

Professional Educator Liability Insurance Policies

A comparison of professional liability insurance policies*



POLICY FEATURE	AAE	NEA
Policy Form	Occurrence.	Occurrence.
Available Limits of Liability Coverage	\$2,000,000 per occurrence per claim.	\$1,000,000 per occurrence per claim.
Coverage Applies	To legal actions arising out of duties as an employee of education entity.	To legal actions arising out of duties as an employee of education entity.
Defense Costs	Paid in addition to limit of liability with some sublimits.	Paid in addition to limit of liability with some sublimits.
Are lawsuits against you by other teachers in your school or school district covered?	Yes.	Only if related to an established peer review system.
Are lawsuits against you for injunctive relief, declaratory relief or other non-monetary relief covered (such as threats to your teaching license)?	Yes, up to \$35,000 in attorney's fees.	No.
Does the policy limit the amount of coverage in Civil Rights cases?	No, covered to the \$2,000,000 limit of liability for damages. Defense costs paid in addition to the limit of liability.	Yes, \$300,000 limit for both damages and defense costs, combined.
Are premiums for bail bonds covered?	Yes, up to \$1,000.	Yes, up to \$1,000.
What coverage is provided in the policy pertaining to employment rights?	Up to \$1,000 to consult with an attorney if your job is threatened with termination, demotion, suspension, involuntary transfer, or other disciplinary action; up to an <i>additional</i> \$1,500 if a formal hearing is requested; and <i>another</i> \$8,000 if further legal action is necessary as outlined in the policy. Plus, AAE, as an association, may assign an attorney at our expense.	Excluded from policy coverage. Legal fees are not guaranteed. However, NEA as an association may assign an attorney at their expense.
What coverage exists for criminal acts?	Reimbursement of insured's legal expenses up to \$50,000 for criminal allegations as the result of sexual misconduct, if found not guilty; up to \$10,000 for criminal allegations as the result of corporal punishment, if found not guilty.	Reimbursement of legal expenses up to \$35,000, if found not guilty (except in corporal punishment where there is no requirement that the member be exonerated).
Does coverage exist to protect my teaching certificate/license?	Yes, up to \$35,000 in attorney's fees.	No coverage. NEA may assign an attorney at its discretion.*

This policy comparison does not change the terms of any policy. Please read your policy carefully. This comparison document was written based on publicly available information about these policies and in order to provide an accurate comparison of key features of different liability insurance policies. November 1, 2018.

*Your AAE policy is an individual, personal policy that is effective on the date your membership is processed and covers you for one calendar year. You may join AAE at anytime during the year. When comparing organizations, be sure to compare policy to policy and services to services. If an organization refers to its "legal services," this is not the same as coverage provided by a policy in your name. An organization's "legal services" are at the discretion of the organization and therefore not guaranteed.

Commonly asked questions about the \$2 million liability insurance policy included in AAE Professional Membership

The insurance administrator answers a few questions about the professional liability insurance policy.

Q. If a student is injured while under my supervision, will I be protected from a lawsuit?

A. Yes, for both your lawyer's costs and any damages awarded against you.

Q. Am I covered for criminal charges of sexual misconduct?

A. Yes. The policy provides up to \$50,000 to reimburse your attorney's fees provided you are found to be not guilty or the charges are dropped.

Q. If a student or fellow employee sues me for violating their Civil Rights, am I covered?

A. Yes, and this is an important feature of the policy included in AAE professional membership. The policy the NEA provides has a \$300,000 sublimit for lawsuits alleging Civil Rights violations. The policy included in AAE professional membership covers Civil Rights cases to the full \$2,000,000 limit of liability.

Q. Will this policy pay damages or judgments even if I lose a lawsuit?

A. Yes, as long as the lawsuit arises out of your educational activities and the cause is not excluded.

Q. What kinds of things are not covered by this policy?

A.

- Criminal acts for which you are found guilty.
- Actions not arising out of your educational activities.
- Intentionally inflicting bodily injury, except where corporal punishment is allowed by law.

Q. Doesn't the state require my school or district to provide liability insurance for me?

A. Not for you personally. Your employer's policy is a blanket coverage single limit policy that names the district or your school as the insured. That liability limit must be spread over all claims filed during the school year against the district, the school, and/or you. In the event of multiple suits in any one year, there may not be enough coverage to protect everyone. In addition, most school liability policies do not cover the legal fees involved in all suits. Your personal AAE plan does! Without a personal policy, it could cost you thousands of dollars in legal fees just to make a frivolous lawsuit go away.

Q. Does your policy cover just teachers?

A. No. Any W-2 employee of the school or district is eligible.



AAE is a professional association founded to provide essential benefits to individual educators serving in the nation's schools. AAE does not engage in partisan politics, collective bargaining, or issues unrelated to education. AAE is committed to a student-oriented, well respected, and personally fulfilling teaching profession.

This flyer contains only a brief description of the policy included in AAE Professional Membership.

Read a sample policy and find more information at aaeteachers.org/liability.

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