



SISC

Self-Insured Schools of California
Schools Helping Schools

Property & Liability Division

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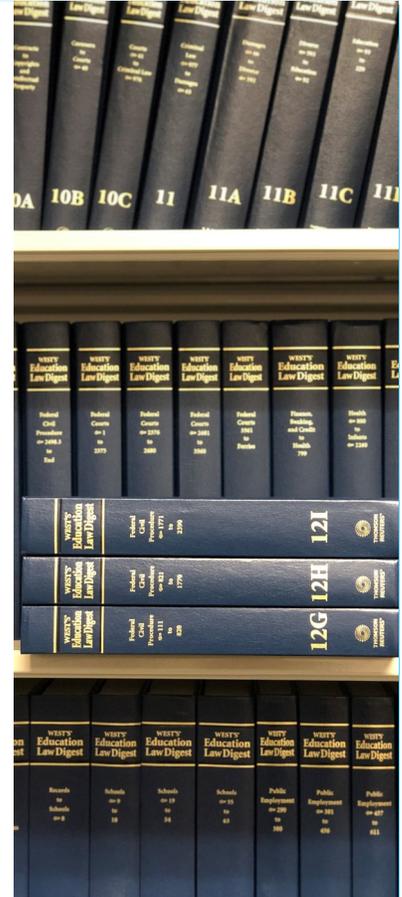
SISC DEFENSE COUNSEL SUMMIT

On Wednesday, October 19, 2022, SISC Property and Liability held our second annual Defense Counsel Summit at Lucia Mar Unified School District. This year's event was attended by over 44 individuals. In addition to individuals that work tirelessly to defend our member districts in matters of litigation; excess brokers, risk management experts and member district representatives attended to participate in conversations about ways we all can assist our member districts in risk mitigation and loss control activities. The overarching theme was best practices to increase safety and well being of students in the educational environment.

Craig Bowlus, Managing Director and Senior Vice President, from Public Sector Pooling and Julie Theirl from Aon Risk Services, facilitated a presentation on a General Liability Data Analysis Project commissioned by the California Association of Joint Powers Authorities (CAJPA). The study encompassed 10 years of claims data and over \$80 billion dollars in losses from public entities- including school districts - and how AB218 could play a role in the number and severity of claims that may be presented. As you may be aware, AB218 significantly extends the reporting window for sexual assault and molestations claims. Since some allegations go back as far as the 1970's, some entities need the use of an insurance policy archeologist service to determine what liability coverage was in place at the time of the alleged incident. The study identified some common risk factors and how districts can increase their policies and procedures to address these risk factors, including: more rigorous background screening of volunteers, including walk-on coaches; increased staff supervision and tighter protocols regarding student transportation and restroom visits; and the required use of district supported communication products where oversight by administration and parents can be achieved thereby eliminating the need for staff/student communications through personal devices and/or on social media.

Richelle Stanz, Director of Partner Relations at STOPit provided an overview of the STOPit Anonymous Reporting application available to our member districts at no cost to the district. Stanz provided an overview of the types of reports being made through the app by SISC member districts, as well as from a national perspective. STOPit is seeing an increased number of incidents being reported concerning cutting/self-harm and suicide ideation. Students are also using the app to report issues of bullying/cyberbullying, alcohol/drug use, anger issues and harassment/intimidation. The app provides a safe anonymous avenue for students to reach out for help and districts an opportunity to intervene early in the identification of a problem. Nationwide STOPit has recorded over 200,000 incident reports and has provided emergency interventions in over 2,000 events.

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Risk Mitigation in Winter Weather

California is receiving some much needed rain and snowfall. As a reminder, there are actions districts can take to minimize property damage due to weather events.

- ✓ Check your building roofs for damage, loose shingles or cracks. Repair as needed.
- ✓ Check the trees on your property or enlist the services of an arborist. Diseased trees or broken branches can fall and cause property damage and/or injury.
- ✓ Work with your utility provider to determine if additional measures are needed to reduce hazards of trees coming in contact with power lines.
- ✓ As storms approach, survey your property for loose furniture, sports equipment, ag equipment or other items that could get lost or become projectiles in windy conditions.
- ✓ Prevent pipes from freezing by insulating pipes and/or keeping HVAC thermostats set at 55 degrees to prevent interior pipes from freezing.
- ✓ Adjust or turn off sprinklers to prevent water from freezing and creating a slippery walking surface.
- ✓ During the holiday break, arrange for periodic checks of facilities that may be vacant. These visits can be effective in preventing break-ins and extensive damage from rain, snow and freezing.

