

# **WSRMP Overview**

**Risk Services and Claims Department**

**Prepared for Stanwood Camano School District  
March 03, 2020**

# Washington Schools Risk Management Pool (WSRMP)

- WSRMP is a self-funded inter-local cooperative of member school districts
- Formed in 1986 under a hard insurance market
- To provide property and liability coverage for approximately 100 school districts, ESD's and other coverage-based inter-local cooperatives
- Governed by an Executive Board elected by members
- To provide risk management, loss prevention and claims services
- WSRMP is not an insurance company

# Risk Management Services

# Risk Alerts



DATE: 2/16/21  
SUBJECT: Novel Coronavirus (COVID-19) Update No. 61

## Update No. 61

Dear WSRMP Member:

At Washington Schools Risk Management Pool (WSRMP), we appreciate the challenge our members face as information, recommendations and mandates related to the COVID-19 pandemic continue to update. WSRMP will continue to monitor the impacts of COVID-19 on public schools and will provide Risk Alerts on an as-needed basis. If there is a topic you would like to see addressed in a future alert, please reply to this email to submit your suggestion.

*WSRMP is an advisory organization only and does not mandate or prescribe if and how districts should respond or implement risk management recommendations. The recommendations provided are strictly voluntary and may be used in conjunction with the district's own procedures and guidelines.*

### VIRTUAL ATHLETIC PRACTICES

We have received multiple inquiries over the past few days regarding virtual practices for sports. The Washington Interscholastic Activities Association (WIAA) has advised that their handbook does not exclude virtual practices and has referred members to discuss with their risk management. WSRMP advises against virtual practices at this time due to the concerns outlined below.

Per the WIAA handbook, the definition of a *practice* states that it "must be conducted under the supervision of the school coach." The virtual environment makes it difficult to directly supervise an athlete or provide instruction/safety techniques. Asking a student to film themselves "practicing" and submitting to the coach does not qualify as supervision.

If the district decides to allow virtual practices, we recommend proceeding with caution. Due to the physical nature of sports practice and potential for injury, the athlete will require direct adult supervision by a parent/guardian even if a coach is observing virtually. Parents/guardians will need to provide written acknowledgement to the district that they understand they are responsible for supervising their student during these virtual practices. To ensure the parent/guardian is equipped to supervise the virtual practice, the coach should host a training session with all the parents/guardians to inform them of the practice requirements and safety protocols. Keep documentation of these sessions and who was in attendance. Provide a written outline of each activity with directions and safety

# Risk Services Snapshot



## February 2021 Risk Services Snapshot

On a monthly basis, WSRMP Risk Services Department will be highlighting a new risk management topic with a condensed self-audit for districts to perform.



### EMPLOYEES DRIVING PERSONAL VEHICLES

At times, school districts may choose to allow employees to utilize their personal vehicle for district business. We recommend that district vehicles are used over employees' personal vehicles, especially when transporting students. Before a district chooses to allow employees to utilize their personal vehicle for district business, have a district procedure in place to ensure that this is only happening for specific pre-approved circumstances. The following are a few considerations:

- 1) Does your district have a board policy authorizing district use of private vehicles? (WSSDA Policy 6625 Private Vehicle Transportation.)
- 2) Does your district have a written procedure in place for approving personal vehicle use by employees for business purposes?
- 3) Does your district have an approval process in place that includes requiring an employee's motor vehicle report to be reviewed and scored by an administrator prior to the event and kept on file at the district?
- 4) Does the employee acknowledge in writing that their vehicle is in working order and that they understand their personal auto insurance will be primary if an accident should occur?
- 5) Does your district have a documented accident procedure, and is the employee driver provided a copy?

If you answered "no" to any of the above questions or want to learn more, please see the resources below or reach out to your assigned Risk Services Consultant.

- [Student Transportation Guideline](#)
- [United Educators Safety in Student and Employee Transportation](#)
- [Volunteer Driver Checklist](#)
- [United Educators Motor Vehicle Report \(MVR\) Checks for Employee Drivers](#)

# Regional Trainings



[www.wsrmp.com](http://www.wsrmp.com)

## SPRING 2021 TRAININGS

### Cyber Breach! What Next?

Presenters: Anne Shackelford and Brian White,  
Alliant Insurance Services  
January 13, 2021 10AM-Noon (Zoom)

### Supervision & Liability Issues for School-Sponsored Events

Presenter: Emma Gillespie, Preg O'Donnell & Gillett  
January 15, 2021 10AM-Noon

### Safety of Children on the Internet

Presenter: Kelly Crouch, Seattle Police Department Strategic  
Advisor at WA Internet Crimes Against Children Task Force  
January 28, 2021 10AM-Noon

