



Liability Insurance for Employees

Introduction

We frequently receive questions from employees about the extent to which they are covered by the school district's liability insurance. I am going to try to provide some basic information in this column about the district's liability insurance. My disclaimer is that I am not an insurance agent or an attorney. I am going to try to stay basic enough so that I don't misinform anyone.

Obviously, the district does carry liability insurance. Our policy comes from the North Dakota Insurance Reserve Fund (NDRIF), which insures nearly all school districts, cities, counties, park districts, and other public government subdivisions in North Dakota.

Who's covered?

NDRIF, in our policy manual, states that covered parties include the school district, past and present employees, elected or appointed officials and individuals serving as authorized volunteers while acting on behalf of the school district. In addition, any commission, agency, board, district, authority, or similar entity which operates under our supervision or control is also covered.

How much?

Our liability policy provides up to \$2,000,000 of coverage per occurrence for personal injury and property damage liability. That assumes personal injury or property damage that an employee may have caused within the scope of their employment. It provides \$1,000 in medical payments to an injured party per occurrence and \$2,000,000 per occurrence for Governance Liability.

How does this help me?

Let's start with the idea of scope of employment. The scope of employment is the job an employee is hired to do. It is basically described in the job description, but generally it means the employee is occupied in performing the tasks associated with his or her job. This is important because if an individual employee is acting within the scope of employment a claim made against the individual employee is the same as suing the school district. Although it is typical for plaintiff attorneys to sue everyone, in most cases the individual employee is dropped from the suit, with some exceptions.

An individual employee may be sued when he or she is acting outside the scope of employment and can be shown to be personally responsible for damages. However, the plaintiff (or person who is suing) has the burden of proof and must prove with clear and convincing evidence that the employee was acting outside the scope of employment. The other exception might be if the employee's acts or omissions while performing official duties constitute reckless or grossly negligent conduct, or willful or wanton misconduct.

Quoting from the August 2006 NDRIF newsletter, The Participant, our insurance company assures us that "claims against employees individually will be defended by our insurance company up to and until a judge or jury determines that the employee was acting outside the scope of employment or that the conduct was grossly negligent. Further, if you are improperly named as an individual defendant, the NDRIF will make every effort to have you dismissed from the lawsuit as soon as possible."

In a conversation with our school district attorney, he further shared that it is highly unusual for a school district employee, in a negligence case, to be found to be outside the scope of his or her employment.

Summary

All employees, past and present, are covered by the district's liability policy up to \$2,000,000 per occurrence. It is likely that even in the case of a claim in which you or I are involved we would not be named individually. If we are, we will likely be dismissed unless a judge or jury determines we were acting outside the scope of our employment or that the conduct was grossly negligent. We are all well protected from liability lawsuits.

*Dr. Paul Johnson,
Superintendent*

Calendar Call

- Mar 12 **Spring Break**
No School
- Mar 15 **Staff Development Day**
No School
- Mar 17 **Secondary School Admins.**
7:30 am Hughes #3
Elementary Principals
9:00 am Hughes #1
- Mar 22 **Speech/Lang. Pathologists**
3:30 pm Hughes #2
- Mar 26 **Team Leadership Mtg.**
8-11 am Hughes #1 & 2
- Mar 31 **School Board Mtg.** to
choose Supt. finalists, 4 pm
- Apr 1 **BPS Foundation Teacher
Mini-Grant Deadline**
- Apr 2-5 **Easter Break**
No School
- Apr 7 **Secondary School Admins.**
7:30 am Hughes #3
Elementary Principals
9:00 am Hughes #1

Non-Credit Courses

The following non-credit courses are free to BPS employees and are held in the NECE building at BSC (corner of Edwards Ave. & Schafer St.). To register or more information, contact Lorelei.J.Anderson@bsc.nodak.edu, 224-2487.

- ✓ **Beginning Excel 07**
Mar. 18, 8 am-4:30 pm
- ✓ **Blogs, Wikis & MySpace**
Mar. 23, 8 am-noon
- ✓ **Beginning Access 07**
Mar. 24, 8 am-4:30 pm
- ✓ **Intermediate Excel 07**
Mar. 30, 8 am-4:30 pm
- ✓ **Intermediate Access 07**
(part 1 of 2) Mar. 31, 1-4:30 pm

Credit Courses

Latte Sessions - Held at Hughes, 3:30-5:00 p.m. Staff can register in the Staff Tracker to attend any of these free sessions for credit.

- ✓ **What is your RIT?** - Mar. 16
- ✓ **Classroom Web Pages** - Mar. 17
Additional Support/Training
- ✓ **Audacity** - Mar. 22
- ✓ **ActivInspire** - Mar. 23
- ✓ **PowerSchool Data Mining** -
Mar. 24
- ✓ **Animoto** - Mar. 25
- ✓ **Delicious** - Mar. 30
- ✓ **Classroom Web Pages** - Mar. 31
Additional Support/Training
- ✓ **Wordle** - Apr. 7
- ✓ **Blogs@EduTech** - Apr. 12
- ✓ **Classroom Web Pages** - Apr. 14

Community Corner

√ **BHS Theater Department presents:** *"The Bright Blue Mailbox Suicide Note"* on March 19-20 at 7 pm in the BHS Knaak Center. Adults \$5, Students \$3 and BPS employees free with name badge.

√ **CHS Theater Departement presents:** *"The Audition"* by Don Zolidis on Sunday, March 21 at 1 pm in the CHS Auditorium. Adults \$5, Students \$3 and BPS employees free with name badge.

