General Liability Insurance

Since the Texas Tort Claims Act provides immunity to schools and junior colleges from liabilities for occurrences of bodily injury or property damage, why does a school district need General Liability insurance?

1. **Defense costs**. Lawyers are expensive and insurance includes the cost of defense.

2. **Personal Injury coverage: libel, slander, false arrest**. These liabilities are not excluded by the Act. Suits may well come from employees or former employees.

3. **Federal Statutes**. The Tort Claims Act does not supersede Federal statutes.

4. **Other states don't recognize Texas Tort Claims Act**. Districts are traveling to contests, athletic events and even recruiting out of the state of Texas. There is no protection for such activities.

5. **Employee benefits coverage**. The Act does not protect against suits due to liabilities in the administration of employee benefit plans. Such liabilities can be expensive when employees and their families are left without insurance.

6. **Law enforcement coverage**. Additional liabilities may arise from the operation of police departments. Not all General Liability policies provide this protection; a separate Law Enforcement policy may be needed.

7. **Cost**. Because of the immunity, the cost of General Liability insurance is usually inexpensive, unless underwritten by an out-of-state insurance company that is not aware of the provisions of the Act.

The purchase of General Liability insurance does not waive a District's immunity. Barr v. Bernhard: "By purchasing liability insurance policy, independent school district did not waive its governmental immunity with respect to negligence action brought against it by student who was injured…" (Vernon's Ann. Civ. St. art 6252-19 #9).