REDUCING LOSSES WITH SMART DEVICES

Smart devices are making their way into schools and are becoming a part of operations. Their ability to notify staff of condition change or need for repairs are helping to prevent or mitigate property claims. What was once an expensive technology in the smart home and building arena, is now more accessible and affordable. There is a wide array of devices that can make your schools not only more efficient, but more safe. Internet of things (IoT) devices such as smart plugs, thermostats, lights and cameras have allowed individuals to control these items from a computer, smart phone or other device.

Smart thermostats can be programmed based on usage or provide the ability to access the HVAC controls remotely. This allows your maintenance and operations staff to customize thermostats based on usage and weather conditions. This ability can allow for energy saving and reduced energy costs. In addition, during winter months, thermostats can be adjusted to protect pipes from freezing and causing a water loss. Maintenance and operations staff can also remotely turn off these systems reducing the intrusion of smoke in a wildfire event.



Leak detection sensors can alert districts when water is detected. Sensors range from a basic battery operated sensor, a plug-in alarm or a system that employs a wireless technology connected to a software program that can send push notifications to key personnel. Advanced systems can be set up to automatically shut the water off. Use of these devices in areas such as offices where computer servers are located, gymnasiums, multiple story structures or other sensitive areas can reduce the loss of use and the cost of water intrusion claims.

IoT items such as programmable lighting, smart plugs that control plug in lighting can deter break-ins and give the appearance of occupancy. Smart plugs can also control other items such as laminators, coffee makers or other devices to minimize the risk of fire from these devices. Sprinkler control boxes can also employ smart technology allowing staff to remotely delay or turn off systems when there is a leak or when irrigation can be suspended due to rain or snow.

Many districts are using camera technology to monitor sites or critical areas. Cameras can be effective in monitoring activity. It is important that staff monitor camera feeds and recordings and districts establish policies for viewing and storage. If something should happen where there is damage to property or person, district should preserve the footage, in the event there is an allegation or claim brought against the district.

Districts using any of these pieces of technology should include them in regularly scheduled inspections to ensure they are functioning properly and/or to replace any batteries necessary.

INTRODUCING PAT TUMBARELLO

Pat Tumbarello is SISC's sole representative who actually resides on the central coast. She is a resident Adjuster working from her home. Pat works with all of the coastal school districts in Santa Barbara and San Luis Obispo Counties, assisting them with their liability claims.

Pat began her career in insurance with The Hartford. From there, she went to work for American States Insurance Company as a Resident Adjuster. While working for American States, she obtained her Certificate in General Insurance, Associate in Claims (A.I.C.), and her Chartered Property Casualty Underwriter (C.P.C.U.) designations from The Insurance Institute of America.

Pat left American States to become the Branch Manager for the San Luis Obispo branch of Carl Warren & Company, ultimately becoming an Assistant Vice President. In March of 2006, Pat joined SISC Property & Liability, as a Property and Liability Adjuster.

Pat is extremely proud of her daughter who works for UC Davis in a Clinical Trials program doing cancer research involving dogs. People bring in their own pets to participate in the trials, with the hope that strides will be made in cancer preventatives and that ultimately the knowledge gained may prove to be applicable to humans as well. Pat has a grand-kitty and two grand-puppies.

In her free time, Pat enjoys her cats, reading, sewing and working on stained glass projects. She has her own workbench for her glass projects, learning early on that sharing a workbench with a spouse just does not work out well.



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BUSINESS PARTNER SPOTLIGHT—ANTHONY DE MARIA

Fentanyl Crisis

Fentanyl is a synthetic opioid that is up to 50 times stronger than heroin and 100 times stronger than morphine. Pharmaceutical fentanyl treats severe pain, sometimes after surgery and for advanced-stage cancer. Illicitly manufactured fentanyl is an illegal drug that has a heroin-like effect. It can come in powdered or liquid form and be added to other drugs to make them more powerful and addictive.

Rainbow fentanyl comes in a brightly colored pill form and has been identified as a new trend by the United States Drug Enforcement Agency (DEA). In a recent Alert from Dr. Aragon, the Director and state Public Health Officer for the California Department of Public Health explained, opioid related deaths in California's youth age 10 to 19 saw a significant increase from 54 deaths in 2018 to 274 deaths in 2020. Fentanyl related deaths also saw a significant increase from 36 in 2018 to 261 in 2020.

