



AB218 Impact to FCUSD

What is AB218?

- The California Child Victims Act, or AB 218, was enacted effective January 1, 2020. This law has affected the legal climate in California and provides significant new/revived liability exposure to schools for sexual assault claims related to minors. The law has had the following impacts:
 - Allows for a three year “revival period”, effective January 1, 2020, with an unlimited statute of limitations for claims to be filed alleging improper sexual conduct against a minor from any time in the past, not just against the perpetrator, but against employers based on claims of negligent supervision or hiring.
 - Changes the type of behavior from “abuse” to “assault”, which broadens the definition of alleged misconduct.
 - Provides for the recovery of treble damages in cases where a “cover up” by the district can be proven, defined as “a concerted effort to hide evidence relating to childhood sexual assault.”
 - Permanently extends the statute of limitations on child sexual assault claims to age 40 from age 26, and potentially even longer in repressed memory cases.
 - Deletes entirely the requirement of filing a government claim.

FCUSD is Part of an insurance “Pool”

- FCUSD is part of the Schools Insurance Authority Joint Powers Agency (SIA JPA)
 - SIA brings school districts together to purchase and pool resources for Worker’s Compensation, Property, and Liability Insurance
- Additionally, FCUSD in the past has been part of the Schools Excess Liability Fund (SELF) JPA for excess insurance – i.e., potentially large claims
- Due to the passage of AB218, additional claims have occurred with school districts throughout the state of California that have generated costs to the SELF insurance pool
 - SELF has received 369 claims with 554 plaintiffs ranging from 1985 to 2019 with the majority between 1986-2008
 - FCUSD was a member in SELF in 1990/91, 1996-2001 and 2003-2007 and therefore will have a “billback” for claims that are settled within these years

Impact to FCUSD

- SELF has had requested three “billbacks” to school districts to date totaling \$207,743.97
 - 2022/2023 - \$41,209.70
 - 2023/2024 - \$166,534.27
- For 2024-2025 FCUSD has received a preliminary “billback” of \$128,975.12
- It has been recommended that districts project future costs of \$10-\$15 per ADA for the next 5-10 years
 - An approximate rate would be \$120k to \$250k annually
- Actual costs are unknown and is based upon settlement costs, year in which they occur, whether FCUSD was participating in the pool that year, and what the district ADA was at that time
- Staff will be including an estimate of this cost in the multi-year projection



Thank you