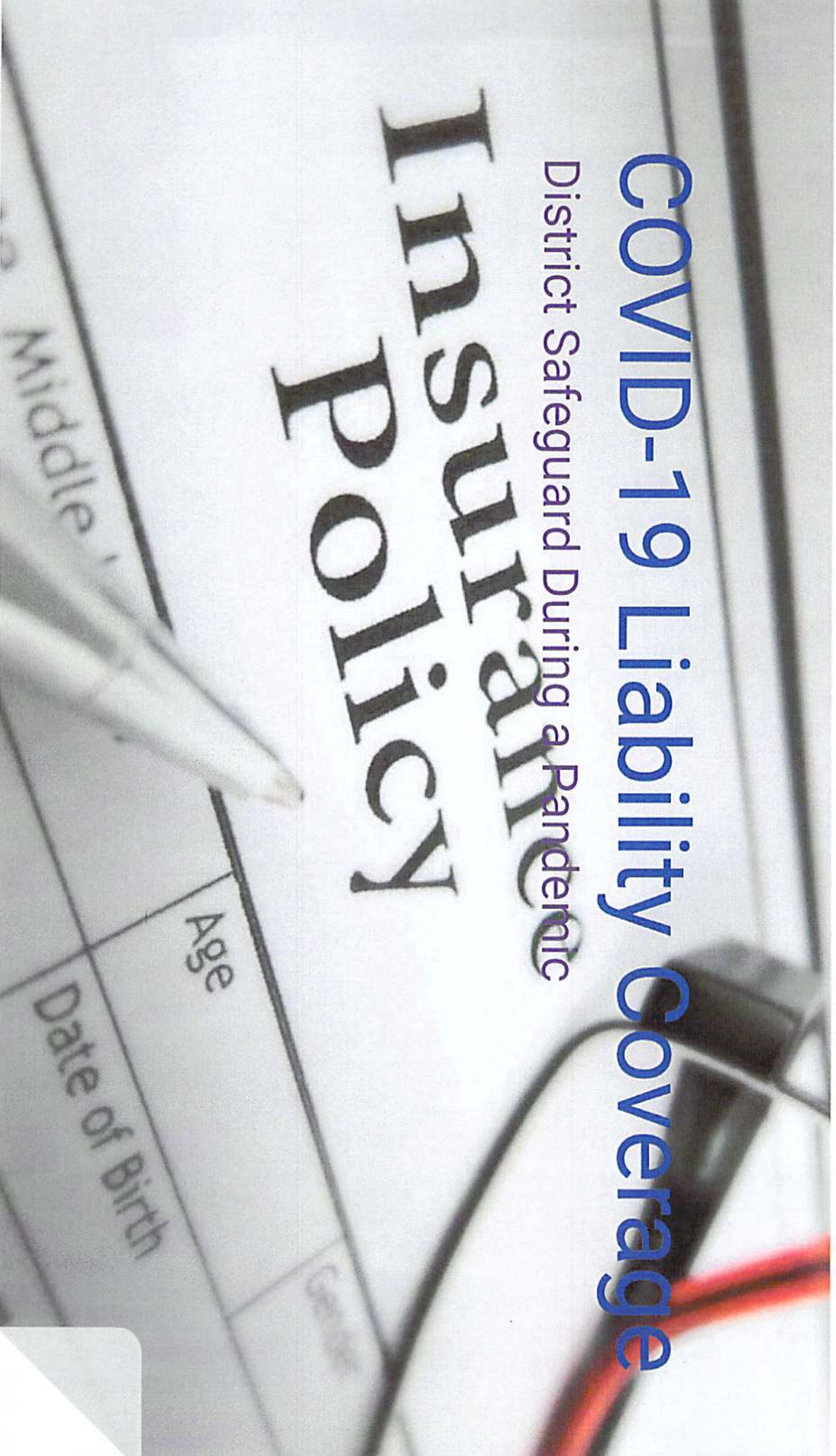


COVID-19 Liability Coverage

District Safeguard During a Pandemic

Insuramco Policy



Why might the District need additional Liability Coverage?

- 1) COVID related claims are currently excluded from our general liability coverage which began on July 1, 2020 for the 2020-2021 school year
 - a) Examples are a parent/guardian or community member filing a claim or lawsuit against the District alleging that it is liable for injuries or damages relating to COVID-19
 - i) Exclusion is due to the ability to prove the source of contracting COVID-19 as like the common cold or flu there are so many avenues for exposure
 - ii) Examples include asymptomatic spread
 - b) Additional pandemic coverage was not part of the general liability insurance coverage charges
 - c) Limited coverage for school disinfecting in the case of a COVID outbreak is included in the “no-fault mold” provision

What should District consider?

- 1) District's providing in-person education/services may want to have parents review and sign a waiver or acknowledgment form
 - a) Verbiage for Waiver and Acknowledgement forms are part of your Board Packet
 - b) No matter the precautions taken, District's cannot control every environmental variable
- 2) Cost for coverage is based on ADM (Average Daily Membership)
 - a) At approximately 750 ADM our District's cost will be \$20,000
 - b) Should legislation be passed granting public entities immunity from COVID-19 related claims, the Trust will return unused funds through the Trust Loyalty Credit Program
- 3) Preconditions to Coverage
 - a) District using Trust approved Waiver or Acknowledgment form
 - b) District reopening plan incorporating guidelines issued by ADE in cooperation with local public health guidelines

Deductible Structure

- 1) \$0 each occurrence for claims relating to a student for whom the district has obtained a signed waiver
- 2) \$10,000 each occurrence for claims relating to a student for whom the district has obtained a signed acknowledgment
- 3) \$20,000 each occurrence for claims with no waiver or acknowledgment

Why face political issue of collecting waivers or acknowledgments?

- 1) Juries in Arizona must consider and compare the respective “fault” of all parties to a lawsuit. Included in a party’s “fault” is the degree to which the party may have assumed the risk of an injury or illness. The waiver and acknowledgment forms are relevant to the jury’s analysis of which parties bear fault, including assuming the risks associated with an injury or illness.
- 2) These forms illustrate knowledge of the risks/possibility of becoming infected with COVID-19
- 3) A waiver is preferred by the Trust

Other Information

- 1) Importance of following strict health and safety guidelines for anyone entering a campus or district facility and limiting this presence
 - a) Vendors
 - b) Visitors and Volunteers
 - c) Any Non-Staff Member or Enrolled Student
 - i) Consider a waiver/acknowledgment for anyone entering campus
 - ii) Without a waiver/acknowledgment the \$20,000 deductible would apply
- 2) The COVID-19 Endorsement provides District with Defense Counsel and Investigation Services in the case of a claim

COVID-19 Endorsement

How should the District
proceed?