### Indoor Air Quality for Spring 2021

Presenter: Nancy Bernard, Program Manager, School  
Environmental Health and Safety for the Washington State  
Department of Health  
January 29, 2021 10:30AM-Noon

### Intentional Leadership: Practices that Promote Diversity, Equity & Inclusion

Presenter: Dr. Robin H. Stacio, President, Sage Consulting  
Network, Inc.  
February 3, 2021 9AM-Noon

### How to Train Staff on Mandatory Reporting and Boundary Invasion

Presenter: Rick Kaiser, Law Offices of Richard H. Kaiser  
February 10, 2021 9AM-Noon (Zoom)  
[Register](#)

### Service Animals on Campus

Presenter: Emma Gillespie, Preg O'Donnell & Gillett  
February 19, 2021 10-11AM (Zoom)  
[Register](#)

### Special Education Law

Presenter: Carlos Chavez, Pacifica Law Group  
February 24, 2021 8:30-11AM (Zoom)  
[Register](#)

### Panel Discussion on the New Title IX Regulations Part II

Panel: Richard H. Kaiser, Law Offices of Richard H. Kaiser;  
Amy Klosterman, Amy Klosterman Law PLLC;  
Heidi Maynard, Vandenberg Johnson & Gandara LLC;  
Chuck Lind, Patterson Buchanan Fobes & Leitch Inc, PS  
March 3, 2021 10AM-Noon (Zoom)  
\*Please note this is not a training on Title IX but a panel  
discussion on applying new Title IX regulations\*  
[Register](#)

### Addressing Employee Accommodations During COVID: Part II

Presenter: Charles Lind, Patterson, Buchanan, Fobes, and Leitch  
March 10, 2021 10AM-Noon (Zoom)  
[Register](#)

### School Shop Safety Training

Presenter: Mark Wagar, Safety and Health Consultant,  
Department of Labor and Industries  
March 17, 2021 10AM-Noon (Zoom)  
[Register](#)

### Sexual Violence Prevention in Schools

Presenter: Andrea Wessel, M.A., Sexual Health Education Program  
Specialist at Office of Superintendent for Public Instruction (OSPI)  
March 25, 2021 10AM-Noon (Zoom)  
[Register](#)

### Hazard Communication and Safe Use of Chemicals

Presenter: Elizabeth Jakob, Industrial Hygienist, Puget Sound  
Educational Service District Workers' Compensation Trust  
March 31, 2021 10AM-Noon  
[Register](#)

### Top 10 Things HR Administrators Need to Know: COVID Edition

Presenter: Heidi M. Maynard, Vandenberg, Johnson & Gandara, LLP  
April 7, 2021 10AM-Noon (Zoom)  
[Register](#)

### No Contact Orders, McKinney Vento and Custody Plans

Presenter: Emma Gillespie, Preg O'Donnell & Gillett  
April 9, 2021 10-11AM (Zoom)  
[Register](#)

### Investigation for Building Administrators

Presenter: Rick Kaiser,  
Law Offices of Richard H. Kaiser  
May 5, 2021 9AM-Noon (Zoom)  
[Register](#)

### Sex Abuse & Molestation Claims in the Special Ed Environment

Presenter: Presented by Charles Leitch, Patterson Buchanan Fobes  
& Leitch Inc, PS.  
April 21, 2021 10AM-Noon (Zoom)  
[Register](#)

### Training Inquiries

If you have questions about a regional training or a suggestion for  
future topics, please contact: Ysabel Nelson, Senior Risk Consultant  
[ynelson@wsrmp.com](mailto:ynelson@wsrmp.com)

For more information on trainings, scholarships, and other resources,  
visit [www.members.wsrmp.com](http://www.members.wsrmp.com)

# Scholarships

- Playground Maintenance Technician (PMT) Training Scholarship
- PRIMA (Public Risk Management Association) Annual Conference Scholarship
- Safety Conference Scholarship
- Certified Playground Safety Inspector
- Right Response Scholarship

# On-Site Training

Athletic Liability for Coaches

Boundary Invasion

Civility in the Workplace

Playground Supervision

Transportation Liability

In-home visitors

Social Media

Contracts & Insurance



# Risk Services Articles



## Obtaining Guardian Consent

Inherent Risk Form, Parent Release, Permission Slip, or Consent Form, no matter what you call them, it is important that you review all your forms for specific requirements.

The basic intent is to *notify* the student's guardian of an activity or event that is not considered a traditional school activity. This would include events not held on school premises, or during normal school hours, or that would be considered non-traditional. Examples could include:

- A new unit in art class that involves glass blowing.
- Allowing an animal to visit or reside in the classroom.
- An assembly where the content or images shown could be considered disturbing or potentially controversial.
- Student participation in a sports or afterschool program.

