



SISC

Self-Insured Schools of California
Schools Helping Schools

Property & Liability Division

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Quarterly Update

COVERAGE ISSUE: WAS IT AN ACCIDENT, OR WAS IT INTENTIONAL?

Merriam-Webster's definition of the term Insurance is "Coverage by contract whereby one party undertakes to indemnify or guarantee another against loss by a specific contingency or peril". Although Self-Insured Schools of California (SISC) is not a private insurance company, there are a few similarities between a private insurance company and a Joint Powers Authority (JPA) such as SISC.

The SISC Property and Liability JPA was created as a risk pool whereby a group of member public school districts could finance their risks and liability exposures to protect themselves from certain casualties and liability exposures. Using the SISC Property and Liability JPA as an example, a member school district, similar to a policy holder, pays their premium dollars for coverage(s) afforded to them under the SISC School Liability, School Property and School Automobile Memorandum (s) of Coverage (MOC) agreements. The coverage terms are on a fiscal year basis from July 1 through June 30. The Memorandum(s) of Coverage(s), similar to an insurance policy, have terms, conditions, definitions and exclusions that specifically detail what is covered and that which is not covered.

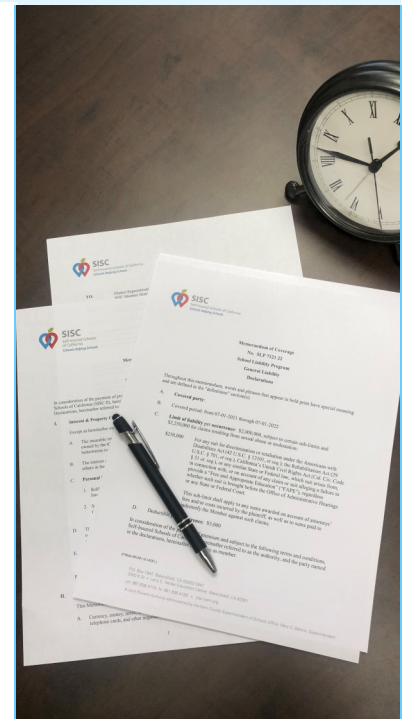
As a very general rule, coverage under an insurance policy or a JPA's memorandum of coverage is underwritten to protect their policy holders or JPA members against **accidents**. Under a liability MOC, an accident is something that is not intentional and typically occurs as a result of a negligent act or omission. It should be noted that the SISC School Liability MOC, consistent with industry standards, has a specific exclusion that excludes coverage for willful or intentional acts. That exclusion reads as follows:

BB. Notwithstanding California Government Code section 990, subdivision (C), any willful or intentional act or omission for which insurance coverage would be precluded under Insurance Code 533.

Often times a plaintiff attorney, when filing a government claim or civil lawsuit against a school district, will make allegations that a school district employee acted intentionally to harm the claimant or plaintiff. For instance, they might claim that the school district terminated an employee in "retaliation" against the former employee because the subject employee filed a grievance or complaint against their former supervisor. Because "retaliation" is an intentional act whereby the person retaliating is doing so in an effort to get even with somebody, the intentional act exclusion as cited above has the potential to negatively impact coverage if the allegations are proven to be true.

In instances such as the aforementioned example above, SISC may need to send a letter to the member district at the time the lawsuit is filed, giving advance warn-

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Alex's Law

Swimming pool drownings have been identified as the second leading cause of injury death for children ages one to fourteen by the Centers for Disease Control and Prevention. In October 2021, Governor Newsome signed Senate Bill 722 also known as Alex's Law. The law amends section 35179.6 of the Education Code and requires new safety measures and practices to prevent accidental drowning. The law requires school districts or charter schools that sponsor or host an event in or around a swimming pool, or an on campus event that is not part of interscholastic athletic program, to have at least one adult with a valid certification in cardiopulmonary resuscitation training present throughout the duration of the event.

The presence of an adult with cardiopulmonary resuscitation training, as mandated by the California Interscholastic Federation Coaching Education program requirements would satisfy this requirement.

Full text of the law can be found at [Bill Text - SB-722](#)
[Pupil safety: swimming pools:](#)
[adult presence: cardiopulmonary resuscitation training.](#)

SCIENCE LAB CHEMICALS

Science lab curriculum introduces, challenges and inspires students to learn about chemistry, biology and other areas of Science, Technology, Engineering and Math. Implementing and maintaining an effective Chemical Hygiene Plan (CHP) is required by California Code of Regulations Title 8, Section 5191 and the California Education Code Sections 49340-49341, to create a safe science lab environment for students and staff. The plan facilitates an environment where the lessons being taught and practiced are completed in a planned, organized and approved manner. These regulations outline the school district's responsibilities and regulatory compliance standards for school science labs. By following these regulations, districts will reduce the risks associated with chemical exposure to students and staff, potential liabilities, inefficient use of supplies, and potential fines from regulatory agencies. The following section will provide our member districts with key elements to consider when developing and implementing a Chemical Hygiene Program for your district.

