

VOLUME 40
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WHAT'S NEW
AT ASCIP?

• New Resources:

- ⇒ Independent Contractor or Employee?-Risk Alert
- ⇒ Cybersecurity-Risk Alert
- ⇒ More Sample Agreements have been added and updated

• Welcome New Members!

- Joining Oct. 1, 2019:
- ⇒ Inglewood USD—Kaiser, Delta and VSP
 - ⇒ Pomona USD—VSP

Go to

www.ASCIP.org
for all this and
more!



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ASCIP Views

ALLIANCE OF SCHOOLS FOR COOPERATIVE INSURANCE PROGRAMS

The Importance of Setting Clear Boundaries

Parents send their children to school to learn and expect their students will be safe. But with news of teachers and staff sexually assaulting minors, trust in public education is eroding. It is more important than ever for school governance and administration to adopt clear boundary setting policies to protect both students and staff.

Below is an abridged article reprinted with permission from CSBA - California School News, July 2019

The relationship between school staff and students is important to student learning. Research shows that students' attitudes toward learning are likely influenced, positively or negatively, by their teacher. An analysis of 46 studies found an association between strong teacher-student relationships and higher student achievement, better school attendance, fewer disruptive behaviors/suspensions, and lower dropout rates.¹

However, when school staff abuse their authority and undermine student safety and trust, the results are devastating. Accusations of unlawful sexual relationships or assaults continue to make headlines, eroding confidence in public schools and subjecting districts to costly liability.

Acts involving sexual assault or exploitation have serious consequences. Such acts fall within the legal definition of "child abuse" and must be referred to law enforcement by staff who

are mandated reporters under the law. Sex offenses also serve as grounds for suspension or dismissal in which the employee must be placed on immediate compulsory leave of absence and, if the employee is certificated, the misconduct must be reported to the state Commission on Teacher Credentialing.

A student or former student who alleges sexual abuse by an employee may file a claim for recovery of damages at any time within eight years of turning age 18 or within three years of the date the person discovered or reasonably should have discovered that psychological injury or illness was caused by the sexual abuse, whichever is later. (Any member that is faced with an accusation of employee sexual misconduct should contact ASCIP immediately to mitigate costs and ensure proper handling and messaging.)

The line between appropriate and inappropriate conduct can seem unclear. A high school student wrote in an online article that she worries about teachers who "take advantage of the grey area between a casual student teacher relationship and a romantic one. Teachers who simply flirt with their students present an entirely different kind of threat than do traditional child molesters. Namely, they threaten the emotional and mental stability of teenagers who already have a plethora of stressors in their lives."²

Cont. on p. 2



Coverage Reduces Litigation Plus Says "We Care"

When a child is injured at school, parents often file a lawsuit to seek reimbursement for medical expenses incurred. Once the lawsuit process begins, regardless of fault, the claim costs can easily exceed \$50,000. ASCIP's Medical Emergency Coverage was created to assure prompt care is available and to avoid costly, unnecessary litigation.

According to Phil Hillman, Chief Business Official for Ontario-Montclair SD (OMSD), "our Principals are good at going to the hospital and following up on injured or sick students" to provide support and help where needed, so he informed them of this ASCIP coverage to help reduce needless lawsuits. OMSD has

referred parents to the coverage many times for broken arms or other injuries in which it seemed as if the parents might litigate to recoup their medical costs. When a vehicle failed to stop for a posted stop sign and ran

"you never know what claim you avoided...ASCIP's Student Medical Coverage helps avoid costly lawsuits"

over a 7th grader in the crosswalk in front of school (and later died from his injuries), OMSD provided the family with the AG Administrators claim form to help with the expenses.

No lawsuit was filed for this tragic incident. "Just like good risk management practices, you never know what claim you avoided, but I believe ASCIP's Student Medical Coverage helps OMSD avoid costly lawsuits, plus it fits with our District culture of "We Care'."

During a recent review of claims, ASCIP found that the Medical Emergency Coverage for pre-K through grade 12 school related accidents is still underutilized, despite it being a resource to help reduce costly litigation. Learn more about [ASCIP's Medical Emergency Coverage \(Endorsement No. 4\)](#) in the P&L MOC by contacting your ASCIP Risk Services Consultant.

Should Genetic Testing Be Part of A Benefits Package?

Training Corner

Regional Training

- **Interactive Process - Accommodations**
Mtn. View SD-El Monte
Nov 15
- **Appropriate Student-Staff Interaction**
Bonita USD-San Dimas
Dec 3
- **Field Trip Liability Waivers, Digital Forms & Permission Click**
Bonita USD-San Dimas
Dec 3

Check out

ASCIP  YouTube

SUBSCRIBE NOW

DID YOU KNOW—

SB 30—Eff. Jan 1, 2020

Opposite sex domestic partners can be covered as dependents on benefits.

