INSURANCE

All insurance programs of the district shall be managed as part of the district's risk management program.

Liability Insurance

The district 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 shall be reviewed annually as part of the district's risk management program.

The board 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 was acting within the scope of his/her responsibilities or employment and in compliance with the policies and procedures of the district.

The district 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 shall remain on the district for the tortious conduct of the board members and superintendent. The superintendent shall obtain errors and omissions insurance in the amounts deemed necessary by the board.

Property Damage Insurance

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

Staff Insurance

The district 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, liability and medical insurance.

The district may make available liability, life, health, health care, accident, disability or salary protection insurance or any one of or a combination of these types of insurance and may contribute all or part of the cost of such insurance.

Unemployment Insurance

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

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

Workers' Compensation

Newport School District is self-insured through the ESD #101 Workers Compensation Cooperative for the purpose of providing industrial insurance benefits to employees who sustain job-related injuries or occupational diseases. This trust has been approved by Washington State Department of Labor and Industries to administer industrial insurance benefits. Employees of a self- insured business have the same rights and responsibilities as other workers insured through the State of Washington, Employees are protected in two ways:

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

B. Injured employees are paid a partial wage replacement while off work due to a job-related injury or disease under the 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):

A. Choose unpaid leave thus receiving only his or her entitled temporary total disability (TTD) benefits, or

B. Elect to use a full day of accumulated leave (sick, annual or other similar benefit) in addition to their entitled TTD benefits, or “buy-back” leave with the TTD benefit check.

C. 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 superintendent or designee will develop procedures to assure the legal administration of workers’ compensation benefits.

Medical Insurance

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 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 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 (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 coverage's 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 full policy premium will be paid by the staff member or the beneficiary to the district. A 2% administrative fee may be added onto the premium.

Cross Reference:	Board Policy 2151	Interscholastic Activities
	Board Policy 5401	Sick Leave
	Board Policy 6500	Risk Management
	Board Policy 6535	Student Insurance
	Board Policy 6540	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 when required— Premiums
	28A.400.370	Mandatory insurance protection for employees
	4.24.470	Liability of officials and members of governing body of public agency — Definition
	4.96.010	Tortious conduct of local government entities — Liability for damages
	41.50.160	Restoration of withdrawn contributions
	50.20.050	Disqualification for leaving work voluntarily without good cause
	50.44.030(3)	Political subdivisions, instrumentalities of this state and other state
	50.44.050	Benefits payable, terms and conditions— "Academic year" defined
	51.32.090	Temporary total disability — Partial restoration of earning power — Return to available work — When employer continues wages — Limitations
	29 U.S.C. A §§ 1161-1168	Consolidated Omnibus Budget Reconciliation Act
	WAC 296-15	Worker's compensation self-insurance rules and regulations

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