

## From the Corner Office




The initial months of the 2021-22 school year have been a very challenging time for our members. Your service to the community has been made more challenging by the need to comply with state-level requirements as well as dealing with unprecedented staffing shortages.

This issue of Member Matters is therefore focused on SERVICE: solutions and suggestions that we hope are timely and helpful.

**WSRMP Master Builder's Risk Policy** – Be sure to check out the article on page 3 about our Master Builder's Risk Policy. This policy is not only affordable, it protects the districts and their interests during the construction process better than anything provided by a general contractor. It only takes a few minutes to seek a quote. Members experience better coverage, and some members report sizeable savings.

**Cyber Security** – During the 2021 Annual Meeting, the topic of Cyber Security was explored in depth. As a gentle reminder to our members, we urge you to read the article on page 4 about Cyber Security and actively work towards achieving Tier 1 compliance before the upcoming Cyber renewal. Significant pool resources have been allotted toward this effort including a cyber grant for all members, and access to Enquiron, a partner in helping members improve their cyber security platforms.

As you know, these are but two of the many, many services we offer to our membership. We are so very proud to have the opportunity to serve our member districts as a resource and trusted partner. Decreasing risk and helping to support our members when challenges arise is our mission.

As we head into winter break, a well-earned rest is what we hope is in store for all of you. 

Deborah Callahan, SCLA  
Executive Director

## Executive Board Elections

Each year, at its Annual Member Meeting, the WSRMP Executive Board holds Elections for vacant or expiring seats on the Board. Board members serve three-year terms representing small, medium, and large school districts and one inter-local cooperative position.


In keeping with its commitment to Diversity, Equity and Inclusion, the Executive Board intentionally sought to increase diversity on the WSRMP Executive Board.

Congratulations to new Board Members:

**Dr. Jo Moccia**, Superintendent, South Whidbey School District, representing small school districts.

**José Domenich**, Finance Director, San Juan Island School District, representing small school districts.

**Marnie Allen**, Assistant Superintendent, Southwest Washington Risk Management Insurance Cooperative, representing inter-local cooperatives.

Congratulations to returning Board Member **Krestin Bahr**, Superintendent, Peninsula School District, representing large school districts. 

## Member Benefit Review Coming in Early 2022

WSRMP members will receive their annual Member Benefit Review (MBR) in February of 2022. The MBR will include an individualized overview of the member's loss history allowing them to analyze their loss frequency, loss severity and overall loss ratio on a 5-year rolling basis. It will also include loss trends for the entire WSRMP membership as well as a comparison of district loss trends with similarly sized districts.

The overall purpose of the MBR is to provide members with a snapshot of their loss experience and help members understand how their loss history, affects the cost of risk. Members will also be encouraged to identify risk management and safety initiatives that will help create a favorable loss history.

The MBR will coincide with the Executive Director's letter providing members with an early indication of rates. The MBR and early indication of rates combined will enable members to establish a budget for their contribution for the following coverage year.




## 2021 Annual Meeting Survey Results

In our ongoing efforts to improve future WSRMP Annual Meetings, we sent out a short, post-meeting survey to all attendees addressing delivery, content, and timeliness. Unanimously, the respondents felt that the meeting met their expectations. The meeting was conducted in a virtual environment for the second consecutive year due to COVID-19 and, while a majority preferred this format, about a quarter of the responses indicated a preference for an in-person meeting or a hybrid model. All felt that this virtual meeting, however, was convenient and easy to access.

The theme of this year's Annual Meeting was "The Cyber Crisis: A Critical Issue for Schools." **Anne Shackelford**, with Alliant Insurance Services, presented on the state of the cyber market. **Jim Kilmer**, with The OPAL Group (on behalf of Enquiron) presented "Demystifying Cyber Security & Compliance" on improving your network security.

The guest speakers were well received, and several people commented that the actionable recommendations were, or will be, presented to their IT teams.