The form should also include information regarding when, where, and how the students will be getting to and from the activity, and any specific dress requirements, such as waterproof shoes, or warm clothing if needed.

The second intent is to *inform* the adult custodian of the specific risks the student may encounter during the activity. The courts have reasoned a guardian cannot give their informed consent to an activity if you have not fully informed them (and the student) of the dangers. Your district must determine what the foreseeable hazards for each event/activity are and which ones cannot be mitigated or removed, even with appropriate safety standards in place. Each activity should have an inherent risk form that is specific to the dangers associated with that activity. WSRMP has samples for all Washington Interscholastic Activities Association (WIAA) - sanctioned sports available on our website in both Spanish and English.

The third intent is to *document* that all parties were fully aware of the activity and its perils, and that they voluntarily agreed to allow participation. This is also an avenue for the district to provide additional information they wish to convey to the parents. This could include a statement reminding parents the district does not provide medical or accident insurance for students. In some cases, specific behavioral expectations should be listed here for agreement and documentation by both the student and their guardian(s).

Other important information that should be included on the form is asking parents about any limitations or health concerns that staff should be aware of when allowing the student to participate. That allows the parent and district to better prepare or make alternative plans. For example, if the activity includes contact with animals, an asthmatic child with an animal dander trigger should have a plan in place with the school on how to recognize when they need medical treatment and what steps should be taken to administer medication. Appropriate staff should be notified as necessary of student limitations and health concerns.

A common misconception is that a signed parental permission slip means the parents have waived the right to bring a claim against the district and/or employee(s). While the parents may assume the normal risks associated with the activity, they do not waive their rights for any and all injuries that may occur. They cannot waive the student's rights either. While a carefully constructed form cannot absolve a school district of liability, it can be an important part of any defense in case of an accident or injury.

By notifying and informing the guardians/parents of the planned event, the parents now have the ability to request their child opt out of the activity due to health, religious, or other reasons. Be prepared to



## High Risk Activity Guidelines

The educational value of activities should be balanced against the exposure of students to hazards not present in their usual school environment. Prior to engaging in these activities, the planning stages should include precautions to help avoid student or staff injury as well as a formalized emergency plan in the event of injuries, whether minor or catastrophic.

Some activities are outside of your school district's coverage with WSRMP. Activities taking place outside that coverage will necessitate the purchase of additional liability coverage. Information on that can be obtained through the Underwriting Department at WSRMP.

The WSRMP Coverage Agreement provides broad coverage that protects the district in most school-sponsored activities. However, there are important exclusions to consider when planning any outdoor activity, especially those that fall into the high-risk area:

- Aircraft and flight activities are excluded. There will not be any coverage for flight related losses.
- Motorized racing, speed, demolition contest, stunt activity, whether in practice or preparation for any such contest or activity are excluded. Please note that this exclusion does not apply to electric-powered endurance activities.
- White water rafting, canoeing, kayaking, tubing or boat as well as Jet Ski or other similar motorized personal watercraft designed to carry two or fewer persons. Please note that this does not apply to non-white water boating activities.

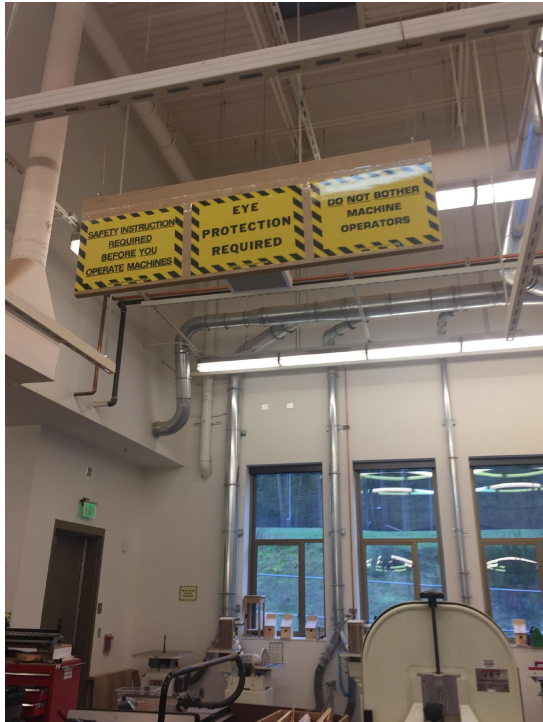
*This list of excluded activities is not meant to be exhaustive and should not be construed as the only limits on coverage. Please contact WSRMP's Claims or Risk Services staff for any needed clarification prior to the activity.*

Not all high-risk activities present coverage challenges. However, this does not mean that those activities are advisable from a risk management standpoint. School districts need to consider whether it presents an unreasonable exposure to injury for students and staff. In addition, consideration should be given to whether there are reasonable and documentable educational objectives associated with the activity. In the event of a loss, the school district staff and administrators may have to convince a jury that the activity was reasonable, precautions were taken, and there were definable educational objectives.

