



**Contact:**

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TO: Stanwood-Camano Board of Directors

FROM: Christine Del Pozo, Executive Director of Human Resources

SUBJECT: Second Reading, Board Policy 6530 Insurance

DATE: October 17, 2023

TYPE: Action Required

The Washington State School Directors' Association (WSSDA) has recommended updates to policy 6530, Insurance. Policy 6530 was brought before the board for a first reading on October 3rd, 2023. The Board moved revised policy 6530 forward for a second reading.

**Recommendation: We recommend the board approve the second reading of revised policy 6530 on Insurance.**

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## INSURANCE

All insurance programs of the district shall be managed as part of the district's risk management **program** ~~pro-gram~~.

### Liability Insurance

The district **will shall** maintain sufficient liability insurance to protect it against claims for the negligent or wrongful acts of its staff or agents. The amount and terms of such insurance protection **will shall** be reviewed annually as part of the district's risk management program.

The board **will shall** hold individual board members, administrators, staff or agents of the district harmless and defend them from any financial loss, including reasonable attorneys' fees, arising out of any act or failure to act, provided that at the time of the act or omission complained of the individual so **indemnified indemni-fied** was acting within the scope of his/her responsibilities or employment and in compliance with the policies and procedures of the district.

The district **will shall** provide its staff with insurance protection while they are engaged in the maintenance of order and discipline and in the protection of students, other staff and property. Such insurance protection must include liability insurance covering injury to persons and property and insurance protecting staff from loss or damage of their personal property incurred while so engaged.

A member of the board of directors or the superintendent is immune from civil liability for damages for any discretionary decision or failure to make a discretionary decision within his or her official capacity, but liability **will shall** remain on the district for the tortious conduct of the board members and **superintendent superinten-dent**. The superintendent **will shall** obtain errors and omissions insurance in the amounts deemed necessary by the board.

### Property Damage Insurance

The district **will shall** maintain a comprehensive insurance program, which will shall provide adequate coverage, as determined by the board, in the event of loss or damage to school buildings and/or equipment, **including includ-ing** motor vehicles.

### Staff Insurance

The district **will shall** develop and maintain an effective program of insurance for its staff. Such programs may include, but are not limited to, unemployment compensation, industrial accident and/or injury **insurance in-surance**, liability and medical insurance.

The district may make available liability, life, health, health care, accident, disability, **and or** salary protection **or** insurance, **direct agreements as defined in chapter 48.150 RCW**, or any one of or a combination of these types of insurance and may contribute all or part of the cost of such insurance **to the extent permitted by law**.

### Unemployment Insurance

The district **will shall** participate in the program lawfully available for fulfilling its unemployment insurance obligation that is most financially and administratively efficient. The unemployment compensation **program pro-gram will shall** be reviewed annually by the board.

Staff eligible under the terms of the unemployment compensation pool agreement with the educational service district **will shall** be provided with the unemployment benefits to which they are entitled. The district **will shall** maintain the records required by the state employment security department and retain them for not less than four years.

### Workers' Compensation Leave

**The district Stanwood Camano School District** is self-insured through the Puget Sound Workers' Compensation Trust, **to provide for the purpose of providing** industrial insurance benefits to employees who sustain job-related **injuries in-juries** or occupational diseases. **This trust has been approved by the Washington State Department of Labor and Industries to administer industrial insurance benefits.** Employees of a self-insured business have the same rights and **responsibilities responsi-bilities** as other workers insured through the State of Washington. Employees are protected in two ways:

1. Medical costs resulting from job-related injuries or diseases are paid under the claim; and

2. Injured employees are paid a partial wage replacement while off work due to a job-related injury or disease under claim **when certified off work by their doctor.**

When an employee is injured on the job and is unable to perform his or her duties as a result of an on-the-job-injury or occupational disease **and certified off work by a doctor**, the **employee may elect to use leave as follows (provided the employer does not elect to keep the employee on full salary through means other than use of accrued leave):**

1. **Choose unpaid leave, thus receiving only his or her entitled temporary total disability (TTD) benefits, or**
2. **Elect to use a full day of accumulated leave (sick, annual or other similar benefit) in addition to their entitled TTD benefits, or**
3. **Elect to use a proportionate share of accumulated leave to make up the difference between the workers' compensation payments and the employee's regular pay at the time of injury.**