- ◆ Review the following documents that provide the specific CHP compliance standards required. Environmental Protection Agency (EPA) [Chemical Management Resource Guide for School Administrators](#) and the California Department of Education's [Science Safety Handbook](#). Districts with additional questions can reach out to their Safety and Loss Control Specialist.
- ◆ Ensure science labs meet or exceed the minimum requirements for the standards set. For example, science labs should have available: safety data sheets for all chemicals present, fire extinguisher(s), eye wash station, face and shower drench systems, and lab grade Personal Protective Equipment (PPE).
- ◆ Minimize all chemical exposures and risks by creating a planned and approved curriculum. Developing an approved lesson plan aids in preventing the substitution of unapproved chemicals or the misuse of incompatible chemicals.
- ◆ Chemicals should be properly labeled, stored, and secured. For example, chemicals labeled as organic should be stored away from inorganic chemicals. All chemicals should be stored under lock and key. It is a good practice to store chemicals in alphabetical order.
- ◆ Ensure that chemicals are used and disposed of properly. This should include source reduction, reuse and recycling, and chemical treatment. Most districts work with a vendor to assist them with proper chemical disposal that complies with regulations.
- ◆ Proper ventilation should be provided in science labs and buildings which house a science lab. There are many chemicals which require that a fume hood be used. These fume hoods are not to be considered a part of the overall science lab ventilation system.

A chemical hygiene plan will set the standard of importance for the district's chemical management. District administration are the key contributors who will be able to effectively promote and usher in a CHP. In addition, district administration has the authority to keep district personnel accountable in following the CHP. The EPA's regulations provided above will cover most of the guidance and regulatory compliance requirements for chemical use and disposal on district sites. SISC encourages our member districts to engage in the development and implementation of an effective CHP to continuously promote a healthy school environment for the students, staff and communities they serve.

ALLOW US TO INTRODUCE TY TAYLOR

Ty Taylor joined Self Insured Schools of California in June of 2006. He is appreciative of the opportunity to assist member school districts under his current title of Property & Liability Coordinator II. He and his family re-located to Bakersfield from Whittier, CA in the summer of 2003. Ty is married to Diane Taylor, an administrator within the Panama Buena Vista Union School District. They have three daughters ages 23, 21 and 18 years. His oldest daughter Jessica is a recent graduate of CSUB currently working for the County of Kern in the field of social services. Both of his younger daughters, Melissa and Samantha, will be attending Fresno State University this fall. Melissa will be a senior and Samantha a freshman.

Ty was raised in Whittier, CA attending K-12 public schools before graduating from California State University Fullerton in 1991 earning his Bachelor's Degree in Criminal Justice. After college he entered the insurance industry working in the private sector for nearly 20 years while supervising civil litigation for Reliance Insurance Company, Kemper Insurance Company and St. Paul Fire and Marine. At his last stop, he worked in the McDonald's Franchisee litigated claims department centralized in the City of Orange. "It was a national account, so it kept things interesting. You had to become familiar with the various Statute of Limitations periods and legal defenses that could vary based upon the state and venue where the accident or injury occurred. Back east when the temperatures drop below 32 degrees, a landowner could be found negligent for failing to salt their parking lots and sidewalks. You don't see that in Southern California" said Taylor.

Currently Ty handles claims involving Civil Rights, abuse, employment and other high exposure claims. He also has supervisory duties for the office and assists the Director when called upon.

Ty enjoys working in the yard on the weekends and watching his favorite sports teams: the Los Angeles Rams, Los Angeles Dodgers and USC Football. During the football season you can spot Ty sitting in section 344 at SOFI Stadium when the Rams are playing at home. He enjoys tailgating with his family and friends, always arriving at the stadium early and leaving late.



