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Board Cover Memorandum

To Board of Education

From Kyla Johnson-Trammell, Superintendent
 Lisa Grant-Dawson, Chief Business Officer
 Rebecca Littlejohn, Risk Management Officer
 Joshua R. Daniels, General Counsel

Meeting Date June 30, 2021

Subject Catastrophic Accident Insurance for Students – Premium for 2021-2022 – Risk Management

Ask of the Board **Approval by the Board of Education of payment of Catastrophic Student Accident Insurance premium of \$55,277.86 for School Year 2021-2022.**

Background

Myers-Stevens & Toohey & Company Inc. has arranged Catastrophic Student Accident Insurance coverage (underwritten by ACE American Insurance Company – a CHUBB company) at a cost of \$10,448.32 (for Class I) and \$44,829.54 (for Class II).

Unfortunately there are inherent risks of serious or even fatal injuries to students while participating in school sponsored activities, including playing sports, participating in field trips, or even simply being on campus during an act of violence. Providing Catastrophic Accident coverage can help seriously injured students and families ease their financial concerns and provide access to the care they need while promoting healing of the community as a whole. For the District, providing this type of coverage can help reduce any potential liability cost.

Catastrophic Accident Insurance provides a \$1,000,000 Accident Medical Maximum with a 10 year benefit period from the time of the accident. In addition, there is up to \$500,000 in additional monies for assistance (depending on the severity of the injury). The plan also includes \$50,000 for Crisis Management for students and staff

Class I and Class II options would provide coverage for families where their student’s injuries exhaust the limits of coverage available under Basic Student Accident Insurance.

Class I covers all students athletes, student managers, student trainers, student coaches, cheerleaders, majorettes and band members who participate in school sponsored and supervised interscholastic athletic activities.

Class II covers all students from pre-kindergarten through the twelfth (12th) grade while they are attending regular schedule classes and taking part in all school

sponsored and directly supervised activities, including official school to work activities, ROTC programs and off-season athletic training and conditioning (except for interscholastic athletics).

Providing this type of catastrophic accident insurance aligns with the OUSD mission of a Full Service Community District.

Discussion

State Law (EC 35330) and District policy (AR 6153) require that school districts conducting field trips or excursions provide or make available medical and/or hospital services for students injured while participating in field trips or excursions. Both state law (EC 32221) and District policy (AR 6153) also require that students participating in certain high risk activities, including but not limited to interscholastic athletic activities have insurance coverage. Further, both law and District policy provide that students may not legally be excluded from activities due to an inability to pay.

The coverage offered by Myers-Stevens & Toohey & Company is a low per pupil cost and is more comprehensive, providing coverage to students for injuries that occur during school hours and days when school is in session and while attending or participating in school sponsored and supervised activities on or off school premises. In addition, the coverage includes all school sponsored interscholastic sports (such as tackle football).

The District continues to expand opportunities for students to participate in work based learning off site as well as inception of the Middle School Sports League, which allows middle school students to participate in interscholastic athletic activities. These are exciting opportunities for students, however they carry increased risk of injuries to students, some of which could result in significant costs for medical treatment.

There is also a growing concern related to certain playground and sports injuries such as head injuries and concussions and this coverage would provide a significant benefit to students suffering those injuries and could decrease government code claims filed by families who cannot afford medical expenses.

Both the District and our families are better served by the assurance of some accident insurance to cover all students. Requiring families who do not have medical insurance to pay for accident insurance can pose a significant financial hardship for many of our families. This is also out of step with changes in the law generally prohibiting pupil fees in public schools and with our mission to serve the whole child, including facilitating access to healthcare and eliminating inequity. This coverage would significantly benefit our students while enabling the District to comply with its legal and policy requirements at a low per pupil cost.

Fiscal Impact

\$55,277.86 (\$0 Deductible with 100% Usual and Customary charges)

Attachment(s)

- 2021-2022 School Year Coverage Request Form



Myers-Stevens & Toohy Co., Inc.
 26101 Marguerite Parkway
 Mission Viejo, CA 92692-3203
 T: 949.348.0656 F: 949.348.2630

**Catastrophic Accident Insurance for
 Students and Volunteers**

2021 -2022 School Year Coverage Request Form

myers | stevens | toohey

Underwritten by ACE American Insurance Company; Philadelphia, PA 19106

Name of School/District Oakland Unified School District Address 1000 Broadway, Suite 680
 City Oakland St CA Zip 94607 Phone _____ Fax _____

Summary: The program consists of the following benefits:

| | OPTION I | OPTION II | OPTION III |
|--|-------------|-------------|-------------|
| Excess Accident Medical Expense (100% of U&C) with 10 year benefit paid up to | \$1,000,000 | \$5,000,000 | \$7,000,000 |
| Accident Medical Expense Deductible (waived for Presumptive Disability - see brochure) | \$25,000 | \$25,000 | \$25,000 |
| Accidental Death and Dismemberment - principal sum | \$25,000 | \$50,000 | \$50,000 |
| Double Dismemberment | \$50,000 | \$100,000 | \$100,000 |
| Catastrophic Losses payable in addition to accident medical benefits up to | \$500,000 | \$1,000,000 | \$1,500,000 |
| Seatbelt and Airbag - 10% of principal sum up to | \$5,000 | \$5,000 | \$5,000 |
| Crisis Management Benefit | \$100,000 | \$200,000 | \$200,000 |

Coverages Available:

Class I - Interscholastic Athletics

Covers students while participating in school sponsored and directly supervised games and official practice sessions of interscholastic sports and supporting activities (band, cheerleaders, majorettes, student coaches, student trainers, and student managers) and while traveling directly and without interruption between school and the site of such activities, provided that such travel is arranged by and is at the direction of the school.

