

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda—underwritten by global corporations—includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

**ALEC's Corporate Board
—in recent past or present**

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at www.SourceWatch.org.

& MEETINGS MODEL

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

Home → Model Legislation → Civil Justice ←

Quality Education and Teacher and Principal Protection Act**Section 1. {Title}**

This act may be known as the "Quality Education and Teacher and Principal Protection Act."

Section 2. {Legislative findings}

The Legislature finds that ensuring the quality of primary and secondary public education is a compelling State interest. The educational environment of students is often not conducive to learning. Violence is sometimes a threat, while other times educators may lack the authority to maintain safety and discipline in the public schools. The filing of meritless lawsuits against school districts, teachers and administrators, and other school employees interferes with attempts to ensure the quality of public education, particularly where such lawsuits arise out of the good-faith efforts of educators to maintain classroom discipline or address threats to student safety. Meritless litigation also diverts financial and personnel resources to litigation defense activities, and reduces the availability of such resources for educational opportunities for students. The Legislature finds that legislation to deter meritless lawsuits and sanction deliberately false reports against educators is a rational and appropriate method to address this compelling public interest.

Section 3. {Definitions}

1. As used in this Act, the term "educational entity" means the State Board of Education or any other body, board or agency that governs one or more public primary or secondary schools.
2. As used in this Act, the term "employee" means any individual elected or appointed to an educational entity and any individual who is an employee of an educational entity or who provides student-related services to that educational entity on a contractual basis. [The term "employee" also means an authorized volunteer who provides student-related services to the educational entity.]

Section 4. {Liability}

1. An educational entity or its employees shall not be subject to liability taking any action regarding the supervision, grading, suspension, expulsion, or discipline of students while such students are on the property of the educational entity or are under the supervision of the educational entity or its employees. However, this immunity shall not apply if such action violated an express statute, rule, regulation, or clearly articulated policy of the state or educational entity. The burden of proof of such a violation shall rest with the plaintiff and must be established by clear and convincing evidence to the court as part of a summary proceeding.
2. An educational entity and its employees shall not be subject to liability for making a report consistent with federal law to the appropriate law enforcement authorities or officials of an educational entity if the individual making the report has reasonable grounds to suspect that a student is:
 - a. Under the influence of alcoholic beverages or a controlled substance not lawfully prescribed to that individual;
 - b. In possession of a firearm, alcoholic beverages, or a controlled substance not lawfully prescribed to that individual;
 - c. Involved in the illegal solicitation, sale or distribution of firearms, alcoholic beverages, or a controlled substance not lawfully prescribed to that individual.

Section 5. {Punitive and exemplary damages}

1. An educational entity shall not be liable for punitive or exemplary damages. An employee shall not be liable for punitive or exemplary damages for acts or omissions within the course and scope of employment.
2. For the purposes of this Section, an employee who acts with specific intent to cause harm shall not be considered as acting within the course and scope of employment.

Section 6. {False Reports}

1. Except as otherwise provided in this Section, any person 18 years of age or older who acts with specific intent in making a false accusation of criminal activity against an

Did you know that
Victor Schwartz--a
lawyer who
represents
companies in
product litigation--
was the corporate
co-chair in 2011?

employee of an educational entity to law enforcement authorities, school district officials or personnel, or both, shall be fined up to \$2,000.

2. Except as otherwise provided in this Section, any public school student between the ages of 7 and 17 who acts with specific intent in making a false accusation of criminal activity against an employee of an educational entity to law enforcement authorities, school district officials or personnel, or both, may, at the discretion of the court, and in accordance with the provisions of the federal Individuals with Disabilities Education Act, 20 U.S.C.A. s 1400 et seq., be subject to any of the following:

- a. expulsion;
- b. suspension for a period of time to be determined by the court;
- c. community service of a type and for a period of time to be determined by the court;
- d. any other sanction as the court in its discretion may deem appropriate.

3. The provisions of this Section do not apply to statements regarding individuals elected or appointed to a school board.

4. This Section is in addition to and does not limit the civil or criminal liability of those persons who make false statements alleging criminal activity by others.

Section 7. {Frivolous actions; attorney's fees; costs}

1. In any civil action or proceeding against an educational entity or its employee in which the educational entity or its employee prevails, the court shall award costs and reasonable attorney's fees to the prevailing defendant or defendants. The court in its discretion may determine whether such fees and costs are to be borne by the plaintiff's attorney, the plaintiff, or both.

2. Expert witness fees may be included as part of the costs awarded under this section.

3. The provisions of this Section shall be deemed to be substantive State law.

Section 8. {Contingency fees; penalty}

1. No attorney shall charge, demand, receive or collect for services rendered, fees in excess of 25 percent of any civil judgment rendered against an educational entity or its employee, or of any settlement made pursuant to section ___ of the [state] General Laws.

2. Any interested person may file a civil action or petition the appropriate court to rescind any provision of the attorney fee contract inconsistent with this Section and to compel the disgorgement of any fees paid in excess of the amounts allowed under this Section. In addition, a court with jurisdiction over the matter shall impose a fine against the attorney that is equal to or less than the amount of money sought by the attorney in excess of the amount permitted by this Section, but in any event not less than \$2,000.

Section 9. {Insurance}

Unless otherwise provided by statute, the existence of any policy of insurance indemnifying an educational entity against liability for damages is not a waiver of any defense otherwise available to the educational entity or its employees in the defense of the claim.

Section 10. {Applicability}

This Act shall be supplemental to the [state] Tort Claims Act.

Section 11. {Special Rule}

This Act shall not infringe on any right provided under the federal Individuals with Disabilities Education Act, 20 U.S.C. s 1400 et seq.

Adopted by ALEC's Civil Justice Task Force at the States and Nation Policy Summit December 7, 2000; amended at the Annual Meeting August 2, 2001. Approved by full ALEC Board of Directors September, 2001.

About Us and **ALEC EXPOSED**. The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish www.PRWwatch.org, www.SourceWatch.org, and now www.ALECExposed.org. For more information contact: editor@prwatch.org or 608-260-9713.