



**PROPERTY AND LIABILITY
BOARD OF DIRECTORS MEETING
MARCH 17, 2022
10:30 A.M.**

AGENDA

I. Consent Agenda

- A. Approval of Minutes for February 2022 Board of Directors Meeting Nick Kouklis
- B. Approval of Payment of Student Insurance Claims in the Amount of \$27,467.08 and Tackle Football Claims in the Amount of \$2,811.74 for the Month of February 2022 Nick Kouklis

Moved _____ 2nd _____

Yes _____ No _____ Abstain _____ Roll Call Vote _____

II. Public Comment

III. Closed Session- Property and Liability Claims

The board may be required to adjourn to closed session for discussion of matters regarding a claim for the payment of tort liability losses, public liability losses, or workers’ compensation liability, authorized by Government Code 54956.95.

District	File Number	Claimant
Upland Unified School District By Ty Taylor	2020038645	T.C. L-BI
Fruitvale School District By Ryan Bourget	2021039837	Property
Caruthers Unified School District By Ryan Bourget	2021040229	Property
General Shafter By Ryan Bourget	2021040360	Property
Delhi Unified School District By Roxann Dailey-Webb	2022042304	Auto

IV. Reconvene To Open Session

A. Reports from Closed Session, if Required

V. Action Items

- A. Report of Property and Liability Claims in the Amount of \$391,272.53
for the Month of February 2022 and Ratification of Payment of this Amount

Robert Kretzmer

Moved _____ 2nd _____

Yes _____ No _____ Abstain _____ Roll Call Vote _____

- B. Financial Report – Presentation of Financial Statements for the Month
of February 2022 Will Be Submitted for Approval

Kim Sloan

Moved _____ 2nd _____

Yes _____ No _____ Abstain _____ Roll Call Vote _____

- C. Request Approval of the 2022-2023 Rates

Kim Sloan

Moved _____ 2nd _____

Yes _____ No _____ Abstain _____ Roll Call Vote _____

- D. Request Approval of the School Connected Coverage for 2022-2023

Robert Kretzmer

Moved _____ 2nd _____

Yes _____ No _____ Abstain _____ Roll Call Vote _____

VI. Information and Discussion Items

- A. Discussion on Duties of a District Upon Notice of Potential Sexual Abuse Incidents

Ty Taylor

- B. Comments from the Board of Directors Will Be Heard

Nick Kouklis

- C. Next Meeting:

Nick Kouklis

Thursday, April 21, 2022

10:30 a.m.

Room 204, 2nd Floor – Larry E. Reider Education Center

2000 K Street, Bakersfield, CA 93301

- D. Adjournment

Nick Kouklis

Moved _____ 2nd _____

Yes _____ No _____ Abstain _____ Roll Call Vote _____

Any materials required by law to be made available to the public prior to a meeting of the Governing Board of the SISC II JPA can be inspected at the following address during normal business hours at:
2000 K Street, Bakersfield, CA. 93301

For more information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation to participate in the public meeting, please contact Kristy Comstock at 661-636-4682 or krcomstock@kern.org

*The number of Board Members needed to form a quorum for this meeting is eight

PROPERTY & LIABILITY TERMINOLOGY

1. **AMERICANS WITH DISABILITIES ACT (ADA)** - A federal act designed to set standards to remove the barriers to employment, transportation, public accommodations, public services, and telecommunications that exist for those members of our society who have physical disabilities. The act encompasses aspects of everyday life and generates wide ranging implications for almost every business or service.
2. **CIVIL RIGHTS VIOLATIONS** - The term applied to tort claims involving issues of sexual harassment; wrongful termination; employment, age, gender or race discrimination; ADA; employment harassment. If Plaintiff prevails, even partially, this type of case entitles plaintiff to also collect attorney fees.
3. **CLAIM TYPES** – The internal coding systems for claims includes:

ABI – Auto Bodily Injury	BM – Boiler/Machinery	LPD–Liability Property Damage
ACL – Auto Collision	CF – Crime/Fidelity	P - Property
ACP – Auto Comprehension	LBI – Liability Bodily Injury	SE – Special Education
AGK – Auto Garage Keepers	LPI – Liability Personal Injury	
APD – Auto Property Damage		
4. **COMPARATIVE NEGLIGENCE** - A more modern system of allocating damages between two or more persons than the method of contributory negligence. Under comparative negligence, the damages collectible in relation to another person are diminished in proportion to one's degree of negligence. In most instances, damages cannot be collected at all if the claimant's negligence were greater than that of the other party. Currently, in a few instances, the courts have awarded both parties damages as a percent of the total damages, depending on respective degrees of fault.
5. **DECLARATORY RELIEF ACTION** - Remedy for the determination of a judicial controversy where a plaintiff or defendant is in doubt as to their legal rights. No consequential relief is awarded.
6. **ERRORS AND OMISSIONS (E&O)** - A form of Professional Liability insurance which provides coverage for mistakes made in a profession not involved with the human body (lawyers, architects, engineers) or for mistakes made in a service business (insurance, real estate, and others). Also a form of coverage for financial institutions protecting against loss to lending institutions which fail to effect insurance coverage.
7. **HOLD HARMLESS AGREEMENT** - A contractual arrangement whereby one party assumes the liability inherent in a situation, thereby relieving the other party of responsibility. Such agreements are typically found in leases and easements and construction contract agreements. Agreement or contract in which one party agrees to hold the other without responsibility for damage or other liability arising out of the transaction involved.
8. **INJUNCTIVE RELIEF ACTION** - Legal action filed for prohibitive or equitable relief. An action filed to forbid an act or to restrain someone from continuing an act which is considered unjust or injurious.
9. **MOTION FOR SUMMARY JUDGMENT** - Rule of civil procedure permitting either side in a civil suit to move for dismissal when it is believed that there is no genuine issue of material fact that would allow the other side to prevail as a matter of law. The "motion" may include all or part of a claim.
10. **PERSONAL INJURY** - Injury, other than bodily injury, results from oral or written communication.
11. **PUNITIVE DAMAGES (Exemplary)** - Damages awarded separately and in addition to compensatory damages, usually on account of malicious or wanton misconduct, to serve as a punishment for the wrongdoer and, possibly, as a deterrent to others. Sometimes referred to as "exemplary damages" when intended to "make an example" of the wrongdoer. By law, government entities are immune from punitive damages.
12. **SUBROGATION** - In insurance, the substitution of one party (insurer) for another party (insured) to pursue any rights the insured may have against a third party liable for a loss paid by the insurer.
13. **TORT** - A legal wrong arising from a breach of duty fixed by law, except under contract, causing injury to persons or property and redressible by legal action for damages. Government entities are ruled by the Tort Claims Act.



