

Policy ~~8740~~ 370 – Insurance and Bonding

Revised policy and repeal of Policy 8740 (Bonding) and Policy 8750 (Liability Insurance) effective upon passage

1st reading January 24, 2019

2nd reading February 7, 2019

3rd reading

Statutory authority West Virginia Code 29-12-5a

Administrative Guidelines

(none)

The Board of Education shall purchase with County funds the type and amount of insurance necessary to protect the County from major financial losses.

The Board shall purchase, and the State Board of Risk and Insurance Management shall provide, appropriate professional or other liability insurance for the county board of education, teachers, supervisory and administrative staff members, service personnel, ~~county the~~ Superintendents of schools and ~~county Board of education~~ members.

This insurance shall cover any claim, demand, action, suit, or judgment by reason of alleged negligence; other acts resulting in bodily injury; and property damage to any person within or without any school if, at the time of the alleged injury, the teacher, supervisor, administrator, service personnel employee, ~~county the~~ Superintendent, ~~Board of education~~ member, or employee was:

- A. acting in the discharge of his/her duties;
- B. within the scope of his/her office, position, or employment;
- C. under the direction of the ~~Board of education~~; or
- D. in an official capacity as a ~~county~~ Superintendent or as a ~~Board of education~~ member.

Such insurance coverage shall be in an amount to be determined by the State Board of Risk and Insurance Management, but in no event less than \$1,000,000 for each occurrence.

In addition, the Board shall purchase, through the Board of Risk and Insurance Management, excess coverage of at least \$5,000,000 for each occurrence. The cost of this excess coverage will be paid by the ~~county boards of education~~ Board and obtained from a company licensed to do business in West Virginia.

The insurance policy shall include:

- A. comprehensive coverage;
- B. personal injury coverage;
- C. malpractice coverage;
- D. corporal punishment coverage;
- E. legal liability coverage;
- F. as well as a provision for the payment of the cost of attorney's fees in connection with any claim, demand, action, suit, or judgment arising from such alleged negligence or other act resulting in bodily injury.

The Superintendent and other school personnel shall be defended by the Board or an insurer in the case of suit, unless the act or omission shall not have been within the course of scope of employment or official responsibility or was motivated by malicious or criminal intent.

Bonding

The Board of Education recognizes that prudent trusteeship of the resources of this County dictate that employees responsible for the safekeeping of County monies be bonded.

The County shall be indemnified against loss of money by requiring the Board President, Superintendent, and/or Treasurer to execute a bond for the faithful performance of his/her duties in the amount fixed and approved by the Board not to exceed the amount of schools funds estimated to be handled by the Treasurer within any two (2) months.

All other employees handling money to execute a bond for the faithful performance of their duties in the amount fixed and approved by the Board.

The Board shall bear the cost of bonding each employee required to be bonded by this policy.

Liability insurance other than that provided by BRIM

~~The State Board of Risk and Insurance Management shall provide appropriate professional or other liability insurance for the County Board of Education, teachers, supervisory and administrative staff members, service personnel, County Superintendents of Schools and School Board members.~~

In the event the Board of Risk and Insurance Management chooses not to provide insurance for every property, activity or responsibility of the County Board, teachers, supervisory and administrative staff members, service personnel, County Superintendents of Schools and School Board members, the County Board shall purchase liability insurance to cover those persons or properties not insured by the Board of Risk and Insurance Management.

~~Insurance provided by the Board of Risk and Insurance Management shall cover claims, demands, actions, suits or judgments by reason of alleged negligence or other acts resulting in bodily injury or property damage to any person within or without any school building if, at the time of the alleged injury, the teacher, supervisor, administrator, service personnel employee, County Superintendent, School Board member was acting in the discharge of his/her duties, within the scope of his/her office, position or employment, under the direction of the Board or in an official capacity as a County Superintendent or as a School Board member.~~

~~Insurance coverage provided by the Board of Risk and Insurance Management shall be in an amount to be determined by the State Board of Risk and Insurance Management, but in no event less than \$1,000,000 for each occurrence.~~

~~The County Board shall purchase, through the Board of Risk and Insurance Management, excess coverage of at least \$5,000,000 for each occurrence. The cost of this excess coverage will be paid by the County Board. Any insurance purchased under this section shall be obtained from a company licensed to do business in this State.~~

~~The insurance policy provided by the Board of Risk and Insurance Management shall include comprehensive coverage, personal injury coverage, malpractice coverage, corporal punishment coverage, legal liability coverage as well as a provision for the payment of the cost of attorney's fees in connection with any claim, demand, action, suit or judgment arising from such alleged negligence or other act resulting in bodily injury under the conditions specified in this policy.~~

~~The County Superintendent and other school personnel shall be defended by the County Board or an insurer in the case of suit, unless the act or omission shall not have been within the course or scope of employment or official responsibility or was motivated by malicious or criminal intent.~~