constitution of the State of Arkansas and Arkansas Code  
13 Annotated 21-9-301. Provided that nothing herein shall prohibit a claimant's  
14 right to recover additional sums against any other liability insurance  
15 coverage provided for such claims.

16 (b) The premium on such policy or policies shall be paid annually out  
17 of funds in the Public School Fund that are set aside for distribution to the  
18 various school districts under Acts 1977, No. 384 [repealed].

19 (c) The Department of Education shall adopt appropriate rules and  
20 regulations necessary to carry out the purposes of this section."

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22 *SECTION 2. A cause of action not filed by the effective date of this*  
23 *act and which arose prior to the effective date of this act may be brought*  
24 *pursuant to this act if the action is not barred by the statute of*  
25 *limitations.*

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27 SECTION 3. All provisions of this act of a general and permanent nature  
28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
29 Revision Commission shall incorporate the same in the Code.

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31 SECTION 4. If any provision of this act or the application thereof to  
32 any person or circumstance is held invalid, such invalidity shall not affect  
33 other provisions or applications of the act which can be given effect without  
34 the invalid provision or application, and to this end the provisions of this  
35 act are declared to be severable.

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SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

*/s/Senator Hardin*

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