**PROPERTY AND LIABILITY
BOARD OF DIRECTORS MEETING
FEBRUARY 24, 2022
10:30 A.M.**

MINUTES

The Regular Meeting of the Board of Directors of SISC II Property and Liability Program was called to order by Director Kouklis at 10:31 a.m. on Thursday, February 24, 2022 in room 204, 2nd floor of the Larry E. Reider Building, 2000 K Street, Bakersfield, California 93301. The following individuals were in attendance:

MEMBERS PRESENT:

Nick Kouklis
Ty Bryson
Paul Miller
S. Aaron Resendez
Katie Russell
Bill Ridgeway
Jackie Martin
Eva Chavez
Robert Hughes

ALTERNATES PRESENT:

Steve Martinez

OTHERS PRESENT:

Kim Sloan
Megan Hanson
Kristy Comstock
Rich Edwards
Fred Bayles
Robert Kretzmer
Ty Taylor
Ryan Bourget
Roxann D. Webb

Consent Agenda

Motion was made by Director Ridgeway, seconded by Director Hughes and by roll call vote of 10-Yes, 0-No, and 0 Abstention (10-0-0) to approve the Consent Agenda as follows:

Minutes

Approval of Minutes for January 2022 Board of Directors Meeting

Student Insurance and Tackle Football Claims

Approval of payment of Student Insurance Claims in the Amount of \$61,916.81 and Tackle Football Claims in the Amount of \$1,732.98 for the month of January 2022.

Public Comment

None

Closed Session – Property & Liability Claims

The Board went into closed session at 10:32 a.m.

Reconvene to Open Session

The Board reconvened into open session at 10:52 a.m.

Director Kouklis reported on the following cases:

With respect to the claim filed by Merced River School District after discussion, motion was made by Director Chavez, seconded by Director Resendez and by roll call vote of 10-0-0 the board approved the payment of \$52,363.00 for replacement of a portable classroom unit damaged by water.

With respect to the claim filed by Santa Barbara Unified School District after discussion, motion was made by Director Russell, seconded by Director Miller and by roll call vote of 10-0-0 the board approved the payment of \$40,269.83 for replacement of athletic equipment and repairs to school gym damaged by high winds.

With respect to the claim filed by Jason Anderson against Palmdale School District after discussion, motion was made by Director Chavez, seconded by Director Ridgeway and by roll call vote of 10-0-0 the board approved the payment of \$230,000.00 plus court costs for the settlement of this claim with Jason Anderson.

Action Items

Report of Property and Liability Claims – January 2022

Robert Kretzmer presented the Report of Property and Liability Claims. There were 23 new claims, 33 claims were closed and no claims reopened in January, resulting in 372 pending claims. Robert reviewed the check register for January 2022, reporting on four checks that were in excess of \$25,000.00. After discussion, motion was made by Director Chavez, seconded by Director Russell and by roll call vote of 10-0-0, approving payment of Property and Liability Claims in the amount of \$1,663,122.45 for the month of January 2022.

Financial Report

Kim Sloan reviewed with the Board the Financial Report for the period ending January 31, 2022. Kim reported the LAIF rate for the month of January 2022 increased to 0.23% from last month at 0.21%. After discussion, motion was made by Director Bryson, seconded by Director Miller and by roll call vote of 10-0-0, approving the Financial Reports as submitted.

Information and Discussion Items

Review of the Cyber Pilot Program

Robert Kretzmer discussed the next steps of the Cyber Pilot Program with the Board. A survey will be sent out to see what can be improved and will be reported back to the Board. He also included several articles for the board to read.

Discussion on School Connected Organizations Coverage

Robert Kretzmer reviewed insurance coverage for school-connected organizations through United States Liability Insurance Co Inc. (USLI).

Update on COVID-19 Issues

Robert Kretzmer informed the Board that a memo has been posted on the website to help districts navigate through changing masking issues.

Review of Property Claims Report

Ryan Bourget reviewed the property claims report with the Board.

Review of Liability Claims Report

Ty Taylor reviewed the liability claims report with the Board.

Review of Auto Claims Report

Roxann D. Webb reviewed the auto claims report with the Board.

Review of Student Insurance Claims Report

Robert Kretzmer reviewed the student insurance claims report with the Board.

Comments from the Board of Directors

Director Martin and Director Russell commented on masking issues at their districts. Director Kouklis informed the board that the nomination ballots will be sent out on March 1st via email by Kristy Comstock. He also informed the board that the Property & Liability rates for the next fiscal year will be reviewed at next month's board meeting.

Adjournment

There being no further business to come before the Board, motion was made by Director Chavez, seconded by Director Miller and by roll call vote of 10-0-0, adjourning the meeting at 11:53 a.m.

Next Meeting

The next meeting of the Board of Directors will be held **Thursday, March 17th** at 10:30 a.m. in Room 204 on the 2nd Floor-Larry E. Reider Education Center, 2000 K Street, Bakersfield, CA 93301

Bill Ridgeway, Secretary



SUMMARY OF ACTIVITY
February 2022

	<u>STUDENT</u> <u>INSURANCE</u>	<u>SUPPLEMENTAL</u> <u>COVERAGE</u>	<u>TACKLE</u> <u>FOOTBALL</u>
Opened	52	0	2
Closed	6	0	0
Events	11	0	0
 Total Open & Event claims	 499	 0	 41
 Amount Paid	 \$ 27,467.08	 \$ -	 \$ 2,811.74
Credit	\$ (299.50)	\$ -	\$ -
Net Paid Current Month	\$ 27,167.58	\$ -	\$ 2,811.74
		,	
Net Paid YTD	\$ 266,687.96	\$ -	\$ 15,468.16



SISC II
CLAIM AND LOSS MANAGEMENT SUMMARY

FEBRUARY 2022

FILES RE-OPENED	0
FILES OPENED	40
FILES CLOSED	56
TOTAL PENDING CLAIMS	357
PENDING INDEMNITY RESERVES	\$25,883,247.15
PENDING EXPENSE RESERVES	\$5,602,447.30
TOTAL RESERVES	<u>\$31,485,694.45</u>
INDEMNITY PAID, CURRENT MONTH	\$186,866.63
EXPENSES PAID, CURRENT MONTH	\$204,405.90
SUB-TOTAL	<u>\$391,272.53</u>
PRIOR MONTH VOIDS	(\$8,359.11)
RECOVERIES & COLLECTIONS	(\$29,771.09)
REFUNDS/ADJUSTMENTS	\$0.00
NET PAID CURRENT MONTH	<u>\$353,142.33</u>
INDEMNITY PAID YEAR-TO-DATE	\$5,281,456.91
EXPENSES PAID YEAR-TO-DATE	\$3,450,944.20
SUB-TOTAL	<u>\$8,732,401.11</u>
CREDITS YEAR-TO-DATE	(\$183,241.93)
RECOVERY YEAR-TO-DATE	(\$699,859.62)
REFUNDS YEAR-TO-DATE	(\$15,831.17)
SUB-TOTAL	<u>(\$898,932.72)</u>
NET PAID YEAR-TO-DATE	<u><u>\$7,833,468.39</u></u>
YEAR-TO-DATE FROM CLAIM LOSS MANAGEMENT SUMMARY	7,833,468.39
YEAR-TO-DATE FROM THE FINANCIAL STATEMENT	7,825,484.27
YEAR-TO-DATE FROM THE FINANCIAL STATEMENT(CONSULTING)	172,616.87
YEAR-TO-DATE NET DIFFERENCE	<u>(164,632.75)</u>
2020/2021 Recovery - will remain all year	131,056.99
June stale date posted in Ivos in July- will remain all year	40,000.00
Payment to Alliance 44772506 and Ventiv 44772506	3,312.00
AON Global Risk warrant 44764376 issued in Sep	5,200.00
Payment to Alliance 44778121	12.00
Payment to Alliance 44784317	372.00
Feb stale dated to be posted in Ivos in Mar	(15,320.24)
	<u>164,632.75</u>
YEAR-TO-DATE DIFFERENCE	<u><u>(0.00)</u></u>