Naloxone is a medication to reverse an opioid overdose. It can be administered through a nasal spray or with an auto-injector into the outer thigh. It is not addictive and will have no effect on the person if there are no opioids in the person's system. Free naloxone is available to qualified organizations including school districts.

For more information on this topic please see column on page 5 or visit our SISC Property and Liability website at [What sets us apart | SISC - Self-Insured Schools of California \(kern.org\)](#)

How long have you been a practicing lawyer and where did your practice of the law begin?

I have been a practicing attorney since 1995. I started my career as an attorney in Fresno, California, right out of law school. I have practiced out of Fresno from 1995 through today. In my senior year of law school at the University of San Diego, I interviewed for a job in Fresno, and I have been here ever since.

What is your area of expertise and focus?

My practice focuses solely on school and public entity defense as well as insurance defense, as a defense trial lawyer. I primarily defend schools, school districts and their employees in all forms of civil litigation matters. When I opened DeMaria Law Firm in February of 2020, I made the very specific and conscious decision that my new firm would do one thing and do it well. Specifically, I created DeMaria Law Firm to only defend schools, public entities and insurance defense matters, and not take any cases or legal matters in any other areas. As a school defense attorney, I defend schools in all areas of school defense litigation, from civil rights to employment matters, from constitutional issues to injury and abuse cases, in state and federal court.

What were the main challenges associated with opening your own firm?

I opened DeMaria Law firm a month before the pandemic and shelter orders hit. That certainly made for an interesting first year with a lot of logistical challenges, as we had not intended to be holding remote appearances and zoom meetings. I had to quickly meet the technological challenges the shelter orders created. I was surprised at how quickly we were able to adjust to remote appearance needs. Another ongoing challenge has been our growth. I opened the firm three years ago in a roughly 3,900 square foot office. We grew so quickly that we doubled that office size in the first year. Then we grew even larger, and have now moved again, to a 12,000 square foot office. I really did not have any prior experience in negotiating leases and working with contractors for build outs. Designing the new office was certainly a challenge, but it is fun now, to see the brand new office space, with its high tech conference rooms and nice trimmings, that I worked so hard to create.

I opened DeMaria Law Firm with a specific identity and mission of being an insurance and school/public entity/insurance defense law firm, in civil trial cases. One challenge that arose is that as a trial attorney, I have had ongoing requests to take cases that are outside of that mission. I have declined all of those cases and held to the firm mission and identity, in that we only defend cases for our client base.

Do you have any role models or is there anyone in the legal field you particularly admire, respect and try to emulate?

I have been fortunate to have had wonderful legal field role models, and there are many attorneys with whom I have worked whom I admire greatly. I had the opportunity to work under the best trial lawyer I have ever met, Lowell Carruth, who passed away sev-



BUSINESS PARTNER SPOTLIGHT—CONTINUED

eral years back. I had a fierce litigator named Dan Lyons who was a mentor and friend, whom also has past. They, along with the now retired Larry Wayte, were all three my former partners and had great impacts on my development. I have always been a trial attorney, so learning from those great trial attorneys has proven invaluable. I was also privileged to spend two decades working with Jim Wagoner, who is the best insurance coverage attorney in America, hands down. His intelligence, insurance coverage knowledge and work ethic are second to none. Jim works in a different field than me, but I would love to be half as good in my specialty as Jim is in his.

From your perspective as a lawyer, what is the biggest challenge facing school districts right now with respect to the defense of these public entities?

I believe that the biggest current challenge to school districts in defending civil court cases is jury perception in the post-pandemic era. Following the shelter orders, jurors in several cases have reflected anger against the public school system in general. The jurors are not always able to place the anger on a specific incident of policy, but rather just say that they are generally upset that the pandemic and orders occurred. In some cases, they have taken those angers out against school districts in cases, even when the source of their anger is not really related to any facts in the case before them.

In addressing this challenge of juror anger, it is very important that those of us defending the school districts help them to put their best selves forward. When we defend cases, we need to be sure to go beyond the basic facts of the case and let the district's employee witnesses explain why they have dedicated their professional lives to educating children, how hard they work at their jobs and how much they care about the kids. We have to address the anger, and the plaintiff bar efforts to drive home the general sense of anger, by giving it due credence, but by showing the jury that we have great and caring professionals and employees who want the best for the students. This is an ongoing challenge and one that has to be met head on. When we look at the defense of a school district or its employees in a case, we have to get outside the box and look at the greater picture that the jury needs to see, including who we are, why we do what we do, and why and how our wonderful people did the best they could for their students. The challenge is to make the jury see our positives.

