March 24, 2020

TO: SISC Member Districts

FROM: Robert J. Kretzmer

Director, Property & Liability

SUBJECT: After School Programs and COVID-19

**Introduction**

A question has been posed regarding the applicability of the applicability of liability coverage through SISC for the operation of after school daycare programs during school closures as a result of the COVID-19 pandemic.

**Coverage**

The SISC Liability Memorandum of Coverage (MOC) (SLP 7119 20) effective July 1, 2019 through July 1, 2020, provides coverage for bodily injury, property damage, errors and omissions, personal injury and employment practices liability. Covered parties are the member (school district) and employees of the school district. Therefore, the district and employees of the school district who are involved in the operation of after school programs sponsored by the school district would be afforded a defense and indemnity coverage under the SISC Liability (MOC).

**Executive Order N-26-20**

Due to the Governor’s proclamation of a State of Emergency due to the COVID-19 virus on March 4, 2020, several Executive Orders have been issued related to the operation of school districts. One of these orders, N-26-20, discusses the supervision of children at our schools during ordinary school hours.

Those SISC member districts who continue to run their after school or daycare programs during ordinary school hours during the State of Emergency will be afforded coverage under the SISC Liability MOC. A question had been posed as to whether or not coverage would be in place even though schools have been closed during the State of Emergency.

**Comment**

As with all claims submitted to SISC should an event or incident take place at your district involving an after school or daycare program during the State of Emergency we will need to review the particular circumstances in order to determine the applicability of coverage. In some instances, vendors are used for operation of these programs and consideration would need to be given as to the appropriateness of tendering any claim or suit received to a vendor based on a contractual obligation from the vendor to afford liability coverage to the district.

In the event you have any questions regarding the applicability of coverage for the operation of your after school program and/or daycare program during the proclaimed State of Emergency please contact Robert Kretzmer at 661-636-4709.