Check Register - Property & Liability February 2022

FEBRUARY 2022

Check Number	Check Date	Payee	Claim Number	Claim Type	Payment Type	Insured	Check Amount
556197	02/08/2022	GEICO GENERAL INSURANCE	2022040739	APD	Property	Kern County Supt	3,132.70
556198	02/08/2022	HERR PEDERSEN &	2017027208	ABI	Attorney Fees	Delano Union	198.98
556199	02/08/2022	HERR PEDERSEN &	2018030813	LBI	Attorney Fees	Pioneer Union	141.71
556200	02/08/2022	HERR PEDERSEN &	2021039134	LPI	Attorney Fees	Big Oak Flat-	528.87
556210	02/10/2022	MCCORMICK, BARSTOW,	2019032624	LBI	Attorney Fees	McFarland Unified	1,995.00
556211	02/10/2022	UNISOURCE DISCOVERY	2020037688	LBI	Legal-Other	Bakersfield City	96.80
556212	02/10/2022	CARPENTER, ROTHANS &	2016022410	LBI	Attorney Fees	Palmdale	11,909.90
556213	02/10/2022	CARPENTER, ROTHANS &	2020038861	LBI	Attorney Fees	Palmdale	1,325.82
556214	02/10/2022	CARPENTER, ROTHANS &	2019035043	LBI	Attorney Fees	Upland USD (GL)	1,794.50
556215	02/10/2022	CARPENTER, ROTHANS &	2020038303	LBI	Attorney Fees	Antelope Valley	1,174.52
556216	02/10/2022	CARPENTER, ROTHANS &	2021039694	LPI	Attorney Fees	Antelope Valley	1,592.00
556217	02/10/2022	CARPENTER, ROTHANS &	2019035125	LBI	Attorney Fees	Palmdale	1,425.77
556218	02/10/2022	CARPENTER, ROTHANS &	2020038371	LPI	Attorney Fees	Palmdale	325.95
556219	02/10/2022	CARPENTER, ROTHANS &	2020036944	LBI	Attorney Fees	Antelope Valley	2,051.31
556220	02/10/2022	CARPENTER, ROTHANS &	2020038645	LBI	Attorney Fees	Upland USD (GL)	848.00
556221	02/10/2022	CARPENTER, ROTHANS &	2021039887	LBI	Attorney Fees	Palmdale	1,981.40
556222	02/10/2022	CARPENTER, ROTHANS &	2022040918	LPI	Attorney Fees	Upland USD (GL)	55.50
556223	02/10/2022	CARPENTER, ROTHANS &	2021040005	LPI	Attorney Fees	Palmdale	481.00
556224	02/10/2022	CARPENTER, ROTHANS &	2020037703	LBI	Attorney Fees	Antelope Valley	313.42
556225	02/10/2022	CARPENTER, ROTHANS &	2019031894	LBI	Attorney Fees	Antelope Valley	2,599.19
556245	02/15/2022	Santa Maria Joint Union High	2022041034	ACL	Collision Loss	Santa Maria Joint	1,169.58
556246	02/15/2022	TALISHA BROOKFIELD	2022041636	APD	Property	Bakersfield City	1,712.79
556247	02/15/2022	SILVIA P. QUINTANA AS	2022041432	LBI	Full and Final	Central Union High	4,999.99
556248	02/15/2022	PEGASUS CLAIMS SERVICES,	2022041840	LBI	Adjusting	Brawley	872.86
556249	02/15/2022	BOSCO LEGAL SERVICES,	2016022410	LBI	Legal-Other	Palmdale	2,235.00
556250	02/15/2022	BOSCO LEGAL SERVICES,	2016022410	LBI	Legal-Other	Palmdale	2,487.50
556251	02/15/2022	CLIFFORD & BROWN	2019035264	LBI	Attorney Fees	Bakersfield City	106.24
556252	02/15/2022	CLIFFORD & BROWN	2015015956	LPI	Attorney Fees	Kern Community	1,378.90
556253	02/15/2022	PDA CORPORATE STORES	2022042015	ACL	Adjusting	Lakeside Union	741.25
556261	02/17/2022	Imperial Unified School District	2022040797	ACL	Collision Loss	Imperial Unified	4,211.09

Check Register - Property & Liability February 2022

FEBRUARY 2022

Check Number	Check Date	Payee	Claim Number	Claim Type	Payment Type	Insured	Check Amount
556157	02/03/2022	MC LAW GROUP APC	2020038234	ABI	Attorney Fees	Santa Barbara	1,295.00
556158	02/03/2022	MC LAW GROUP APC	2020037467	LPI	Attorney Fees	Orcutt Union	5,800.00
556159	02/03/2022	MC LAW GROUP APC	2020039005	LPI	Attorney Fees	Orcutt Union	1,160.00
556160	02/03/2022	MC LAW GROUP APC	2021040358	LPI	Attorney Fees	Orcutt Union	1,340.00
556161	02/03/2022	MC LAW GROUP APC	036043	LPI	Attorney Fees	Santa Barbara	2,963.00
556162	02/03/2022	MC LAW GROUP APC	2022041384	LBI	Attorney Fees	Santa Barbara	1,080.00
556163	02/03/2022	MC LAW GROUP APC	2022041812	LPI	Attorney Fees	Santa Ynez Valley	3,440.00
556164	02/03/2022	MC LAW GROUP APC	2022040532	LPI	Attorney Fees	Santa Ynez Valley	1,260.00
556165	02/03/2022	HALL, HIEATT & CONNELLY,	2019032223	LBI	Attorney Fees	Atascadero Unified	3,960.50
556166	02/03/2022	HALL, HIEATT & CONNELLY,	2019032331	LBI	Attorney Fees	Santa Barbara	2,305.00
556167	02/03/2022	HALL, HIEATT & CONNELLY,	2021040403	LBI	Attorney Fees	San Luis Coastal	1,610.50
556168	02/03/2022	HALL, HIEATT & CONNELLY,	2019032892	LBI	Attorney Fees	Lompoc Unified	1,731.58
556169	02/03/2022	NETWORK DISPOSITION	2017027082	LBI	Legal-Other	Lucia Mar Unified	1,619.30
556170	02/03/2022	HALL, HIEATT & CONNELLY,	2017027082	LBI	Attorney Fees	Lucia Mar Unified	8,750.00
556171	02/03/2022	TYSON & MENDES LLP	2021040073	LBI	Attorney Fees	Santa Barbara	2,392.50
556172	02/03/2022	TYSON & MENDES LLP	2021039660	LBI	Attorney Fees	Santa Barbara	2,330.00
556173	02/03/2022	TYSON & MENDES LLP	2021040363	LBI	Attorney Fees	Santa Maria Joint	1,247.50
556174	02/03/2022	Merced County Office of	2022041202	P	Vehicle Damage	Merced County	479.07
556175	02/03/2022	Eastern Sierra Unified School	2022041753	ACL	Collision Loss	Eastern Sierra	18,436.51
556176	02/03/2022	PROPERTY DAMAGE	2022041753	ACL	Adjusting	Eastern Sierra	1,230.52
556177	02/03/2022	HAINES, TODD F.	2020038270	ACL	Legal-Other	Santa Maria Joint	122.00
556178	02/03/2022	Mojave Unified School District	2022041675	P	Theft Loss	Mojave Unified	22,056.28
556189	02/08/2022	ARTHUR WILLIAMS AND	2021039543	ABI	In Full	Kern County Supt	1,714.00
556190	02/08/2022	ARTHUR R WILLIAMS	2021039543	APD	Property	Kern County Supt	5,208.17
556191	02/08/2022	VERITEXT CORP	2020037688	LBI	Legal-Other	Bakersfield City	370.65
556192	02/08/2022	DEMARIA LAW FIRM, APC	2021040400	LBI	Attorney Fees	Pioneer Union	775.50
556193	02/08/2022	DEMARIA LAW FIRM, APC	2021039134	LPI	Attorney Fees	Big Oak Flat-	2,085.00
556194	02/08/2022	DEMARIA LAW FIRM, APC	2020038781	LPI	Attorney Fees	Amador County	8,642.50
556195	02/08/2022	ZIMMER AND MELTON, LLP	2019035348	LBI	Legal-Other	Elk Hills School	37.00
556196	02/08/2022	Hanford Jt. Union High School	2021040278	ACL	Collision Loss	Hanford Jt. Union	11,238.56

