

Date: June 23, 2020 6:06 PM

Subject: FW: Common COVID-19 questions

Dear PSIC Members:

WE hope that your summer has been going well and that you and your families are staying safe as our society continues to reopen in our various phases from the pandemic.

Recently we have been getting questions from school districts in regards to immunity and guidance and protections that they can take as they get ready to reopen later this summer.

Under a general liability policy there is a definitive exclusion for COVID related claims via a “communicable Disease/Organic Pathogen exclusion. While carriers differ in how they word these exclusions, we have yet to see any insurance carrier willing to cover third party bodily injury or death as a result of COVID 19. To be clear, these GL policies have had these types of exclusions for years, but since the pandemic it’s become the new standard.

We recommend following federal/state/local statutes, CDC & local Health Department guidelines. For those of you that have athletics, you need to follow your local state athletic association rules and guidelines for return to play. With a virus such as COVID-19 that is easily spread through surfaces and the air it is very tough for an individual to prove where they contracted the virus. One is more exposed the minute they step outside their house (or invite others in). To show a single entity such as your district responsible for causing one’s contraction of the virus would be very tough. For a School District there is another added layer to this as public entities have tort immunities so one would have to show how the district was willfully and wantonly negligent in causing their contraction of the virus. By following the guidance that is put out there by reputable organizations like the State, CDC, etc. the district is doing what is reasonable and expected making it very tough for someone to bring an allegation against the district alleging they caused them to contract COVID-19.

PLEASE be advised, throughout this COVID -19 pandemic our team has sent multiple resources on how to deal with the COVID -19. Our latest email was the resources and 5 steps a k-12 district needs to take to reopen in the fall. AS this fluid situation continues to change each day, we will continue to keep our members apprised.

Please call if you have any questions.

Have a great week.

Michael McHugh

Area Senior Executive Vice President



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