

AFT LIABILITY INSURANCE

LOUISIANA FEDERATION OF TEACHERS
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A summary of insurance protection through the American Federation of Teachers Occupational Liability Plan

Through your membership in a local union affiliated with the American Federation of Teachers (AFT), you receive protection from the AFT Occupational Liability Insurance Policy and from the AFT Legal Action Trust. Note: you must be a member in good standing of the local union when the incident occurred.

The AFT Occupational Liability Insurance Policy

- ▶ Claim protection for compensatory damages for civil actions arising out of bodily injury or death of students while under the supervision of the member. This includes civil corporal punishment claims.
- ▶ Personal injury coverage for libel, slander, defamation of character, violation of the right of privacy or detention, etc.
- ▶ Protection for members for damage or destruction to the property of others.
- ▶ Bond premiums available if required for the defense of a suit.

The AFT Legal Action Trust

- ▶ Defense costs up to \$250,000 per member per year for suits involving the denial of constitutional rights.
- ▶ Up to \$1,000,000 per member per year for inadvertent acts or omissions - including "failure to educate."
- ▶ Defense costs up to \$35,000 per member per year for criminal charges arising out of school activities where there is completed exoneration. However, if criminal proceedings result from corporal punishment, the reimbursement of defense costs up to \$35,000 will be made regardless of the outcome.
- ▶ Up to \$5,000 for defense of covered claims in licensure board or credential hearings resulting from educational employment activities.

If an insured member is assaulted while engaged in his or her normal professional duties, this Plan could provide:

- ▶ Up to \$250 for damages to the member's personal property (other than vehicles) when the damage is the result of an assault to the member and if the member has no other insurance.
- ▶ And a \$10,000 assault death benefit - regardless of other insurance - in the event the member dies within ninety days.
- ▶ Worldwide coverage.

This insurance coverage provides coverage that is tailored to protect educators.

One of the most important benefits of membership in the Federation is insurance coverage. Most persons recognize the need to secure liability coverage for protection against lawsuits. However, some educators believe that this coverage is unnecessary. We respond to the most common misconceptions:

"I don't need Federation insurance because my homeowner's insurance policy already provides coverage." Some educators believe that the liability insurance coverage offered by the Federation is unnecessary because they already have coverage through their own individual insurance policies. However, most insurance policies contain a clause entitled "exclusions from coverage." Most policies exclude (1) claims related to business pursuits, or (2) claims involving allegations of intentional acts. This means that if you are accused of corporal punishment, for example, the insurance company may attempt to deny coverage, claiming that there is no coverage for intentional acts, and no coverage for claims arising out of your employment.

▶ **The Federation insurance plan is specifically tailored for educators. It provides up to \$2 million per member and \$4 million per claim for protection for compensatory damages in civil actions arising out of bodily injury or death of students while under the member's supervision. This includes civil corporal punishment claims.**

▶ **The Federation insurance plan provides excess coverage in situations where the school board provides representation, and provides primary coverage in many situations where the school board denies coverage and representation. The member is entitled to defense costs up to \$35,000 per year for criminal charges arising out of school activities where there is complete exoneration, and up to \$5,000 of reimbursement where the member is unable to gain complete exoneration of the charges. Additionally, if criminal proceedings result from corporal punishment, the reimbursement of defense costs up to \$35,000 will be made regardless of the outcome. School Boards offer no coverage and no protection.**

"I don't need Federation insurance because I'll never hit a student, so I don't have to worry about being sued."

▶ Ask any educator who has been falsely accused of corporal punishment, and they will tell you that they were thankful that they had the Federation's insurance policy to provide them with protection. Many lawsuits contain incorrect claims that educators used excessive force, even while attempting to assist a student. Also, many lawsuits have been filed with incorrect claims that the educator was negligent by failing to protect a student's safety, inadequate supervision, or failing to provide medical care. You can never have too much insurance protection in these types of situations.

The following cases illustrate the need for insurance protection:

- Two elementary school students were engaged in a fistfight. The educator decided to physically break up the fight, and separated the students. The parents of one of the students filed suit for money damages against the educator and the school board, claiming that the educator maliciously and

intentionally punched the student and used excessive force while separating the students. The parents also pressed criminal charges against the educator.

- A teacher kept a group of students after school for detention. The parents of one of the students forgot to pick him up, and the teacher decided to drive the student to his home in her car. The student opened the car door while the car was in motion, and jumped out, breaking his arm. The parents filed suit for money damages against the school board and the student, claiming that the teacher was negligent in driving the vehicle when the student failed to buckle his seatbelt.
- Two students were engaged in a fight in the hallway. One of the teachers on hall duty escorted the student to the office. The student suddenly pulled away, lost his balance and fell into a series of lockers, falling to the floor, and broke his arm.
- A 7-year old special education child bolted from the front doorway of the school, and ran down the stairway towards a busy street. A clerical employee instinctively rushed after the student to restrain her. The student then claimed that the employee maliciously grabbed his arm and intentionally hurt him.
- A student received a C, and begged the teacher to raise her grade to a B, because her father promised her \$100.00 if she received all A's and B's on her report card. When the teacher refused to raise the grade, the student made a false complaint of sexual harassment and molestation against the teacher. The parent pressed criminal charges.
- An Adaptive P.E. Teacher was working with two wheelchair confined elementary students. The exercise consisted of the students bouncing a ball to each other. The teacher stood next to the students during the entire exercise. Suddenly, without any warning or provocation, one of the students bounced the ball on the floor in causing it to hit the ceiling. The ball hit a light globe, which fell down upon another student's face, causing a scar. The parents of the injured student sued the school board and the teacher, claiming that there was inadequate supervision and that the activity was improper. In a sworn deposition, the principal claimed that he did not know that this activity was being conducted inside, although the teacher testified that she had been doing so for years due to inclement weather or when there were hazards on the playground.

The above cases are mere illustrations to prove our point that educators today need to be aware of false accusations, exaggerated claims, lawsuits, terminations, and even criminal charges. Membership in the Federation and the insurance policy provides indispensable protection.