Check Register - Property & Liability February 2022

FEBRUARY 2022

Check Number	Check Date	Payee	Claim Number	Claim Type	Payment Type	Insured	Check Amount
556262	02/17/2022	MCCORMICK, BARSTOW,	2019032624	LBI	Attorney Fees	McFarland Unified	1,349.62
556263	02/17/2022	HATCH & CESARIO	2017027082	LBI	Attorney Fees	Lucia Mar Unified	192.50
556264	02/17/2022	HAGAN DENISON, LLP	2019032642	LBI	Attorney Fees	Kern County Supt	37.00
556265	02/17/2022	DEMARIA LAW FIRM, APC	2019032987	LBI	Attorney Fees	Weaver Union	247.00
556266	02/17/2022	DEMARIA LAW FIRM, APC	2019035039	LBI	Attorney Fees	Winton School	8,448.80
556267	02/17/2022	DEMARIA LAW FIRM, APC	2021040054	LPI	Attorney Fees	Panama-Buena	133.00
556268	02/17/2022	DEMARIA LAW FIRM, APC	2021039753	LBI	Attorney Fees	Bakersfield City	9,943.28
556269	02/17/2022	DEMARIA LAW FIRM, APC	2020038733	LBI	Attorney Fees	Delano Union	525.50
556270	02/17/2022	DEMARIA LAW FIRM, APC	2020036640	LPI	Attorney Fees	Eastern Sierra	2,342.00
556271	02/17/2022	ROSS NATHAN, MD INC	2016022410	LBI	Legal-Other	Palmdale	14,800.00
556272	02/17/2022	ALLSTATE NORTHBROOK	2021040353	APD	Property	Santa Maria Joint	4,127.13
556273	02/17/2022	KELLEY BONKOSKY	2020039014	LPI	Legal-Other	Muroc Joint Unified	1,021.25
556274	02/17/2022	DEMARIA LAW FIRM, APC	2021039223	LPI	Attorney Fees	Norris School	109.60
556278	02/22/2022	DEMARIA LAW FIRM, APC	2020038305	LBI	Attorney Fees	Bakersfield City	76.00
556279	02/22/2022	MCCORMICK, BARSTOW,	2020038303	LBI	Attorney Fees	Antelope Valley	140.00
556280	02/22/2022	VERITEXT CORP	2021039658	LPI	Legal-Other	Trona Joint Unified	794.73
556281	02/22/2022	PEGASUS CLAIMS SERVICES,	2016022410	LBI	Legal-Other	Palmdale	397.00
556282	02/22/2022	ESQUIRE DEPOSITION	2020036107	LPI	Legal-Other	Kern Community	4,090.00
556283	02/22/2022	HAGAN DENISON, LLP	2020036137	LBI	Legal-Other	Panama-Buena	227.50
556284	02/22/2022	ROBINSON & KELLAR	2020038736	LBI	Attorney Fees	Lake Elsinore	5,068.20
556285	02/22/2022	ROBINSON & KELLAR	2021039114	LBI	Attorney Fees	Lake Elsinore	927.15
556286	02/22/2022	ROBINSON & KELLAR	2019032541	LPI	Attorney Fees	Mojave Unified	356.16
556287	02/22/2022	ROBINSON & KELLAR	2021039203	LPI	Attorney Fees	Lake Elsinore	2,363.70
556288	02/22/2022	Panama-Buena Vista Unified	2022041919	ACL	Collision Loss	Panama-Buena	2,703.37
556289	02/22/2022	MYERS, GREG, LAW OFFICES	2019032892	LBI	Attorney Fees	Lompoc Unified	102.50
556290	02/22/2022	MYERS, GREG, LAW OFFICES	2019033922	LBI	Attorney Fees	Kern High School	246.00
556291	02/22/2022	MYERS, GREG, LAW OFFICES	2019032624	LBI	Attorney Fees	McFarland Unified	287.00
556292	02/22/2022	MYERS, GREG, LAW OFFICES	2019032987	LBI	Attorney Fees	Weaver Union	61.50
556293	02/22/2022	HAGAN DENISON, LLP	2020037688	LBI	Attorney Fees	Bakersfield City	1,064.00
556294	02/22/2022	HAGAN DENISON, LLP	2020037626	ABI	Attorney Fees	Lakeside Union	74.00

