



Marjorie A. Blaufuss
Marjie.blaufuss@knea.org
House Committee on Education
House Bill 2038
Opponent written testimony
February 10, 2021

Mr. Chairman and Members of the Committee,

On behalf of KNEA I offer this written testimony in opposition to HB 2038 - Creating the Educator Protection Act.

While KNEA appreciates the stated purpose of HB 2038 to provide excess professional liability insurance coverage for teachers across the State of Kansas, we do not believe that such an additional expense to the State is necessary.

Currently, each school district carries liability insurance for its teachers under K.S.A. 75-6108 of the Kansas Tort Claims Act. K.S.A. 72-9938 also requires the school district to give each teacher notice of the protections the teacher has through the school district's insurance under the Tort Claims Act. This coverage is in addition to any coverage the teacher has if a member of a professional association.

At K.S.A. 75-6105, the Tort Claims Act caps the amount a litigant can recover from a school district at \$500,000 unless the district has excess coverage. Although this bill's intent is to provide additional protection for teachers, one cannot help but wonder if added insurance coverage by the State will encourage lawsuits against teachers due to the "deep pockets" the State of Kansas has now made available to litigants.

We believe teachers already have sufficient liability protection through the Tort Claims Act and HB 2038, in that it is duplicative, represents an unnecessary expenditure of state money.