We would like to express our appreciation to all the attendees and especially those who responded to the survey. If you have any additional comments you would like to share, please contact Charles Upchurch ([cupchurch@wsrmp.com](mailto:cupchurch@wsrmp.com)) or Bill Yee ([wye@wsrmp.com](mailto:wye@wsrmp.com)). We look forward to the 2022 WSRMP Annual Meeting and hope to see you and your staff there. 

# WSRMP Builder's Risk Master Policy


## *Master Builder's Risk Renewal*

WSRMP continues to strongly recommend and promote the WSRMP Master Builder's Risk Program. Every member who has used this program has experienced better coverage, no waiver of subrogation, and cost savings. We understand some members may seek Builder's Risk coverage directly with a General Contractor engaged on a larger project, but we would like to urge members to first consider the WSRMP Master Builder's Risk Policy. The WSRMP's Master Builder's Risk Policy is underwritten by Chubb Insurance and the Chubb policy continues to offer very broad terms for the duration of all projects at very competitive rates.

Since the policy's inception almost 3 years ago, Chubb has insured almost \$290M in construction contract value for members with a very easy transaction process to procure the coverage. Basic underwriting information is required and may result in significant premium savings when compared to a General Contractor's coverage offering.

The more members who use the Master Builder's Risk Policy, the more favorable the coverage, terms and costs for everyone. WSRMP intends to poll all members for any upcoming projects (valued over \$300,000 in construction contract value) that may break ground in the next 2 years during our upcoming 2022 Exposure Unit Survey. Advance knowledge of construction or significant remodel projects allows us to demonstrate to Chubb the benefit of maintaining and growing the program for the approaching renewal.

## *Construction Cost Trending*

Lastly, we're seeing a heightened interest in properly trending construction values to keep pace with replacement cost expectations, especially as the cost of goods and supply chain issues remain. Please refer to the Construction Cost Trend information linked [here](#) as reference. One component of controlling costs for larger projects can be how the projects are insured. General Contractors have increased their own insurance expenses to account for the increase of labor, materials, etc. and in some cases, the insurance portion of the General Contractor's bid may be a mystery-by-design and rolled into their total bid. We highly recommend testing the WSRMP program to have transparency around insurance costs and to have better controls in the event of a claim. 



# Services on Cyber Security

WSRMP has experienced – and is anticipating – a difficult renewal for cyber coverage. Therefore, WSRMP wants to proactively advocate that each member focus on improving their cyber posture before the next round of marketing for the 9/1/22 – 9/1/23 coverage term. Here at WSRMP, we cannot emphasize this enough. We’ve heard from so many different sources that the current reinsurance market has a slogan: “If there’s no MFA, go away!” This is clearly a simplified mantra, but it means that if the “insured” does not have Multi-Factor Authentication (MFA) in its cyber security platform, the carrier is not interested in writing the business. This is truly the message all reinsurers are delivering to the cyber insurance-buying community. Many markets even decline to ask additional clarifying questions if there is no form of MFA in effect.

## Affidavit Progress

To that end, our cyber carrier, Crum & Forster, has required signed affidavits from our membership, identifying three requirements of cyber security. We cannot stress enough the importance of these three requirements: 1) full MFA, 2) End-Point Protection, and 3) Segmented Back-ups for all members, regardless of size (i.e., even for members with a smaller budget and student count).

Currently, 23 members have been granted Tier 1 status with \$1M in Ransomware coverage. All remaining members are currently under Tier 2 with only \$100k in Ransomware coverage. Members can submit an upgraded Affidavit at any time. Our broker will bring any newly updated affidavits to the reinsurer, upon receipt, to move Members from Tier 1 to Tier 2 to increase their Ransomware sub-limit.