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In the most recent episode of the SISC Podcasts, we interviewed Sarah Del Rio, Intervention Counselor and Janelle Ramos, a student at Robert F. Kennedy High School within the Delano Joint Union High School District, about the STOPit anonymous reporting app and how they have implemented it at their schools. Del Rio and Ramos share how the tool has benefited their student body and campus community in addressing issues of mental health and campus safety. To listen to this podcast, visit our website at [SISC Podcasts | SISC - Self-Insured Schools of California](#) ([kern.org](#))

This bill requires a public school maintaining any combination of classes from grades 6 to 12 to stock the school restrooms with an adequate supply of free menstrual products in all women's restrooms, in all-gender restrooms and in at least one men's restroom, at all times prior to the start of the 2022-23 school year. A posting of the requirements and contact information including an email and telephone number for the designated person responsible for maintaining the supply of menstrual products. To see the entire text of this bill, go to [Bill Text - AB-367 Menstrual products.](#) ([ca.gov](#))

On Monday, June 6, 2022, SISC had an opportunity to sit down and speak with Jason Garcia, Superintendent of the Delano Joint Union High School District about the STOPit anonymous reporting program. Kenny Moore, the current Director of Special Education and soon to be Assistant Superintendent, accompanied Mr. Garcia. We talked about some of the challenges their district faces and one of the tools used to help deal with those challenges.

We also wanted an opportunity to speak with one of our member districts about the STOPit program given the recent tragic shooting in Uvalde, Texas at Robb Elementary School. As many of our readers know, the STOPit program provided by SISC Property and Liability at no charge to our member districts, is an anonymous reporting system that students and staff can place on their cell phone to report incidents of concern related to bullying, cyberbullying, mental health, school climate, and many other areas of concern. Students and staff can also anonymously report directly from the web app, which is linked to the school website. STOPit utilizes a mobile and web app, incident management system and a 24/7/365 incident monitoring service. Here is a link to a video that explains the features of the program from a student's perspective.



<https://www.youtube.com/watch?v=BTzDhSlqe4M>

Garcia explained that the STOPit tool gets high marks from his district. In particular, he commented on the organization of the phone tree within his district and the use of the tool as a help to deal with some of the mental health issues they see within the district. There have been several cases where the use of the STOPit program has facilitated access to a student who was threatening suicide or expressing ideas to others related to suicide. In addition, Garcia emphasized that in the event STOPit is monitoring an incident of a suspected serious nature and sees no action or intervention taken by the district in a reasonable time, STOPit will go directly to the authorities to notify them and request intervention with the reporting anonymous student.

Garcia explained that a challenge for staff with the program is that it is a 24/7 program. In other words, those who elect to utilize the STOPit program will need to realize that the possibility and probability exists that those listed on the phone tree will be getting calls or texts sometimes at 2:00 a.m. or 3:00 a.m. He complimented STOPit for their excellent monitoring of the communications that come through to their office via the application. Garcia advised that at each one of their three high school sites, there are the principal; assistant principal; three individuals from the district office; the Director of Student Services; the District Marriage and Family Therapist (MFT); and the Director of Special Education. All of these individuals are in line to receive notifications from STOPit that are considered to be urgent.

Recently, the district had an incident involving potential violent activity. An anonymous report was made to STOPit and the appropriate urgent notification was given to the district contact. It is important to note that STOPit retained the confidentiality of the reporting student throughout the follow up investigation conducted by the local authorities, as well as the district. This is a very strong example of STOPit's commitment to the anonymous nature of the reporting tool.

Garcia also briefly discussed the rollout of the STOPit program at the district. They chose to roll out the introduction of STOPit on a classroom-by-classroom basis, which they felt was very effective. The Assistant Principal at each school site visited the individual classrooms to introduce the program. Materials and resources necessary for the introduction of

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ANONYMOUS REPORTING (CONTINUED)

the program were provided by STOPit. In many instances, the students would download the application on their personal cell phones during the introductory presentation. Posters and signs advertising the program are sprinkled throughout the three main campuses of the district.

Approximately 261 students at Delano Joint Union High School District have downloaded the STOPit application. Garcia emphasized that the program is an excellent and necessary resource for managing crisis and daily mental health and social challenges that the district faces and he would not want to be without this tool.

Anyone interested in learning more about the STOPit program and its implementation can contact Kerri Jones, Safety & Loss Control Specialist, at 661-636-4376, or by e-mail at kejones@siscschools.org

TACKLE FOOTBALL OPTIONAL COVERAGE

SISC recommends districts begin preparing paperwork to handout to students who choose to participate in the 2022-23 tackle football season. We would remind our member districts that all students must have medical insurance of some kind if they choose to play high school tackle football. Your Athletic Director and coaching staff will need to ensure they have the necessary documents to handout to their players prior to the season start date. The first form required is the Tackle Football Insurance Verification form which provides the coaching staff information regarding available coverage for players. The second document is the SISC Tackle Football brochure which allows parents to review the program and decide if they would like to purchase the coverage for the 2022-23 school year. If they choose to purchase the coverage, the annual premium will be \$60.00 for \$15,000 benefit (paid according to the schedule of benefits). The SISC Tackle Football Brochure, Claim forms and the Tackle Football Insurance Verification form are available on the forms page of the SISC Property and Liability website. If you have any questions, please contact Elsa Lara at 661-636-4736.