WSRMP recommends against:

- Water activities lacking close controls. Call your Risk Services Consultant for guidelines and recommendations for activities such as canoeing, kayaking, sailing, wind and water surfing, private swimming pools, and lake and river activities.
- Scuba diving – This activity presents extreme hazards to be considered safe for a school sponsored event.
- Water skiing
- Bungee jumping
- Dunk tanks
- Animal activities such as donkey basketball, equestrian jumping, fox hunts or dressage
- Petting zoos, especially for pre-school and kindergarten aged students (e-coli exposure)
- Athletics that are not Washington Interscholastic Activity Association (WIAA) approved, such as high impact aerobics, martial arts, boxing, rugby, lacrosse, water polo, mud or Jell-O wrestling, powder puff football

# On-Site Walk-Throughs (Shops)



# Playground Inspection



# Traffic Review

- Twin City Elementary
- Cedarhome Elementary



# Risk Services Page (Website)

The screenshot displays the website's header and navigation menu. The header is green with the WS RMP logo and a search bar. The navigation menu is black with white text. The main content area is white and features a 'Resources By Topic' section with a list of topics and a 'Risk Services' sidebar with three links.

**WS RMP WASHINGTON SCHOOLS RISK MANAGEMENT POOL** Search this website ...

EXECUTIVE BOARD STAFF DIRECTORY MEMBER MATTERS NEWSLETTER MEMBER LINKAGE CLAIMS

RISK SERVICES TRAINING CORONAVIRUS RESOURCES SCHOLARSHIPS/GRANTS ORIGAMI DATABASE

### Resources By Topic

- Activities & PE
- Animals
- Athletics
- Buildings & Grounds
- Contracts and Insurance
- CTE, STEM, and Science
- Emergency Preparedness/Security
- Employment
- Environmental Issues
- Field Trips and Travel
- Legal Issues
- Other/Miscellaneous
- Playgrounds
- Risk Services Snapshots
- Safety & Support Response Guide
- Sex Abuse
- Special Education
- Student Health/Medical Issue
- Technology
- Title IX
- Transportation
- Volunteers

### Risk Services

- Overview
- Risk Assessment Survey (Archive)
- Resources By Topic

# Claims Management Services



# Article 1 – District Property

- Buildings
- Property
  - Staff
  - Student
- Vehicles
  - Rented
- 1.b Mechanical Breakdown



# Article 2 – Criminal

# Article 3 – Liability

**EME \$3K, 90 days, OOP expenses, excess (not MPC)**

**OBI Investigation**

**AMP \$3K one year, primary**

**ABI Investigation**

# Article 4

- E&O Errors & Omissions

- Actual or alleged error, misstatement, misleading act or statement, or any omission committed solely in the course of performance of duties for the district.
- Sexual Abuse – by District Employee or volunteers
- Rendering Professional Health Care Services – by District Employee or volunteer

- Special Education

- SPA \$5K
- SPH \$35K
- SPL \$200K & \$25K attorney fees and costs

# Article 5 – Employment Practices Liability (EPL)

Sexual harassment, discrimination, wrongful employment termination, invasion of privacy, libel, slander or defamation or character

# Article 6 – Investigation Coverage

\$20,000 for assistance with potential E&O and EPL losses

# Claims Reporting

- When to complete an Incident Report?
- Types of Incidents to report ASAP
  - Sexual – student/student & student/staff
  - Death including suicide
  - Internal Injury
  - Serious head injury
  - Reinsurance
- Public Records

# What is NOT Covered

- ERISA – Employment Retirement Income Security Act
- COBRA
- Employee Benefits Programs
- Breach of Contract
- Non-monetary relief
- Strikes & Lockouts
- Reorganizations and/or Reductions in force
- Worker’s Compensation
- Criminal Acts; Criminal Proceedings

# Review of Claims

- Claims Closed (Between 09/01/2020 – 01/31/2021)
- Current Open Claims

# Management/Executive Contacts

- Executive Director

Deborah Callahan

206.394.9727, [dcallahan@wsrmp.com](mailto:dcallahan@wsrmp.com)

- Claims and Risk Services

Charles Upchurch, Deputy Executive Director

206.394.9724 or [cupchurch@wsrmp.com](mailto:cupchurch@wsrmp.com)

- Claims and Litigation

Dana Grandey, Director of Claims & Litigation

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