Without these key controls, some members may be simply uninsurable – which is difficult to comprehend. WSRMP is helping members to rectify that possibility by undertaking a 2-pronged approach:


**1) Cyber Grant:** To help districts improve their security profile and help us obtain a higher level of Ransomware coverage, WSRMP is offering a \$5,000 reimbursement grant for cyber security improvements. Through this grant, participating member districts can choose the cyber technology that best enhances the safety practices of their current cyber security program to meet the requirements for unlocking increased cyber liability coverage limits. Grant funds must be used toward meeting the following cyber security best practices:

- Multi-Factor Authentication (MFA) for remote access systems, access to cloud-based systems, and administrative access to privileged accounts
- Endpoint Detection and Response (EDR) such as CrowdStrike, SentinelOne, Windows Defender
- Data backups that are kept separate and disconnected from the network (“offline”) so that they are inaccessible from endpoints and servers that are joined to the school domain





## Services on Cyber Security (cont.)

**2) Enquiren:** We anticipate another very difficult cyber marketing effort and we cannot guarantee Tier 2 members will have access to any form of Ransomware coverage come 9/1/22 without significant strides in their cyber posture. The Cyber Bulletin linked [here](#), recently issued by our broker Alliant, highlights the key items all reinsurers are looking for. The Tier 2 list of members remains long and we greatly hope each members' position can improve during this coverage term. For questions, please contact your underwriting team by email at: [underwriting@wsrmp.com](mailto:underwriting@wsrmp.com) or by phone: Helen Rogers-Rutherford at 206-432-3689, and Heidi Palmer at 206-394-9719. 

## Preparing for Winter Weather

As daylight hours grow shorter and winter weather begins to set in, preparing for winter conditions can help mitigate potential hazardous exposures resulting in property damage or injury. The following are a few recommendations to take into consideration for your winter preparation plans:

### *Communications Plan*

- Keep a current staff contact list for emergencies and send snow-day procedure reminders to parents and staff. Verify that student contact information is complete and accurate.
- Post timely announcements on the district website and on other district social media platforms or communication tools.
- Post reminders that staff should report downed power lines and broken gas mains to the authorities immediately.
- Promptly contact WSRMP to report any weather-related damage claims.

### *Tree Inspections*

- Conduct tree inspections, specifically looking for damaged branches, tree rot, and dead trees, and remove any trees and damaged limbs immediately to prevent injuries from falling branches and trees. WSRMP recommends hiring an arborist to conduct the inspections.

### *Transportation*

- All district-owned vehicles should contain emergency supplies such as first aid kits, etc.
- Review new bus routes and assign alternate routes for safety if needed.
- Review hazardous routes with all substitute drivers.
- Use alternate routes if hazardous conditions are present.
- Remind bus drivers not to let students off the bus if there is any question about their ability to reach their home safely or if the bus route cannot be completed. If these conditions are present, instruct bus drivers to return students to their school.
- Remind students to use extra caution when boarding the bus, crossing streets, and walking down the side of the road during icy and snowy conditions.

## Preparing for Winter Weather (cont.)

### *Maintenance*

- Monitor and maintain building temperatures at a minimum of 55 degrees Fahrenheit or higher during freezing conditions.
- Per the manufacturer's recommendations, winterize your heating systems, sprinkler systems, air conditioning equipment, pressure vessel vents, relief valves, and other mechanical equipment to prevent freezing damage.
- Protect water-based fire extinguishing equipment from freezing, including all types of wet automatic sprinkler systems.
- Perform regular drum drip maintenance on your dry sprinkler system.
- Insulate water pipes to prevent freezing. Drain water lines if they cannot be protected. Give special attention to areas that are likely to freeze first, such as entryways, remote stairs, towers, and concealed spaces.
- Perform storm drain inspections.
- Inspect all roofs, drains, gutters, and downspouts; clear and repair them as needed. Make sure the roof can handle heavy snow accumulation. Have a contractor on call to remove snow off roofs and clear driveways and parking lots.
- Ensure that building custodians shovel, sand, or salt exterior stairs and paths to clear ice and snow. Be careful not to create slipping hazards by stacking snow in locations relative to walkways where runoff would freeze, causing slippery conditions.

