

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5463**

By Delegates Hall, Jeffries, and Hott

[By Request of the Board of Risk and Insurance  
Management]

[Introduced; referred  
to the Committee on ]

1 A BILL to amend and reenact §29-12-5a of the Code of West Virginia, 1931, as amended, relating  
2 to mandatory liability insurance coverage for county boards of education.

3 *Be it enacted by the Legislature of West Virginia:*

**ARTICLE 12. STATE INSURANCE.**

**§29-12-5a. Liability insurance for county boards of education, their employees and  
members, the county superintendent of schools, and public charter schools  
electing to obtain coverage; written notice of coverage to insureds.**

1 (a) In accordance with the provisions of this article, the State Board of Risk and Insurance  
2 Management shall provide appropriate professional or other liability insurance for all county  
3 boards of education, teachers, supervisory and administrative staff members, service personnel,  
4 county superintendents of schools, and school board members: *Provided*, That the Board of Risk  
5 and Insurance Management is not required to provide insurance for every property, activity, or  
6 responsibility of county boards of education, teachers, supervisory, and administrative staff  
7 members, service personnel, county superintendents of schools, and school board members.

8 (b) Insurance provided by the Board of Risk and Insurance Management pursuant to the  
9 provisions of subsection (a) of this section shall cover claims, demands, actions, suits, or  
10 judgments by reason of alleged negligence or other acts resulting in bodily injury or property  
11 damage to any person within or without any school building if, at the time of the alleged injury, the  
12 teacher, supervisor, administrator, service personnel employee, county superintendent, or school  
13 board member was acting in the discharge of his or her duties, within the scope of his or her office,  
14 position or employment, under the direction of the county board of education, or in an official  
15 capacity as a county superintendent or as a school board member.

16 (c) Insurance coverage provided by the Board of Risk and Insurance Management  
17 pursuant to subsection (a) of this section shall be in an amount to be determined by the State  
18 Board of Risk and Insurance Management, but in no event less than ~~\$1,250,000~~ \$1 million for  
19 each occurrence. ~~In addition, each county board of education shall purchase, through the Board of~~

20 ~~Risk and Insurance Management, excess coverage of at least \$5 million for each occurrence. The~~  
21 ~~cost of this excess coverage will be paid by the respective county boards of education. Any~~  
22 insurance purchased under this section shall be obtained from a company licensed to do business  
23 in this state.

24 (d) The insurance policy provided by the Board of Risk and Insurance Management  
25 pursuant to subsection (a) of this section shall include comprehensive coverage, personal injury  
26 coverage, malpractice coverage, corporal punishment coverage, legal liability coverage, as well  
27 as a provision for the payment of the cost of attorney's fees in connection with any claim, demand,  
28 action, suit, or judgment arising from such alleged negligence or other act resulting in bodily injury  
29 under the conditions specified in this section.

30 (e) The county superintendent and other school personnel shall be defended by the county  
31 board or an insurer in the case of suit, unless the act or omission shall not have been within the  
32 course or scope of employment or official responsibility or was motivated by malicious or criminal  
33 intent.

34 (f) At least annually, beginning with the 2019-2020 school year, county boards shall provide  
35 written notice of insurance coverage to each of its insureds, including teachers, supervisors,  
36 administrators, service personnel employees, county superintendent, and school board members.  
37 The notice shall identify the coverages, monetary limits of insurance, and duty to defend for each  
38 occurrence as provided to insureds by the Board of Risk and Insurance Management under this  
39 section. The written notice may be sent via email, or via first-class mail to the insured's last mailing  
40 address known to the county board. The written notice shall also include contact information for  
41 the Board of Risk and Insurance Management.

42 (g) The provisions of this section apply to public charter schools that have been authorized  
43 pursuant to §18-5G-1 *et seq.* of this code and have included in their charter contract entered into  
44 pursuant to §18-5G-7 of this code a determination to obtain insurance coverage from the Board of  
45 Risk and Insurance Management pursuant to this section. If a public charter school elects to obtain

46 coverage pursuant to this section:

47 (1) Any provision in this section applicable to a county board also applies to a charter  
48 school governing board;

49 (2) Any provision in this section applicable to a school board member also applies to a  
50 member of a charter school governing board; and

51 (3) Any provision of this section applicable to teachers, supervisory and administrative staff  
52 members, and service personnel employed by a county board also applies to teachers,  
53 supervisory or administrative staff members, and service personnel employed by a public charter  
54 school.

55 ~~(h) The amendments to this section during the 2019 First Extraordinary Session of the~~  
56 ~~Legislature shall be effective for fiscal years beginning on or after July 1, 2019: Provided, That the~~  
57 ~~amendment to subsection (c) of this section during the 2019 First Extraordinary Session of the~~  
58 ~~Legislature shall be effective for fiscal years beginning on or after July 1, 2020.~~

NOTE: The purpose of this bill is to decrease mandatory liability minimums and remove excess coverage requirements for county boards of education.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.