If you were not a practicing lawyer, what would you be doing?

If not a practicing lawyer, I would love to be in sports. I would both own a professional baseball team and coach youth baseball. Both of those jobs would be fun and satisfying. My firm is a big supporter of both local youth baseball and the Fresno Grizzlies, which is the single A team for the Colorado Rockies. I serve on the Fresno Grizzlies Advisory Board, which is as close as I will ever come to being on the field.

When you are not practicing law how do you spend your time?

My wife, Kim, and I love to spend time with our three boys: Alec, Blake and Cameron. All three are involved in baseball, so we mix our trips with their college baseball events. I also enjoy the Fresno A's summer college baseball team and our hometown Fresno Grizzlies. I really enjoy all sporting events. If not at sporting events, I do love the movies.

Fentanyl Crisis

(continued)

On September 24, 2016 the Governor approved AB 1748, which authorized a pharmacy to furnish naloxone hydrochloride or another opioid antagonist to a school district, county office of education, or charter school if certain conditions are met. The bill authorizes school nurses and trained personnel who have volunteered to provide emergency medical aid to persons suffering from a potential overdose. Under the bill's provisions, school districts are authorized to voluntarily determine whether to make emergency naloxone hydrochloride or another opioid antagonist and trained personnel available.

Additional resources on this topic are:

- California Department of Public Health education video on fentanyl [Fentanyl Crisis Among CA Youth \(CDPH Safe Schools for All\)](#)
- California Department of Public Health video on emergency procedures for suspected overdose and administration of Naloxone [Administering Naloxone](#)
- Districts are encouraged to work with your local county public health office to obtain guidance on the fentanyl crisis as well as to learn about what steps can be taken to obtain and administer naloxone at your school sites.

Student Insurance Debuts Virtual Training

SISC Student Insurance is happy to announce the availability of training via Webex to our member districts for SISC Student Accident Coverage. We offered our first meeting in November 2022 with great success. A Webex meeting will allow your staff to meet the Student Insurance staff and ask real-time questions about situations. Your staff will have access to the PowerPoint presentation for future reference and access to a recording of the meeting. This format adds an additional method for our member districts to access information for Student Accident Coverage.

“The Santa Maria Joint Union High School District team appreciates the Student Insurance Webex virtual training in November. It was very convenient for several reasons. The virtual meeting was very informative in reviewing guidelines, processes and procedures. Our team was able to ask questions and get live answers. It was very convenient to hold the meeting without the SISC team worrying about travel time and cost, and there wasn’t a need to schedule or coordinate conference room availability. We look forward to future Student Insurance virtual meetings” Said Dina Araizaga, Administrative Assistant for the Santa Maria Joint Union High School District.

If your district is interested in scheduling a virtual training on SISC Student Insurance, please contact Sabrina Moten at samoten@siscschools.org

FROM THE DIRECTOR

We here at SISC’s Property & Liability division are very grateful for the support our member districts have given staff over the last year.

The 2022 calendar year seemed to intensify as we progressed from month to month. More activity at our school sites due to a relative return to normalcy meant more claims and inquires throughout the Property & Liability division. We are very fortunate here at SISC, in that turnover remains rare; through staff’s dedication, we are able to provide a consistent level of service that benefits all our members.

Our most significant change during 2022 was our commitment to the Schools Excess Liability Fund effective July 1, 2022. Some of you may remember that SISC used to be a member of SELF a couple of decades ago. The renewed partnership will bring a host of services and training opportunities that we will be making our SISC membership aware of as 2023 begins. Self will serve as our secondary excess insurer.

As 2022 comes to an end, our member districts are faced with yet another significant challenge in the form of the fentanyl crisis. We will do our best to keep you informed of prevention measures that can be taken at the district level to help mitigate against harm that could come to our students.

We wish you all a safe and wonderful holiday season.

DEFENSE COUNSEL SUMMIT (CONTINUED)

The final presentation was from Michael Pott, Chief Legal Counsel with PRISM. Pott provided several case law updates that may have an impact on defense matters concerning schools and the education arena. The updates allowed for meaningful dialog among attendees and the potential impact on pending litigation matters.



Participants from the Defense Counsel Summit listen to speakers and participate in discussions to benefit SISC member districts.