### *Gates at Parking Lots & Driveways*

- Secure and lock gates in either the open or closed position to minimize them from swinging and potentially causing injury or property damage.
- Chains across driveways should be well marked and highly visible to drivers and not pose a tripping hazard to pedestrians. Placing a "closed gate" sign, painting the chain in a highly visible color, or attaching fluorescent caution tape to the chain helps drivers and pedestrians easily see the chains across driveways.

### *Holiday Decorations and Lights*

- Remove holiday trees and wreaths before leaving for winter break.
- Unplug holiday lights, extension cords, and power strips.
- Remove holiday decorations and any combustible materials that may pose a fire risk.
- Unplug personal electrical space heaters and any other personal appliances.

Additional resources are available on the [WSRMP Member-only website](#) and can be found under resources by topic – buildings & grounds, by selecting the Risk Services tab.

If you have any questions about these recommendations, please feel free to contact Risk Services at [riskservices@wsrmp.com](mailto:riskservices@wsrmp.com). 

# IPAC Corner: The Best Protection Against Infection

First it was the Delta variant. Now it is the Omicron variant. Here is what you need to know about Omicron.


## Emergence

- Variant B.1.1.529 identified as a variant of concern due to several mutations (detrimental change in epidemiology).
- First detected in specimens on November 11, 2021 in Botswana and identified in South Africa on November 14; now in 30+ countries.
- First case confirmed in the United States on December 1, 2021. Omicron has since been identified in Washington State.

## Infection and Spread

- Preliminary evidence suggests increased risk of transmissibility and possibly less severe symptoms. However, more data is needed.
- Concern for vaccine evasion, but current vaccines are expected to protect against severe illness, hospitalizations, and deaths due to Omicron variant.
- Current polymerase chain reaction (PCR) diagnostics continue to detect this variant.
- Enhanced surveillance and sequencing efforts are underway.
- Some treatments such as certain monoclonal antibodies may not be as effective due to the changed genetic makeup of Omicron, while others are likely to remain effective.

## Tools to Fight Omicron

- Vaccines
  - Remain the best public health measure to protect people from COVID-19, slow transmission and reduce likelihood of new variants emerging.
  - Further data is still needed to see how protected fully vaccinated people will be against Omicron.
  - Vaccines continue to be highly effective at preventing severe disease and death, even as breakthrough infections might be seen.
  - Everyone 5 years and older is eligible for COVID-19 vaccination.
  - Everyone 18 years and older should get booster when eligible.
    - Boosters increased immune response and are recommended 6 months after finishing a Pfizer-BioNTech or Moderna primary series or 2 months after receiving the J&J/Janssen single-dose vaccine.
- Mitigation: layered prevention strategies are needed to reduce transmission of Delta, Omicron and all other SARS-CoV-2 variants. We must use all the prevention strategies.
  - Masks
    - Continue to offer protection.
    - Recommended to wear in public indoor settings or crowded outdoor settings in areas of substantial or high community transmission, regardless of vaccination status.
  - Improved Ventilation.
  - Physical distancing 3-6 feet, as much as possible.
  - Hand Hygiene
    - Hand washing with regular (not antibacterial) soap and water.
    - Hand sanitizing with alcohol-based hand rub (greater than 60% alcohol).
  - Testing to slow transmission and stop the pandemic. 

# Legal Matters

## Avoiding A Toxic Situation: Lessons from Bard v. Monsanto

by *Patrick S. Schoenburg, Wood, Smith, Henning & Berman LLP*

Schools have long needed to address issues arising from the presence of hazardous substances, including asbestos, dust and chemicals, in their facilities. These concerns are largely driven by public health. Exposure to asbestos in an older building or chemicals used by school personnel to maintain landscaping or clean classrooms can directly impact the health of students and faculty. In recent years, potential litigation, in the form of so-called toxic tort lawsuits, have added to the list of issues school districts must confront.