Get Safety Trained

As a member district of SISC Property and Liability, a value added service is the Get Safety Trained online training program. As communicated to member district early in June, Get Safety Trained is being upgraded to a new platform that will increase stability and accessibility.

The system is temporarily unavailable until July 5, 2022. As part of the upgrade, and to ensure consistent and accurate data, each district will need to complete a spreadsheet formatted with specific fields of information needed to populate the new system. The deadline for return of the spread sheet is June 27, 2022. If you need a copy of this spreadsheet, please contact Kerri Jones at kejones@siscschools.org or 661-636-4376.

The new Get Safety Trained online training will be rolled out in early July.



DID YOU KNOW

- For those districts who elected to purchase the Special Education Voluntary Coverage Program (SEVCP) coverage, the deadline for claims submission is August 1, 2022. Supporting documentation for claims consists of copies of the due process complaint filed with the OAH, law firm invoices, along with copies of the check(s) and/or warrant(s) issued to law firms for legal fees and costs. Districts will be reimbursed for eligible expenses by September 30, 2022. If you have any questions, please contact Hilda Tabora at hitabora@kern.org 661-636-4694.
- The vehicle certificates of insurance are available to print for the 2022-23 policy year. Now is a great time to check your inventory and make sure all newly purchased vehicles have been listed. Please deactivate any vehicles that are no longer district property as well. Please call Shelby Gonzales at 661-636-4604 if you have any questions regarding your vehicles.
- Every loss which may be covered under the scope of the MOC should be reported as soon as possible. This is especially applicable where there is physical damage to a building or structure such as in the case of wind, water, fire, or vandalism.
- Playground inspections are services provided to our member districts for new and existing playgrounds. Summer is a good time to replenish your loose fill playground surfacing material as well. To schedule a review, contact your Safety & Loss Control Specialist.
- Bleacher inspections should be a part of a district's annual inspections. If you have questions, please reach out to your Safety and Loss Control Specialist.

FROM THE DIRECTOR

As we all do our best to process the aftermath of the tragic shooting in Uvalde, Texas, here at SISC we want our member districts to know some of the resources available to help prevent and deal with the aftermath of these senseless acts of violence.

Campus Security Officers

Many of our districts employ unarmed campus security officers as allowed under Education Code section 38000. These are dedicated individuals providing close contact with students and staff on a daily basis. These individuals receive training as required by Education Code section 38001.5. The Kern County Superintendent of Schools office is offering a training on August 8 through 10th at the Larry Reider Educational Center. More information can be obtained by contacting Arturo Chavez at 661-852-5661 or by e-mailing him at achavez@kern.org

STOPit

This program provides an anonymous 24/7/365 reporting platform for students and staff where an individual can report concerns or incidents of actual or potential bullying, cyber-bullying, discrimination, harassment, inappropriate behavior, sexual abuse, suicidal ideation, threatened gun violence, and any other concern with the school environment. The program is provided by SISC free of charge to our members. Here is a link to an informative video about the program <https://www.youtube.com/watch?v=BTzDhSlqe4M>

ALICE training

Several of our member districts employ the ALICE method of active shooter response training at their respective districts. The acronym stands for Alert, Lockdown, Inform, Counter, and Evacuate. Here is a link to a video about the type of training offered. <https://www.youtube.com/watch?v=Oack4NBuP-Q>

Lock Blok

This is a device used at many of our SISC member district school sites. A simple device easily attaches to the inside of a door to prevent the door from closing completely. We recommend that our member districts who are using or elect to use the device consult with your local fire marshal to discuss implementation. Additional information about the device can be found at [Door Blok + Lock Blok – Simple solutions for better classroom doors](#)

REMS TA (Readiness and Emergency Management for Schools Technical Assistance Center)

The REMS TA, which was established in October of 2007 by the United States Department of Education, is an excellent resource on topics such as Psychological First Aid (PFA), which is described as an intervention model to assist students, staff and families in the immediate aftermath of a disaster or emergency event. For more information, one can visit <https://rems.ed.gov>

COVERAGE (CONTINUED)

ing to the member district that some of the allegations as pled in a lawsuit, if proven to be true, would exclude coverage for damages awarded to the plaintiff caused by such intentional conduct. These letters are referred to as a Reservation of Rights letter whereby an insurance company or JPA reserves the right to withhold coverage and deny a defense and indemnity if allegations of intentional conduct, or other specified exclusions, are established to be true.

As is the case with any relationship, business or personal, communication is essential. In the event that your district is faced with claims that have the potential to fall outside of the SISC Memorandum of Coverage, we will communicate that risk exposure so that we can work together in an effort to provide assistance and guidance in managing those risks and outcomes.