

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

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**MEMORANDUM**

To: House Committee on Education  
From: Office of Revisor of Statutes  
Date: February 10, 2021  
Subject: House Bill 2038

House Bill 2038 would create the educator protection act. The purpose of the act is to provide excess professional liability insurance coverage for teachers and student teachers in Kansas. Currently, teachers employed by school districts have liability protection coverage through the school district under the Kansas tort claims act. Teachers may also have liability insurance coverage through a teacher's union.

HB 2038 would provide another level of liability coverage and another option for liability insurance coverage to teachers in the state. This coverage would apply to all licensed teachers and all student teachers holding a student teacher certificate.

The bill would establish the Kansas educator liability fund in the state treasury which would be administered by the Commissioner of Insurance. The Commissioner would be charged with implementing the liability insurance coverage including, establishing the types of coverage and coverage limits, acquiring the insurance policy or policies, establishing the effective date of coverage and administering the claims process.

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