Check Register - Property & Liability February 2022

FEBRUARY 2022

Check Number	Check Date	Payee	Claim Number	Claim Type	Payment Type	Insured	Check Amount
556295	02/22/2022	PDA CORPORATE STORES	2022041849	APD	Adjusting	Fruitvale School	236.90
556296	02/22/2022	TYSON & MENDES LLP	035994	LBI	Attorney Fees	Sonora Union High	1,070.00
556297	02/22/2022	TYSON & MENDES LLP	035994	LBI	Attorney Fees	Sonora Union High	4,117.25
556298	02/22/2022	TYSON & MENDES LLP	2021039762	LBI	Attorney Fees	Wasco Union High	427.50
556299	02/22/2022	TYSON & MENDES LLP	2021040005	LPI	Attorney Fees	Palmdale	180.00
556307	02/25/2022	MARTELL SPEARMAN	2022042073	APD	Property	Bakersfield City	1,612.72
556308	02/25/2022	Santa Maria Joint Union High	2022042226	ACP	Auto	Santa Maria Joint	1,307.77
556309	02/25/2022	GEICO GENERAL INSURANCE	2022040709	APD	Property	Kern County Supt	6,469.94
556310	02/25/2022	Merced River School District	2022041766	P	Water Loss	Merced River	52,363.00 ✓
556311	02/25/2022	Santa Barbara Unified School	2022041814	P	Wind Loss	Santa Barbara	40,269.83 ✓
556312	02/25/2022	OLVERA COURT REPORTING	2020039014	LPI	Legal-Other	Muroc Joint Unified	2,890.00
556313	02/25/2022	KAMRYN WHITNEY COURT	2016022410	LBI	Legal-Other	Palmdale	8,327.05
556314	02/25/2022	MCCORMICK, BARSTOW,	2022040812	ADM	Attorney Fees	Kern County Supt	5,267.50
556315	02/25/2022	HERR PEDERSEN &	2021039381	LPI	Attorney Fees	Tulare COE (GL)	45.00
556316	02/25/2022	HERR PEDERSEN &	2019035040	LBI	Attorney Fees	Madera County	32.33
556317	02/25/2022	HERR PEDERSEN &	2021039611	LBI	Attorney Fees	Tulare COE (GL)	2,439.55
556318	02/25/2022	HERR PEDERSEN &	2013006822	LBI	Attorney Fees	Taft Union High	233.50
556319	02/25/2022	Antelope Valley Union High	2022040451	P	Theft Loss	Antelope Valley	1,981.36
556320	02/25/2022	PDA CORPORATE STORES	2022041725	APD	Adjusting	Upland USD (GL)	299.50
556321	02/25/2022	CALIFORNIA HIGHWAY	2022042072	ACL	Adjusting	Panama-Buena	10.00
556322	02/25/2022	DAPRA CONSTRUCTION	2022042247	P	Water Loss	McSwain Union	795.50
556323	02/25/2022	LIEBERT CASSIDY WHITMORE	2021040407	LPI	Attorney Fees	Kern Community	9,837.30
556324	02/28/2022	ZIMMER AND MELTON, LLP	2022040725	LPI	Attorney Fees	Greenfield Union	1,682.38
556325	02/28/2022	ZIMMER AND MELTON, LLP	2020037039	LPI	Attorney Fees	Vineland School	2,941.50
556326	02/28/2022	ZIMMER AND MELTON, LLP	2021039658	LPI	Attorney Fees	Trona Joint Unified	482.50
556327	02/28/2022	ABI DOCUMENT SUPPORT	2021039753	LBI	Legal-Other	Bakersfield City	239.84
556328	02/28/2022	INTERINSURANCE EXCHANGE	2021040377	LPD	Property	Greenfield Union	877.27
556329	02/28/2022	POLLAK, VIDA & BARER	2013006822	LBI	Attorney Fees	Taft Union High	240.00
556330	02/28/2022	POLLAK, VIDA & BARER	2021039974	LEO	Attorney Fees	Panama-Buena	140.00
556331	02/28/2022	ONTELLUS	2021039509	LBI	Legal-Other	Fairfax School	121.20

Check Register - Property & Liability February 2022

FEBRUARY 2022

Check Number	Check Date	Payee	Claim Number	Claim Type	Payment Type	Insured	Check Amount
556332	02/28/2022	ROBINSON & KELLAR	2020037687	LBI	Attorney Fees	McFarland Unified	1,236.40
556333	02/28/2022	ROBINSON & KELLAR	2019032624	LBI	Attorney Fees	McFarland Unified	2,707.80
556334	02/28/2022	MYERS, GREG, LAW OFFICES	2020038305	LBI	Attorney Fees	Bakersfield City	205.00
556335	02/28/2022	ZIMMER AND MELTON, LLP	2020037039	LPI	Attorney Fees	Vineland School	111.00
556336	02/28/2022	ZIMMER AND MELTON, LLP	2022040725	LPI	Attorney Fees	Greenfield Union	1,457.73
556337	02/28/2022	ZIMMER AND MELTON, LLP	2021039658	LPI	Attorney Fees	Trona Joint Unified	3,698.19
556338	02/28/2022	ROBINSON & KELLAR	2020039014	LPI	Attorney Fees	Muroc Joint Unified	2,094.55

Total For 122000496 2740012854

391,272.53

Number of Check: 127

Number Of Payments: 127

First Check Number: 556157

Last Check Number: 556338

Check Sequence:

SISC II
INCOME STATEMENT
FEBRUARY 2022

		BUDGET	YEAR-TO-DATE	CURRENT MONTH
REVENUES				
8660.00	Interest-County Treasurer	\$207,821.00	\$256,256.44	\$0.00
8660.03	LAIF	\$15.00	\$7.20	\$0.00
8660.04	Investments	\$253,058.00	(\$252,304.19)	\$0.00
8660.05	Bank	\$4,200.00	\$2,024.10	\$23.36
8674.02	Premiums-Prop & Liab	\$40,323,898.00	\$27,766,701.37	\$3,512,061.00
8674.12	Student Ins	\$1,266,053.00	\$844,478.46	\$105,560.00
8674.13	Tackle Football	\$18,000.00	\$23,100.00	\$60.00
8674.14	Special Ed Defense	\$489,449.00	\$443,924.00	\$0.00
8674.15	Supp Student Ins	\$1,000.00	\$700.00	\$100.00
8699.06	Administrative Fees	\$100.00	\$0.00	\$0.00
TOTAL REVENUES		\$42,563,594.00	\$29,084,887.38	\$3,617,804.36
EXPENSES				
4300.00	Supplies	\$500.00	\$148.97	\$0.00
5200.00	Travel/Conference	\$5,000.00	\$0.00	\$0.00
5300.00	Dues and Memberships	\$75,000.00	\$167,753.31	\$0.00
5450.01	Insurance-Property & Fire	\$8,240,886.00	\$4,824,449.65	\$723,374.00
5450.02	Boiler & Machinery	\$243,667.00	\$160,808.00	\$20,101.00
5450.04	Crime	\$74,671.00	\$47,452.00	\$5,932.00
5450.06	Excess Liability	\$5,700,000.00	\$3,424,261.67	\$428,032.00
5450.17	Data Compromise	\$118,875.00	\$198,465.54	\$3,330.98
5450.18	Concussion Coverage	\$27,000.00	\$19,125.00	\$2,250.00
5450.19	Terrorism	\$35,627.00	\$15,976.02	\$4,547.00
5800.00	Miscellaneous	\$500.00	\$0.00	\$0.00
5800.02	Audit	\$13,090.00	\$12,840.00	\$0.00
5800.08	Safety Incentive Projects	\$46,120.00	\$0.00	\$0.00
5800.10	Consulting	\$161,750.00	\$172,616.87	\$5,267.50
5800.15	Property Appraisals	\$55,484.00	\$19,100.00	\$0.00
5800.32	Bank Fees	\$4,100.00	\$1,870.28	\$0.00
5800.50	Administration - KCSOS	\$3,371,246.00	\$2,156,894.85	\$261,125.48
5800.55	Student Ins Claims	\$823,000.00	\$266,665.89	\$27,445.01
5800.56	Tackle FB Claims	\$18,000.00	\$15,588.16	\$2,811.74
5800.57	Supp Student Ins Claims	\$1,000.00	\$0.00	\$0.00
5800.58	Spec Ed VCP	\$489,449.00	\$0.00	\$0.00
5800.66	Property Claims	\$1,983,299.00	\$600,145.02	\$104,795.61
5800.67	Liability Claims	\$11,555,373.00	\$6,452,628.88	\$185,247.51
5800.69	Auto Claims	\$1,836,064.00	\$253,511.37	\$44,492.83
5800.90	Bill Review	\$12,000.00	\$1,214.33	\$1,891.29
5800.94	Other Distributions	\$0.00	\$0.00	\$0.00
5800.95	Unpaid Claims Liab Adj	\$2,000,000.00	\$13,243,072.70	\$12,076,406.00
TOTAL EXPENSES		\$36,891,701.00	\$32,054,588.51	\$13,897,049.95
CHANGE IN NET ASSETS		\$5,671,893.00	(\$2,969,701.13)	(\$10,279,245.59)
NET ASSETS - BEGINNING		\$24,433,654.29	\$24,433,654.29	\$31,743,198.75
NET ASSETS - ENDING		\$30,105,547.29	\$21,463,953.16	\$21,463,953.16