~~The district will deal fairly with employees and give equal consideration to their interests regarding industrial insurance benefits. agency will grant paid sick leave for the first three (3) days provided the employee has accumulated said sick leave. For each day covered by workers' compensation benefits, the employee may choose between unpaid leave thus receiving only his or her entitled temporary total disability (TTD) benefits, or elect to use accumulated sick leave or annual leave in addition to their entitled TTD benefits. The Superintendent or designee will develop procedures to assure the legal administration of workers' compensation benefits.~~

#### Medical Insurance

Per state law, the district will offer eligible employees all benefits offered by the School Employees Benefits Board (SEBB), administered by the Washington State Health Care Authority (HCA). ~~Medical plans are offered in the district on a payroll deduction plan. Staff may select from among those plans which are made available by the district's approval. The district shall make a contribution toward approved insurance premiums for each full time staff member each month in an amount, which is determined each year.~~ The district will pay the employer contributions to the HCA for SEBB insurance coverage for all eligible employees and their dependents as mandated by state laws and the rules promulgated by the HCA. ~~may provide prorated contributions toward premiums for less than full time staff. In the event of any fully funded legislative changes for payment of insurance premiums, such funds shall be provided automatically as additional contributions.~~ When a staff member is on leave and the staff member's accumulated paid leave has been exhausted, the district shall notify the staff member that the medical insurance benefits are exhausted and the premium is due. The district ~~will~~ **shall** accept the premium from the staff member and remit it to the carrier each month during the term of an approved leave of absence.

In compliance with COBRA (Consolidated Omnibus Budget Reconciliation Act), the district will offer continuing health care coverage on a self-pay basis to staff members and their dependents following **termination** ~~termination~~ (for reasons other than gross misconduct), a reduction in hours, retirement, death, or loss of coverage eligibility to the dependent. These health benefits will be identical to the coverages offered to full-time staff members. For terminated or reduced-hour staff members, the coverage may last up to 18 months or until they become eligible for other health insurance, whichever is earlier. In the event of the staff member's retirement, divorce, separation or death, or loss of dependent eligibility the coverage may last up to 36 months for the staff member and/or qualified beneficiary. **The district has the option to charge the staff member or the beneficiary the full policy premium plus a 2% administration fee.**

#### Cross Reference:

Board Policy 2151  
Board Policy 5401  
Board Policy 6500

Board Policy 6535  
Board Policy 6540

Interscholastic Activities  
Sick Leave  
Risk Management

Student Insurance  
School District Responsibility for Privately  
Owned Property

Legal Reference:	RCW 28A.320.060	Officers, employees or agents of school districts or educational service districts, insurance to protect and hold personally harmless
	28A.320.100	Actions against officers, employees or agents of school districts and educational service districts – Defense, costs, fees – Payment of obligation
	28A.335.010	School buildings, maintenance, furnishing and insuring
	28A.400.350	Liability, life, health, health care, accident, disability and salary insurance authorized <b>when required</b> – Premiums
	28A.400.370	Mandatory insurance protection for employees
	4.24.470	Liability of officials and members of governing body of public agency
	4.96.010	Tortious conduct of political sub-division – Liability for damages
	41.50.160	Restoration of withdrawn contributions by annual installment
	50.20.050	Disqualification for leaving work voluntarily without good cause
	50.44.030(3)	<b>Political subdivisions, instrumentalities of this state and other state</b> <del>Insurance pools</del>
	50.44.050	Benefits payable, terms and conditions – <b>Academic year – defined</b>
	<b>51.14</b>	<b>Self-Insurers</b>
	<del>Title 51</del>	<del>Industrial Insurance Act</del>
	29 U.S.C. A §§ 1161-1168	Consolidated Omnibus Budget Reconciliation Act
	<b>WAC 182-30</b>	<b>Procedures</b>
	<b>182-31</b>	<b>Eligible school employees</b>
	<del>WAC</del> 296-15	Worker's compensation self-insurance <b>rules and regulations</b>

Adoption Date: 04.15.03  
Stanwood-Camano School District  
Revised: 09.07.10, 10.17.23