Class II - Student Activities

Covers students while on premises when school is in session and while participating in school sponsored and directly supervised activities (except interscholastic athletics), and while traveling directly and without interruption between school and the site of such activities, provided that such travel is arranged by and is at the direction of the school, and while traveling directly and without interruption between home and school to attend regularly scheduled classes (includes one hour immediately before and after regularly scheduled classes).

Class III - Religious Education Activities

Covers elementary level students while attending church or school sponsored and directly supervised religious education activities and while traveling directly and without interruption between the school and the site.

Class IV - Youth Ministry Activities

Covers students while attending church or school sponsored and directly supervised youth ministry activities and while traveling directly and without interruption between the school and the site of such activities, provided that such travel is arranged by and is at the direction of the school.

Class V - Adult/Parent Volunteers

Covers adult/parent volunteers while participating as a school volunteer in any school sponsored activity, and while traveling, as a volunteer, directly and without interruption between school and the site of such activities, provided that such travel is arranged by and is at the direction of the school.

Class VI - Summer Sports and Conditioning

Covers students while participating in school sponsored and directly supervised sports and conditioning activities conducted during the summer, and while traveling directly and without interruption between school and the site of such activities, provided such travel is arranged by and is at the direction of the school.

The program also consists of the following benefits:

Cosmetic Disfigurement from Burns Benefit

If, as a result of a Covered Injury, an Insured suffers third or fourth degree burns in one or more areas of the body, benefits will be paid as determined by the formula specified in the policy, up to a maximum benefit of \$150,000.

Special Adaptation Expense Benefit

If an Insured suffers a "presumptive disability" from a covered Accident and requires a special housing adaptation or a special vehicle to accommodate the disability, benefits will be paid up to \$75,000 for the housing adaptation and/or up to \$75,000 for the special vehicle.

Benefits are not payable unless the Insured's physician certifies them as necessary.

"Presumptive Disability" means the complete and irrecoverable loss of sight of both eyes, speech, hearing in both ears, or of any two limbs, hands or feet, provided the loss occurs within one year of the Covered Accident.

"Vehicle" means a private passenger land motor vehicle. It includes automobiles, vans, and four wheel drive vehicles. It does not include a vehicle used for farming, commercial business, racing or any type of competitive speed event.

Traumatic Brain Deficit Benefit

If an Insured suffers an injury to the brain which 1) occurs, and is diagnosed by a Doctor; 2) results in measurable, neurological deficit persisting for the lesser of at least 12 consecutive months or the time at which maximum recovery has been reached; 3) requires permanent daily personal supervision; and 4) results in the inability of the Insured to perform independently three or more of the following activities of daily living: a) transferring (moving in or out of a bed or chair); b) dressing; c) bathing; d) feeding; e) toileting; or f) continence, benefits will be paid up to a maximum of \$250,000.



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myers | stevens | toohey

Underwritten by ACE American Insurance Company; Philadelphia, PA 19106

**Coverage Request Form for
 Catastrophic Accident Insurance
 Students and Volunteers**

2021 -2022 School Year Coverage Request Form

Premium Computation:

| CHOOSE: Class(es) and Option(s): | OPTION I \$1,000,000 MAX | OPTION II \$5,000,000 MAX | OPTION III \$7,000,000 MAX |
|--|---|---|---|
| Class I - Interscholastic Athletics (All interscholastic athletes and non-competing participants) | $\frac{2,536}{\# \text{ Participants}} \times \$4.12 = 10,448$ | $\frac{8,32}{\# \text{ Participants}} \times \$6.26 = \text{---}$ | $\text{---} \times \$7.51 = \text{---}$ |
| Class II - Student Activities (All students enrolled in school/district) | $\frac{35,579}{\# \text{ Total Enrollment}} \times \$1.26 = 44,829$ | $\frac{9,54}{\# \text{ Total Enrollment}} \times \$2.14 = \text{---}$ | $\text{---} \times \$2.57 = \text{---}$ |
| Class III - Religious Education Activities (All students enrolled in Religious Education Program) | $\text{---} \times \$0.68 = \text{---}$ | $\text{---} \times \$1.03 = \text{---}$ | $\text{---} \times \$1.24 = \text{---}$ |
| Class IV - Youth Ministry Activities (All students enrolled in Youth Ministry Program) | $\text{---} \times \$1.29 = \text{---}$ | $\text{---} \times \$1.97 = \text{---}$ | $\text{---} \times \$2.36 = \text{---}$ |
| Class V - Adult/Parent Volunteers (Use 10% of total school enrollment for # of Volunteers) | $\text{---} \times \$0.55 = \text{---}$ | N/A | |
| Class VI - Summer Sports and Conditioning (All Participants) | $\text{---} \times \$1.25 = \text{---}$ | N/A | |

MINIMUM PREMIUM ALLOWED: \$350

Total Premium Due = \$55,277.86

Effective date of this coverage will be the first day of school and/or the first official day of interscholastic athletics practice (if applicable), or the date the Coverage Request Form and premium are received by Myers-Stevens & Toohey Co., Inc., whichever is later.

Coverage Effective Date: 07/01/2021

through 06/30/2022

We hereby request a Catastrophic Accident Insurance Policy. We understand that Insurance will be in force if this Coverage Request Form is accepted by the Company and the required premium is received by the Company when due.

Shanthy Gonzales

President, BOE

Name of person authorized to contract for the School/District

Shanthy

Title

7/1/2021

Signature

Date

Coverage Request Form must be completed in its entirety and received by MYERS-STEVENS & TOOHEY CO., INC., prior to the effective date required.