SISC II
BALANCE SHEET
February 28, 2022

	July 1, 2021 BALANCE	February 28, 2022 BALANCE
<u>ASSETS</u>		
9110.00 Cash in County Treasury	\$25,364,340.57	\$35,184,175.75
9120.02 Bank Account-Claims Fund	\$594,564.73	\$2,022,189.96
9130.00 Revolving Fund	\$1,500.00	\$1,500.00
9150.01 Local Agency Investment Fund	\$6,065.97	\$6,078.12
9150.03 Investments	\$44,975,619.21	\$52,723,315.02
9200.00 Accounts Receivable	\$823,405.71	\$610,267.70
9330.00 Prepaid Insurance	\$3,803,697.00	\$9,188,762.00
	<hr/>	<hr/>
TOTAL ASSETS	\$75,569,193.19	\$99,736,288.55
	<hr/>	<hr/>
<u>LIABILITIES</u>		
9500.00 Current Liabilities	\$856,648.90	\$261,135.48
9650.00 Deferred Income	\$0.00	\$14,489,237.21
9668.00 Unpd Clms Liab (90% Conf Lvl)	\$50,278,890.00	\$63,521,962.70
	<hr/>	<hr/>
TOTAL LIABILITIES	\$51,135,538.90	\$78,272,335.39
	<hr/>	<hr/>
NET ASSETS - Funding Stabilization Reserve:	\$24,433,654.29	\$21,463,953.16
	<hr/>	<hr/>
TOTAL LIABILITIES AND NET ASSETS	\$75,569,193.19	\$99,736,288.55
	<hr/>	<hr/>

 AUTHORIZED SIGNATURE

PREPARED BY: Nancy Russo

SISC II
Investments
February 28, 2022

24-HOUR LIQUID FUNDS

SISC II maintains much of its cash in the Kern County Treasury and Local Agency Investment Fund. Both agencies pool these funds with those of other entities in the state. These pooled funds are carried at cost which approximates market value.

AGENCY	BALANCE	RETURN	PERIOD	DATES
COUNTY OF KERN	\$35,184,175.75	0.84%	LAST QUARTER	OCT-DEC 2021
		1.53%	5 YEAR AVERAGE	JAN 2017-DEC 2021
LOCAL AGENCY INVESTMENT FUND	\$6,078.12	0.28%	CURRENT MONTH	February, 2022
		0.23%	LAST QUARTER	OCT-DEC 2021
		1.40%	5 YEAR AVERAGE	JAN 2017-DEC 2021

INVESTMENT MANAGEMENT ACCOUNTS

The investment securities portfolio is comprised of securities carried at fair market value.

The fair market value of the investment securities available for sale at December 31, 2021 was:

INVESTMENT FIRM	MARKET VALUE	QUARTERLY RETURN	ANNUALIZED RETURN	PERIOD	DATES
REINHART PARTNERS (SISC INVESTMENT POOL)	\$25,219,686.00	-0.60%	-2.39%	LAST QUARTER	OCT-DEC 2021
			1.47%	5 YEAR AVERAGE	JAN 2017-DEC 2021
			0.84%	YIELD TO MATURITY	AS OF DEC 31, 2021
WELLS FARGO ADVISORS (RICH EDWARDS)	\$19,503,629.02	-0.51%	-2.02%	LAST QUARTER	OCT-DEC 2021
			1.38%	5 YEAR AVERAGE	JAN 2017-DEC 2021
			0.54%	YIELD TO MATURITY	AS OF DEC 31, 2021
	<u>\$44,723,315.02</u>				

5-YEAR HISTORY OF RETURNS - ANNUALIZED

Quarter Ending:	Co of Kern	LAIF	INVESTMENT POOL	RICH WELLS FARGO	COMBINED WEIGHTED AVERAGE RETURN
12/31/2021	0.84%	0.23%	-2.39%	-2.02%	-0.55%
9/30/2021	1.24%	0.24%	-0.20%	0.26%	0.69%
6/30/2021	1.00%	0.33%	0.80%	0.00%	0.65%
3/31/2021	1.07%	0.44%	-1.86%	-0.90%	-0.47%
12/31/2020	1.16%	0.63%	0.18%	0.55%	0.72%
9/30/2020	1.30%	0.84%	0.43%	0.40%	0.83%
6/30/2020	1.70%	1.47%	2.89%	4.28%	3.23%
3/31/2020	2.10%	2.03%	8.05%	3.01%	5.13%
12/31/2019	2.13%	2.29%	1.12%	2.22%	1.80%
9/30/2019	2.03%	2.45%	2.85%	2.84%	2.49%
6/30/2019	2.03%	2.57%	4.84%	4.81%	4.48%
3/31/2019	2.12%	2.55%	4.25%	4.19%	3.81%
12/31/2018	1.92%	2.40%	4.30%	3.41%	3.24%
9/30/2018	1.77%	2.16%	1.09%	1.95%	1.59%
6/30/2018	1.69%	1.90%	1.00%	0.86%	0.98%
3/31/2018	1.51%	1.51%	-1.16%	-1.32%	-0.95%
12/31/2017	1.38%	1.20%	-0.38%	-1.19%	-0.21%
9/30/2017	1.32%	1.07%	1.01%	1.62%	1.29%
6/30/2017	1.20%	0.93%	1.49%	1.05%	1.30%
3/31/2017	1.15%	0.78%	1.07%	1.68%	1.32%
5-Yr Average	1.53%	1.40%	1.47%	1.38%	1.57%

10/01/2021 - 03/14/2022 Mid YTW BGN Local CCY Mov Avgs Key Events
 1D 3D 1M 6M YTD 1Y 5Y Max Daily Table + Quick-Add Add Data Edit Chart



March 15, 2022

TO: Nick Kouklis, CEO

FROM: Robert J. Kretzmer
Director, Property & Liability

SUBJECT: School Connected Organizations (SCOs)

As you know, SISC currently offers a stand-alone endorsement to our member districts so coverage can be provided to their SCOs. The current cost per SCO is \$500 annually.

The coverage afforded by SISC currently limits the coverage to claims that result in bodily injury or property damage per the language in the endorsement. This means that claims resulting in personal injury would not be covered. In addition, the coverage excludes claims that arise out of the consumption of alcohol purchased (via cash, ticket or open bar) and consumed at a School Connected Organization's event.

Recently we received an inquiry from a current school connected organization's board member regarding coverage for Directors and Officers and Employment Practices Liability. We explained to the caller that the coverage currently offered limits the coverage for claims resulting from bodily injury or property damage. Further research revealed that our counterparts in the joint powers authorities industry do not offer School Connected Organizations coverage. In part, we suspect this is because these organizations operate with a separate board of directors and in general have limited oversight by their member districts.

