

Legal Liability Protection for Charter School Employees

Civil Liability Protection

Your Charter School and its employees are covered for liability by: The Utah State Risk Management Fund. (Hereafter the Fund)

Lawsuits are defended by: The Litigation Division of the Utah Attorney General's Office.

YOUR UTAH STATE RISK MANAGEMENT FUND COVERAGE RIGHTS

If a civil claim or a civil lawsuit for damages is brought against you for acts or omissions occurring:

1. During the performance of your duties;
2. Within the scope of your employment; or
3. Under color of authority,

then, under the Governmental Immunity Act of Utah you may have the right:

- To have any lawsuit defended by an attorney at no cost to you;
- To have any claim settlement paid on your behalf; and
- To have any judgment entered against you paid for you.

SECURING COVERAGE

To secure these rights you must:

- Immediately notify the School District of any claim or lawsuit;
- Immediately forward to the School District all legal documents served on you;
- Make a written request to the School District for defense and indemnification within ten days of the service of a lawsuit; and
- Cooperate in the subsequent investigation and defense, including making an offer of judgment if requested.

WHAT IS NOT COVERED?

Your rights to defense and payment of claims or judgments do not cover acts or omissions involving:

- Fraud;
- Willful misconduct;
- Impairment due to your use of alcohol or drugs; or
- False testimony under oath.

Criminal Defense Protection

As a Charter School employee if:

Criminal charges are filed against you for acts or omissions occurring:

1. During the performance of your duties;
2. Within the scope of your employment; or
3. Under color of authority,

then under the terms of Utah Code 52-6 you have the right to recover from your employing Charter School reasonable attorneys fees and court costs, if the indictment or information is quashed, dismissed or results in an acquittal, unless it is quashed or dismissed on motion of the prosecuting attorney.

The Fund does NOT provide an attorney nor pay for attorneys fees incurred in defending a criminal case, nor does it cover or pay for any fines, fees, or any other costs assessed in a criminal case.



Utah Division of
Risk Management

Additional Insurance Options

Civil Liability Coverages

Civil coverage not provided by the Governmental Immunity Act/Fund

Criminal Defense Coverages

State Risk Fund	Coverage for employees of Charter Schools under the Governmental Immunity Act is generally consistent with the Utah Governmental Immunity Act damage caps. The Fund may cover Charter Schools' obligations to their employees up to \$10 million per occurrence. Coverage is primary and pays before other coverages. Punitive damages are not covered. Liability for district vehicle usage by employees is covered by the fund.	N/A	No criminal defense coverage.
UEA	Coverage limits: \$1 million per occurrence in damages awarded, \$3 million per occurrence aggregate, \$3 million per member per occurrence for legal defense, except civil rights; \$300,000 per occurrence of civil right claims inclusive of defense costs. Coverage is excess of any statutory protection, such as your Governmental Immunity Act coverage with the Fund.	Bail bond premiums, up to \$1,000 per bond covered; Personal property damage caused by assault up to \$500 covered; Licensure or credential hearing defense until reasonable disposition of case is reached.	\$35,000 per employment related criminal proceeding if exonerated from all charges, if charges are withdrawn or dismissed or if case is the result of corporal punishment. Up to \$5,000 in defense of criminal charges within the scope of employment, determined on a case by case basis. Coverage is excess of any statutory protection, such as UCA 52-6.
AFT	Coverage limits are \$1 million per member and \$2 million aggregate, except \$250,000 per member per year for denial of constitutional rights. Coverage is excess of any statutory protection, such as your Governmental Immunity Act coverage with the Fund.	Bond premium available if required for the defense of a suit; Personal property damage caused by assault up to \$250 covered; \$10,000 assault death benefit covered; \$5,000 defense costs in licensure or credential hearing covered.	\$35,000 per member per year for school related criminal charges if completely exonerated or if case results from corporal punishment. Coverage is excess of any statutory protection, such as UCA 52-6.
AAE	Coverage limits are \$2 million per occurrence per claim. Coverage applies to legal actions arising out of duties as an employee of education entity.	Bail bond premiums, up to \$1,000 per bond covered. Guaranteed access to attorney if job is threatened with termination, demotion, suspension, transfer, or other disciplinary action. \$35,000 in attorney's fees for injunctive relief (threat to license).	\$50,000 per school related criminal proceeding if exonerated from charges. \$10,000 per member per claim in legal coverage for corporal punishment. Coverage is excess of any statutory protection, such as UCA 52-6.

For additional information about your rights please see the following:

The Utah Governmental Immunity Act UCA 63G-7; Reimbursement of Criminal Defense Costs UCA 52-6;

Your District Risk Manager or Business Official; or

The Utah State Division of Risk Management

5120 State Office Building

Salt Lake City, Utah 84114

(801) 538-9560

*The information provided here is a general description and comparison of coverages. For a detailed explanation of coverages you may refer to the statutes cited above and coverage brochures provided by UEA & AFT.

AAE – www.aateachers.org for information.

AFT - www.ut.aft.org for information

UEA - www.myuea.org for information