√ **Attention gr. 4-6 teachers:** BAGA is offering FREE workshops in 4-6th grade classrooms with artist/illustrator David Geister the week of March 22-26 to the first 15 teachers to schedule. He arrives in the classroom dressed in historic costume with props and a stack of original paintings; the presentation includes samples of his work and a step-by-step explanation of how he illustrates a book. To learn more about the artist, go to www.davidgeister.com. To register, contact Sherry Niesar at 223-5986 or baga@midconetwork.com.

√ **Benefit spaghetti dinner and silent auction:** Kayla Hillestad, a sophomore at Century High School, on Tuesday, March 23 from 5-8 pm at the CHS commons hosted by the DECA club. Kayla has cancer and has been traveling to St. Paul for treatments. Money raised from this event will help her family defray medical expenses. If you cannot attend and would like to make a donation, contact DECA advisor Troy Olson at CHS, 323-4900, ext. 6642.

√ **Evening Art Show:** Ali LaRock will do a public presentation for the Artist in Residence program to be held at Solheim Elementary School on Monday, March 29, at 6 pm in the gym.

√ **Chance for FREE dino tickets:** Bismarck Civic Center and Bismarck Public Library are hosting a coloring contest for a chance to win 4 free tickets to Walking with Dinosaurs in April (see below). If you'd like your class to participate, you can find the coloring pages on the BPS "employee" web page, or e-mail Lindsey Morey at lamorey@nd.gov. Entries must be dropped off at the public library by March 26.

√ **Make a Wish Fashion Show fundraiser:** Sunday, March 28, 4 pm at Simle. Tickets are \$10 at the door, Attitudes or at 221-0588 (Cara Mund).

√ **Online contest with great prizes:** Between now and March 31, educators, parents and teens (middle/high school) can participate in a trivia contest at www.sylvanchallenge.com. *School Success Challenge* features an electronic game board filled with 6 categories and participants are asked 3 random questions per day. The Grand Prize winner will receive a \$5,000 Carnival cruise, as well as \$10,000 for his/her school. Other prizes: a Mac laptop, Kindle, Nintendo DS, graphing calculator, iPod, etc.

√ **Women's Leadership Express Conference:** Tuesday, April 6, 8:30 am to 3 pm. Speakers: Jill Spiegel of Goal Getters in MN, *How to Talk to Anyone about Anything! The Secrets to Connecting*; Dr. Donna Fishbeck, BSC, *Achieving Balance with Leadership and Life*; and Deb Dragseth, DSU, *Happiness and the Art of Leadership*. Registration fee due March 31; lunch is included. Register at www.bismarckstate.edu/ceti/express/.

√ **ND University System Diversity Conference:** Thursday, April 22, at the Doublewood in Bismarck. Free and open to public; keynote speaker is Winnonna Laduke; register online by April 19 at <http://bismarckstate.edu/ceti/diversity/>.

Beware of Social Media!

The ways students, staff and districts can find themselves in trouble due to social media tools continues to grow. In Oregon, two students were convicted of disorderly conduct for a discussion on MySpace that they claimed was dark humor. In Florida, a student was kicked out of National Honor Society and transferred to another school after what he claims was a humorous Facebook page was judged by teachers to have contradicted a pledge he made when joining the honor society. Then there was the teacher who was suspended for 30 days after a photo of her with a male stripper at a bridal shower showed up on Facebook. None of these situations were necessarily cut and dried cases. The students involved in the first two insisted their actions were in jest. The teacher simply happened to be at a party where a dancer was hired and then someone posted it on their personal site. It's worth repeating to students and staff that even something they may think is funny or harmless can be used against them if it is made public or draws the attention of others in the school community.

Job Opportunitites

Deadline: March 15
2010 Summer School Teachers - June 7-25 (Session 1); June 28-July 20 (Session 2); no school July 2 & 5.

Deadline: March 21
Director of Bands -CHS
Middle School Counselor - 2010-11

Deadline: March 24
Special Education Director

Deadline: March 31
Camp Edventure - June 7-July 20 - Mon-Fri, 8 am-noon, seeking certified elementary teachers for elementary summer school for students entering grades 1-6. There will be 1 six week session with no school July 2-5. Applicants can apply to teach the entire 6 weeks, 1st 3 weeks, or 2nd 3 weeks.

Jumpstart grade K - June 7-18, Mon-Fri, 8 am-noon, at all schools.

BECEP Summer Program/ESY: June 7-July 15, Tue/Wed/Thur am. Lead teacher, Speech, OT, PT, & Instructional Aides/Step 5, 3-4 hours per day in morning.

Manchester House Summer Program - June 7-July 20, no school July 2-5, Special Ed Teachers (4 hours in am); Summer Special Ed. Instructional Aides (4 hours in am).

Special Ed MR Summer Program: Middle, Senior High & Life Ed - teachers with special ed credentials and Instructional Aides (Step 5) 3-4 hours per day in morning.

Special Ed Extended School Year: June 7-July 20, no school July 2-5, Mon-Fri, 8 am-noon. Certified OT, Speech, and special ed teachers for elementary, current grades K-6. In conjunction with Camp Ed unless otherwise directed by IEP teams.

Deadline: April 28
2010-11 Elementary Teachers - creating a hiring pool of qualified teachers to fill vacancies for all BPS K-6th grade classrooms and elementary reading positions.

Deadline: April 30
Instructional Aides - Jumpstart Kindergarten - June 7-18, Monday-Friday, 8 am-noon (Step 5).

Instructional Aides - Step 5, Camp Edventure - June 7-July 20 (no school July 2-5), Mon-Fri, 8 am-noon. Applicants can work the entire 6 weeks, 1st 3 weeks, or 2nd 3 weeks. Instructional aides may participate in training/planning activities prior to start of Camp Ed.

For a detailed job description and to apply, go to bismarckschools.org "Job Opportunities" link.