As explained on February 24, 2022, to the SISC Board of Directors, our business partner Walter Mortensen Insurance, has access to a market that has a specialty insurance product for School Connected Organizations (i.e., charities, business associations, booster clubs.)

The cost associated for SISC to purchase this coverage on behalf of our member districts' organizations would be \$439 annually. The coverage would be broader in many respects to what is currently offered by SISC. Specifically, the policy would afford coverage for personal injury, business personal property, hired and non-owned auto liability, blanket additional insured coverage and host liquor coverage. The policy would afford a \$1 million per occurrence limit as well as a \$2 million annual aggregate. Sexual abuse and molestation coverage would be included but subject to a \$100,000 per occurrence sub-limit and \$300,000 aggregate. In addition, the commercial insurer that SISC would be collaborating with will offer Director and Officers as well as Employment Practices Liability coverage at an additional cost.

Staff is proposing that SISC continue to use the current application and administration process with notification to our member districts that coverage is being transferred to a commercial insurer. Additionally, we propose that the cost of the coverage remain at the \$500 annual premium in order to account for SISC's administrative costs related to the application process and claims handling process.

We recommend that the board approve the placement of coverage for our School Connected Organizations effective July 1, 2022, as described above.



CHARITIES AND BUSINESS ASSOCIATIONS

We can consider offering coverage to nonprofit charitable organizations and business groups for all of their annual operations and special events so they can better support their mission. Charities regularly organize events to generate funding and awareness for their causes. Business associations plan for their special events, fundraising efforts and business seminars to stimulate the economy in their community.

With a variety of tailored coverages that can be purchased together or separately, our Charities and Business Associations policy offers the peace of mind these organizations deserve. Backed with an A++ A.M. Best rating, superior customer service and competitive pricing, USLI offers a comprehensive policy to meet your insureds' needs.



Classes of Business

- ▶ **Charities:**
 - Parent/Teacher organizations
 - Drug and alcohol support meeting groups (AA/NA)
 - Booster clubs
 - Community gardens
 - Charitable fundraising foundations
 - Car clubs
 - Charitable membership organizations
 - Alumni associations
 - Arts and culture promotional/educational organizations
- ▶ **Business Associations**
 - Chambers of commerce
 - Professional membership associations
 - Business membership/Networking groups
 - Trade membership associations

Product Options

Preferred Package Features:

- ▶ Minimum premium of \$395 for general liability and property combined
- ▶ Abuse and molestation coverage available up to \$1,000,000
- ▶ Educational enhancement endorsement is available to cover business seminars and instructional workshops
- ▶ No general liability deductible
- ▶ General liability coverage included for volunteers
- ▶ Hired and non-owned auto coverage available in most states
- ▶ Business personal property coverage of \$5,000 included
- ▶ Ability to customize your policy by adding employee dishonesty, money and securities and other coverage options
- ▶ Automatically includes business meetings, networking events, educational workshops and seminars
- ▶ No premises limitation

Special Events Features:

- ▶ Blanket special event endorsement is available for events with up to 2,500 attendees with host liquor included

- ▶ Can include three events with up to 250 attendees for no additional premium
- ▶ Commercial liquor is available on a blanket basis in most states

Directors and Officers/Employment Practices Liability Features:

- ▶ \$1 million additional Side A coverage included on all policies
- ▶ Full severability
- ▶ Employed lawyers, personal injury and publishers liability included
- ▶ Retention forgiveness included at no charge
- ▶ Lifetime Occurrence Reporting Provision
- ▶ Breach of contract coverage
- ▶ Broad definition of claim
- ▶ 80/20 hammer
- ▶ Comprehensive subsidiary coverage
- ▶ Broad Insured vs. Insured carve backs
- ▶ Full prior acts included
- ▶ Defense outside the limit

This document does not amend, extend or alter the coverage afforded by the policy. For a complete understanding of any insurance you purchase, you must first read your policy, declaration page and any endorsements and discuss them with your agent. A sample policy is available from your agent. Your actual policy conditions may be amended by endorsement or affected by state laws.

March 12, 2022

TO: Superintendents and CBOs
SISC District Members

From: Ty Taylor
Coordinator, Property & Liability

SUBJECT: **Mandatory Duties (CANRA/CA Penal Code §11164) & (Title IX/Federal Civil Rights)**

Equal access to a free and appropriate public education is a “civil right” students are entitled to receive. School districts have several duties and responsibilities they must satisfy in order to deliver the educational services to those students placed on their campuses and in their care. When a “mandatory duty” is not met, there are negative consequences that may occur. Students can be subjected to harm, school districts can be sued in civil court or targeted for an investigation by the Office of Civil Rights. Educators can face criminal prosecution and civil liability.

The balance of this memorandum will focus on those State and Federal laws that create a legal duty for educators and school personnel to take action. The call for duty presents itself in various ways. It can occur when a mandated reporter has a “reasonable suspicion” that a child is being neglected or abused. It can also occur when the district has actual notice or receives a complaint from a student or parent that a student has been the victim of sexual harassment, sexual assault or discrimination.

There are multiple scenarios that might trigger action from the district, however for the purpose of this memo we will focus on the two most common and aforementioned triggers.

State of California - Mandated Reporting Laws (CANRA/CA Penal Code §11166)

Within the educational setting, people employed by a school district or county office of education are “mandated reporters” as defined under the **Child Abuse and Neglect Reporting Act “CANRA”**. This legislative enactment we refer to as “CANRA” can be found within the California Penal Code as opposed to the California Education Code. The reason that CANRA was codified in the California Penal Code is because a violation of CANRA by a mandated reporter can lead to an arrest and criminal prosecution.

A Mandated Report is a “TWO-STEP” process

California Penal Code Section § 11166 is very clear and very detailed on what is required of a mandatory reporter. It must be emphasized that the reporting duty is **a two-step process**. A single phone call to the authorities does not suffice.

The criminal statute found at California Penal Code Section § 11166 reads as follows:

“. a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in the mandated reporter’s professional capacity or within the scope of the mandated reporter’s employment, has knowledge of or observes a child whom the mandated reporter **knows or reasonably suspects** has been the victim of child abuse or neglect.

P.O. Box 1847, Bakersfield, CA 93303-1847
2000 K St • Larry E. Reider Education Center, Bakersfield, CA 93301
ph: 661.636.4710 fx: 661.636.4156 • sisc.kern.org

A Joint Powers Authority administered by the Kern Co²²ty Superintendent of Schools Office, Mary C. Barlow, Superintendent

The mandated reporter shall make an initial report by telephone to the agency immediately or as soon as is practicably possible, **(and) shall prepare and send, fax or electronically transmit a written follow up report within 36 hours** of receiving the information concerning the incident....” (Bold font, parenthesis and underline added for emphasis).

It is extremely important that the mandated reporter makes their telephonic report by calling the proper authority **and** that they complete the **second step** of the process. They **MUST** complete the **Suspected Child Abuse Report “SCAR”** (see attachment) and then send, fax or electronically transmits the completed report to the:

- City Police Department;
- County Sheriff Department; or
- County Department of Children’s Service / Children’s Protective Services aka “CPS”.

