



February 3, 2022

TO: Superintendents and CBOs

FROM: Robert J. Kretzmer  
Director, Property & Liability

SUBJECT: Requests for Copies of Public Officials Bonds and Insurance Coverage

Recently we have become aware that requests are being sent to various school districts and county offices of education related to the issuance of bonds and insurance coverage for public officials.

In the event your district receives such a request, we recommend that you immediately contact your administrative legal counsel for guidance and help with responding to the request. The following information may be helpful in responding to any request related to liability coverage afforded by SISC to our member agencies.

The current SISC Liability Memorandum of Coverage (SLP 7121 22) with effective dates of July 1, 2021 through July 1, 2022 provides the following related to liability coverage for school officials.

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**Memorandum of Coverage**

**No. SLP 7121 22**

**School Liability Program**

This **memorandum** refers to Self-Insured Schools of California (SISC) as the authority and the party named in Item A of the declarations as the member. The authority is a public joint powers authority formed pursuant to California Government Code sections 990.4, 990.8, and 6500 et seq. In consideration of the contribution paid by the member and the liability coverage provided by the authority below, they agree as follows:

Section I – Coverages

Subject to the member’s deductible, the authority agrees to pay on behalf of a **covered party** all sums that a **covered party** shall become obligated to pay as **damages**, by reason of liability imposed by law, or the liability of others assumed or retained under a **covered contract**, because of:

- Coverage A:** Bodily Injury
- Coverage B:** Property Damage
- Coverage C:** Errors and Omissions
- Coverage D:** Personal Injury
- Coverage E:** Employment Practices
- Coverage F:** Employee Benefit Wrongful Acts

- Coverage G:** Liability that the member is required to insure against under Education Code sections 35208 and 72507 or is authorized to insure against under Government Code sections 989 and 990.
- Coverage H:** Sexual Misconduct in Excess of \$2,250,000

Section V -- Covered Parties

The parties covered by this **memorandum** are:

- A. The member and the member’s **agencies**;
- B. An **educational foundation** for which the authority has received and approved an application for coverage pursuant to Endorsement No. 2;
- C. **Employees**;
- D. A charter school that is chartered by a member;
- E. Any person or entity that the member is obligated by a written contract that is a **covered contract** to provide with coverage, but only with respect to **bodily injury** or **property damage** arising out of operations performed by or on behalf of the member or at its facilities. The coverage shall be no broader and for no higher limit of liability than required by such contract.

Except pursuant to Section V.E., a joint powers agency is not a **covered party**.

Section VII – Definitions

- N. **Employee** means a past or present elected or appointed official, employee or volunteer of the member, member’s **agency** or any **educational foundation** only while acting within the scope of his or her employment with, or duties for, the member or member’s **agency**.

This Definition includes students (1) while acting solely within the scope of their duties while enrolled in curriculum to provide services to third parties; or (2) who serve in a supervised internship as part of their educational program, but only while completing course work required by the member, member’s **agency** or **educational foundation**.

A referee or umpire compensated with student funds, or an authorized law enforcement officer who is employed by any law enforcement agency other than the member’s own law enforcement agency is not an **employee**

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In summary, the Liability Memorandum of Coverage (MOC) afforded by SISC to our member agencies does afford coverage to “a past or present elected or appointed official ... while acting within the scope of his or her employment ...”

To the extent members of the public seek information related to insurance coverage available to a member agencies public officials the above should be responsive to that request.

RJK