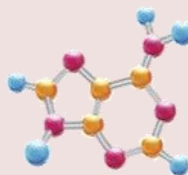
Current law only allows same sex partners or opposite sex for age 62 and older.

QUOTE OF THE DAY—

Either write something worth reading or do something worth writing. — Benjamin Franklin



Commercial genetic testing has surged in the last few years in response to successfully sequencing the human genome. Using genomic markers to identify diseases well ahead of any symptoms has enormous appeal, but employers should be cautious about offering genetic testing as an add-on to their medical benefits offerings.



1. Molecular biology is very complex. For example, if genetic testing yields a positive result for a gene correlated with a certain condition, it still may not be that meaningful since it can take multiple triggers to initiate a disease. The testing result only provides a probability based on a current statistical correlation, and that probability can change as the science or as conditions progress — genes placed on a list of markers for a specific condition have been removed from that list just a few years later as new studies emerge.

2. The benefits of early detection can be misleading. There is a term in the screening industry called “lead-time bias” which occurs when a disease is detected earlier due to improved technology, but retrospec-

tive studies show that early diagnosis did nothing to change the course of the disease. In other words, five-year survival rates improve, but only because the starting point of the lifespan measurement moved backwards to the point of earlier detection.

3. The psychological effects of a test yielding a high probability can be difficult to live with. The likelihood of a disease may be high, but the consumer doesn’t know when the disease will manifest (if ever), and if it will be treatable. The knowledge can be so debilitating that the term “previvor” has emerged to describe someone who’s survived an illness they haven’t even had yet.

Certainly there are some genes that are so strongly linked to disease manifestation that testing would be beneficial and companies offer counselors to explain the meaning and limitations of the findings, but until the predictive value of genetic testing improves and can demonstrate a positive return on investment (ROI), including these programs in medical benefit packages should be approached with caution.

The Importance of Setting Clear Boundaries (Cont. from p. 1)

Even well-meaning staff who desire to build positive relationships with students need to be cautious. It is important that staff avoid behaviors that have the appearance of impropriety. Examples include being alone with a student outside the view of others, visiting a student’s home, “friending” students on social media unless a site is dedicated to legitimate educational purposes, being overly friendly and disclosing personal information to students.

Therefore, districts must establish board policies that set clear expectations for employee conduct, including expectations that all employees report any improper conduct that they observe or have knowledge of. Districts may tailor either ASCIP’s or CSBA’s new sample board policies BP 4119.24/4219.24/4319.24 - Appropriate Adult-Student Interactions to communicate the governing board’s intention regarding staff conduct as it relates to students.

The CSBA version combines ASCIP’s two samples: one for employees only, and one for other adults who interact with minors, which outline distinctly different consequences.

Once policies are adopted, employees must be notified then trained on these board policies about expectations in regard to interactions with minors. Also, in accordance with the law, parents/guardians must be provided the district’s code of conduct dealing with staff–student interactions at the beginning of the school year. This must also be posted on each school and district website.

Sexual misconduct claims are only a small number of the claims reported, but they are now the greatest cost driver for California schools liability coverage representing nearly 50% of the claims cost, and pose the greatest reputational decay for public schools. “The purpose of this policy discussion is not to inhibit caring

relationships that help build students’ interest in learning and connectedness to the school,” said Diane Greene, CSBA senior policy manual consultant, “but rather to provide an effective, safe learning environment for students that includes trusting relationships with staff and prevent career-ending, life-altering mistakes by staff.” More abuse prevention resources are posted on www.ASCIP.org.



¹ Sparks, S.D. (2019, March 12). Why Teacher-Student Relationships Matter: New Findings Shed Light on Best Approaches. Education Week. <https://www.edweek.org/ew/articles/2019/03/13/why-teacher-student-relationships-matter.html>

² Gilbert-Lurie, M. (2012, June 19). Why Student-Teacher Relationships are Never OK. Huffpost. https://www.huffpost.com/entry/why-studentteacher-relati_b_1435275

Upcoming Events —For updates and details go to www.ascip.org/training/seminars-webinars/

Event	Date	Time	Location
HR Roundtable: Disability Discrim./Interactive Process	Thu 10/3/19	11:30 a.m.—1:00 p.m.	ASCIP Training Room
SELF’s Good Schools-Sp. Ed. Transportation Liability	Fri. 10/4/19	10:00 a.m.—11:30 a.m.	Webinar
WC Roundtable: Telemedicine/Telehealth	Wed. 10/9/19	9:30 a.m.—1:00 p.m.	ASCIP Training Room
SAVE DATE-Annual Membership Meeting	Fri. 3/6/20	8:00 a.m.—3:00 p.m.	City of Industry