

NOT GERMANE

Senator Shafer of the 48th offered the following amendment:

Amend the Senate Education and Youth Committee substitute to SB 34 (LC 33 0596-ECS) by inserting after "repeal;" on line 11 of page 1 the following:

"to amend Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to teachers and other school personnel, so as to provide for legislative intent; to provide for a definition; to provide for the purchase of professional liability insurance for teachers, principals, and other certificated personnel by the state; to provide that such insurance coverage will automatically cover certain school personnel and will be at no cost to such personnel; to provide for the administration of the program; to provide for an effective date for insurance coverage;"

By inserting between lines 9 and 10 of page 4 the following:

"SECTION 3.

Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to teachers and other school personnel, is amended by adding after Part 6 a new part to read as follows:

'Part 6A

20-2-900.

The General Assembly finds that a crisis confronts public education in Georgia relating to the exposure to personal liability of classroom teachers and other certificated personnel. Consequently, responsible and competent persons may decline to accept positions in schools, with resulting detriment to the quality of our public education system. This crisis has reached a point where the purchase of protection through liability insurance and the defense of civil and criminal actions at public expense, as part of the public compensation paid to such teachers and other certificated personnel, offers a feasible solution. Therefore, the General Assembly finds that the expenditure of public funds for such purposes in these circumstances is for educational purposes and in furtherance of the support and maintenance of public schools and public education. It is therefore the intent of the General Assembly that teachers, principals, and other certificated personnel in public schools in this state be protected from liability from monetary damages and the cost of defense of actions resulting from claims made against them arising out of occurrences in the course of activities in their professional capacity.

20-2-901.

(a) For purposes of this Code section, 'certificated personnel' means all teachers, principals, and other education personnel certificated by the Professional Standards Commission.

(b) The Department of Administrative Services shall be authorized to purchase a policy or policies of professional liability insurance, subject to appropriations by the General Assembly, insuring certificated personnel who are employed by a local school system. Such policy or policies shall protect against damages arising out of the performance of their duties or in any way connected therewith. The amount of such insurance and the appropriate coverages shall be in the discretion of the Department of Administrative Services, subject to specific appropriations by the General Assembly.

(c) Insurance coverage provided pursuant to this Code section shall automatically cover all certificated personnel who are employed by a local school system and shall be at no cost to such certificated personnel.

(d) The program of insurance under this part shall be administered by the Department of Administrative Services and such department shall be authorized to promulgate any necessary rules and regulations to implement such program.

(e) The program of insurance shall be effective for insurance coverage of certificated personnel no later than July 1, 2005."

By redesignating Sections 3 and 4 as Sections 4 and 5, respectively.