It is also important that the mandatory reporter preserve the evidence that documents having successfully submitted the **SCAR** via facsimile or email. Print and preserve the successful fax transmission or email that was sent. If a mandated reporter is accused or charged with a crime for failing to satisfy their duty as a mandated reporter, the mandated reporter will want to have their documentation as evidence to support their defense against any criminal action or civil lawsuit.

California Penal Code § 11166 (c) “A mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is **guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000)** or by both that imprisonment and fine. If a mandated reporter intentionally conceals the mandated reporter’s failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until an agency specified in Section 11165.9 discovers the offense.”

Evidence of the SCAR report having been successfully transmitted to the appropriate government agency protects both the child and the mandated reporter from a phone call “falling through the cracks” if the law enforcement officer or CPS worker becomes distracted or fails to follow through. The agencies responsible to receive SCAR reports have a mandated process to ensure follow up upon receipt of the SCAR reports. They must share these reports with additional agencies and meet certain time deadlines. These laws governing mandated procedures have a purpose with the intent to protect children.

It is important to note that peer on peer sexual abuse, assault or exploitation between minors must be treated in the same manner as if an adult is the person suspected of abusing the child. We have noticed a common misunderstanding that if the accused perpetrator is under the age of 18 that mandated reporting duties do not apply. This is false! If you suspect that a child has been abused or neglected, you must report. Generally, if the perpetrator does not live in the home with the abused minor, then you must call law enforcement. If the perpetrator lives in the same home as the abused minor, you must call CPS, as they are the only agency that can remove a child from a home or parent where the child is being abused. If you are unsure, send the SCAR report to both agencies and let them decide which agency will take the lead.

Federal Civil Rights / Title IX

Title IX, which has been in effect since June 23, 1972, states that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to

discrimination under any education program or activity receiving Federal financial assistance” (20 U.S.C. § 1681 et seq.)
Title IX covers:

1. Education Programs or Activities
2. Sports
3. Employment
4. Equal Access to Facilities
5. Admissions and Recruitment
6. **Sexual Harassment**

Federal law requires that school districts are required to have a **Title IX Coordinator**. The district must also have **policies that are published and posted on the district webpage** that advises how a student, parent, employee or other complainant can file a complaint and how the district will respond to that complaint.

For the purpose of this memo we will focus our attention on sexual harassment.

Identify it. Investigate it. Address it.

School districts have a legal duty to identify and promptly investigate and address allegations of sexual harassment.

34 CFR § 106.30 provides the definition of “**sexual harassment**”.

Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- (3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

Important Fact: A sexual assault is a crime that must be investigated by law enforcement. “Sexual Assault” is also a form of “Sexual Harassment” under Title IX. A police department or sheriff department criminal investigation does not relieve the school district from its legal duty to comply with Title IX legislation. School districts must still identify it, investigate it and address it.

Potential consequences for failure to satisfy obligations under Title IX

- Civil litigation seeking money damages alleging civil rights violations
- Attorney fees that are incurred by the victim to file a civil suit against the school district must be paid by the school district. (In civil rights cases, a judge will order the defendant to pay the plaintiff attorney all of his/her fees connected to the lawsuit if they prevail. This would be monies in addition to the money judgment a jury awards to the plaintiff)
- Loss or reduction of federal funding

- Your district can also be investigated by the Federal Office of Civil Rights and subjected to a resolution agreement that imposes terms the school must satisfy or face a loss of funding.
- Negative media attention that may impact the tenure of a superintendent or elected board members.

Administrative legal counsel

Title IX investigations can be complex and time consuming. These investigations require the assignment of specific individuals to assume specific roles as part of the Title IX investigation process.

You must have the following roles:

- Title IX Coordinator,
- Informal Resolution Facilitator
- Investigator
- Decision Maker
- Appeal Decision Maker

Each of these roles must undergo specific training and there are various timelines and reporting requirements that must be followed. For this reason, we strongly recommend that our member school districts seek the guidance and direction of their retained administrative legal counsel when conducting these investigations.

In the event you have any questions regarding this memo and/or your districts policies relative to CANRA and/or Title IX, please contact Ty Taylor, Coordinator, SISC Property & Liability at telephone number 661-636-4601.



SUSPECTED CHILD ABUSE REPORT (Pursuant to Penal Code section 11166)

To Be Completed by Mandated Child Abuse Reporters

CASE NAME: _____

PLEASE PRINT OR TYPE

CASE NUMBER: _____

A. REPORTING PARTY	NAME OF MANDATED REPORTER		TITLE		MANDATED REPORTER CATEGORY	
	REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS Street City Zip			DID MANDATED REPORTER WITNESS THE INCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO		
	REPORTER'S TELEPHONE (DAYTIME)		SIGNATURE		TODAY'S DATE	
B. REPORT NOTIFICATION	<input type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> COUNTY PROBATION		AGENCY			
	<input type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services)					
	ADDRESS Street City Zip			DATE/TIME OF PHONE CALL		
C. VICTIM One report per victim	NAME (LAST, FIRST, MIDDLE)		BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY
	ADDRESS Street City Zip		TELEPHONE			
	PRESENT LOCATION OF VICTIM		SCHOOL		CLASS	GRADE
	PHYSICALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO		DEVELOPMENTALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO		OTHER DISABILITY (SPECIFY)	
	IN FOSTER CARE? <input type="checkbox"/> YES <input type="checkbox"/> NO		IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: <input type="checkbox"/> DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND <input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME		TYPE OF ABUSE (CHECK ONE OR MORE): <input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLECT <input type="checkbox"/> OTHER (SPECIFY) _____	
	RELATIONSHIP TO SUSPECT		PHOTOS TAKEN? <input type="checkbox"/> YES <input type="checkbox"/> NO		DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK	
	PRIMARY LANGUAGE SPOKEN IN HOME					
D. INVOLVED PARTIES	VICTIM'S SIBLINGS					
	NAME		BIRTHDATE	SEX	ETHNICITY	NAME
	1. _____					3. _____
	2. _____					4. _____
	VICTIM'S PARENTS/GUARDIANS					
	NAME (LAST, FIRST, MIDDLE)		BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY
	ADDRESS Street City Zip		HOME PHONE		BUSINESS PHONE	
	NAME (LAST, FIRST, MIDDLE)		BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY
SUSPECT	ADDRESS Street City Zip		HOME PHONE		BUSINESS PHONE	
	SUSPECT'S NAME (LAST, FIRST, MIDDLE)		BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY
	ADDRESS Street City Zip		HOME PHONE		BUSINESS PHONE	
E. INCIDENT INFORMATION	OTHER RELEVANT INFORMATION					
	IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX <input type="checkbox"/> IF MULTIPLE VICTIMS, INDICATE NUMBER: _____					
	DATE/TIME OF INCIDENT		PLACE OF INCIDENT			
NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incident's involving the victim(s) or suspect)						

DO NOT submit a copy of this form to the Department of Justice (DOJ). The investigating agency is required under Penal Code section 11169 to submit to DOJ a Child Abuse or Severe Neglect Indexing Form BCIA 8583 if (1) an active investigation was conducted and (2) the incident was determined to be substantiated.