Concerns regarding legal liability arising from the presence of hazardous substances have increased in recent years. Many school facilities are aging and contain materials which may have been approved for use decades ago, but which are now outdated and potentially hazardous. In some instances, personal injury claims arising from exposure to these materials have been made. The more such lawsuits are publicized, the greater the likelihood a given school district, its Board and its administration will need to address not just public health concerns, but prospective litigation. In the last six months, two verdicts in King County Superior Court have been returned in cases originally filed under the caption Bard v. Monsanto Company, No 18-2-00001-7-SEA. Both trials involved claims that exposure to polychlorinated biphenyls (PCBs) in a school facility caused plaintiffs to suffer personal injuries. In total, \$247 million was awarded to 11 plaintiffs. Although the judgments were solely against Monsanto, the lone domestic manufacturer of PCBs, these verdicts should concern every Washington school district with older buildings.


Whether the alleged hazard is PCBs, asbestos, mold or some other hazard, these situations all have commonalities. These include the potential for widespread exposure to a hazardous substance, possible personal injuries and the need to address the concerns of students, parents and faculty, as well as ensuring compliance with applicable State and federal regulations. While every school district and situation is unique, we can offer the following general guidance to school districts faced with potential onsite contaminants:

- **Get help.** Even the largest school district is unlikely to have the expertise inhouse to properly direct or conduct the testing, assessment and clean-up of chemicals and other hazardous substances at its facilities.
- **Get the right help.** Don't simply rely on a clean-up contractor. To start, a Certified Industrial Hygienist, experts in public health or environmental and occupational medicine can offer advice and guidance on the extent to which a given situation presents a public health issue, whether testing, remediation and abatement are required, as well as the need to provide notice to the community and other government agencies. These same experts, along with qualified environmental consultants, can develop an appropriate testing and clean-up protocol.



# Lessons from Bard v. Monsanto (cont.)

- **Get the right help at the right time.** Properly addressing an issue with contaminants up front keeps small problems from growing. Incompetent contractors, mishandling of removal by inhouse personnel or conducting the wrong tests often cause as many issues as the initial contamination.
- **The right help will help in many ways.** Absent the retention of proper consultants, a district engaged in a self-directed clean-up is likely to be held solely responsible for any problems that occur. Spread the risk. It's also generally considered to be a conflict of interest for a contractor to determine its own scope of work or to find that clearance has been achieved in regard to its own work. A qualified CIH and/or environmental consultant should make those determinations.
- **Consider legal help.** An attorney who practices in the field of toxic torts and environmental law can offer guidance on retention of experts, preservation of evidence, regulatory compliance and assist school districts to identify situations which are likely to result in legal action.
- **Understand the impact of external factors.** We live in a social media world in which hyper-partisanship permeates all aspects of life. Allegations that a school facility is contaminated can be emotional. All concerns expressed by the school community should be addressed politely and professionally. District personnel may view complaints as personal attacks - and some community members may make such attacks. It's never helpful to respond in kind.

Retaining consultants, paying for testing and abatement are never cheap. But the cost is small compared to the amounts awarded in recent verdicts. A proper response to possible hazardous substances in a school facility ultimately preserves resources...monetary and otherwise. 



Patrick S. Schoenburg is a partner in the law firm of Wood, Smith, Henning & Berman, LLP. WSHB has thirty offices nationwide, including Kirkland, Washington. Patrick has almost 30 years of experience litigating toxic tort cases and advising major corporations and public entities on handling the investigation and removal of contaminants from their facilities.

# Important Dates

## WSRMP TRAININGS

### Trauma-Informed Return to School

Presenter: Safer Schools Together

January 5, 2022, 9:00AM-11AM (Zoom)

[Register here](#) (Zoom link will be sent after registration)

### Who is On Campus

Presenter: Emma Gillespie, Preg O'Donnell & Gillett

January 20, 2022, 9:00AM-11:00AM (Zoom)

[Register here](#)

### Cyber 101 Web Training

Presenter: Jim Kilmer, the OPAL Group

January 26, 2022, 9AM-10:30AM (Zoom)

[Register here](#)

### Special Education Law Update

Presenter: Carlos Chavez, Pacific Law Group

February 1, 2022, 8:30AM-12:00PM (Zoom)

[Register here](#)

### SEC Crisis Communication Training

Presenter: Jason Russell, Secure Education Consultants

February 8, 2022, 10:00AM-11:30AM (Zoom)

[Register here](#)

### Student Safety Plans

Presenter: Amy Klosterman, Amy Klosterman Law, PLLC

February 10, 2022, 9:00AM-10:30AM (Zoom)

[Register here](#)

### SEC Crisis Incident Response Training

Presenter: Jason Russell, Secure Education Consultants

March 2, 2022, 10:00AM-11:30AM (Zoom)

[Register here](#)

### Top Ten Things Administrators Needs to Know

Presenter: Richard H. Kaiser, Law Offices of Richard H. Kaiser

March 10, 2022, 9:00AM-11:00AM (Zoom)

[Register here](#)

### Social Media Awareness – Management to Ensure Safe and Caring School Communities

Presenter: Safer Schools Together

April 19, 2022, 9:00AM – 11:00AM (Zoom)

[Register here](#) (Zoom link will be sent after registration)

### Contracts: Avoiding Hidden Pitfalls

Presenter: William Cornell, Preg O'Donnell & Gillett

May 26, 2022, 10:00AM-11:30AM (Zoom)

[Register here](#)

## OTHER ORGANIZATIONS

### 2022 WASA-WSSDA-WASBO Legislative Conference

January 30, 2022, 1:00PM-5:00PM (Zoom)

[More information here](#)

### 2022 Annual Washington School Personnel Association Conference

February 28-March 2, 2022

Historic Davenport Hotel

Spokane, WA 99201

[More information here](#)

### 2022 Washington School Counselor Association Conference

March 2-4, 2022

[Doubletree By Hilton Hotel Seattle](#)

Seattle, WA 98188

[More information here](#)

# WSRMP Happenings

### Staff Additions

We would like to welcome **Heidi Palmer**, our new Underwriting Consultant, to WSRMP. Heidi has her CSR and CPCU designation. She has many years of underwriting experience, as well as experience working with school districts.

WSRMP is pleased to welcome **Kirsten Kyllingmark** as a Senior Risk Services Coordinator. Kirsten obtained her Bachelor's degree in Economics and has recently earned her Certified School Risk Manager (CSR) designation. Kirsten will be a great addition to the Risk Services team.

**Cleo Monroe** has joined WSRMP as an Accounting Consultant with responsibilities in Finance, HR and Payroll. She brings over 30 years of experience in Finance. We are excited to welcome Cleo to our Team.

We would also like to welcome **Jordan Strickland**, our new Administrative Coordinator. He has experience in office administration and will also be providing significant support to the Underwriting department.

### Staff Promotions

**Joan Tapia-Beeman** has been promoted to Sr. Accounting Consultant. Joan will be taking on additional responsibilities in both finance and benefits administration.

We would like to congratulate **Helen Rogers-Rutherford** on her promotion to Sr. Underwriting Consultant. Helen will be a lead in the renewal, underwriting and training of new staff in the department.



### Winter wordsearch

S	N	N	A	I	R	C	R	G	T	I	W	S	B
C	K	A	I	L	R	A	I	E	R	N	L	E	L
W	N	I	R	F	R	O	S	T	T	N	I	I	I
C	G	N	I	D	D	E	L	S	A	N	L	I	Z
M	L	O	D	N	P	G	G	G	L	A	I	M	Z
R	N	P	A	E	G	O	D	O	C	A	T	W	A
E	S	W	E	A	T	E	R	I	S	O	H	L	R
S	N	O	W	S	H	O	E	I	N	G	R	S	D
M	O	A	O	L	L	A	B	W	O	N	S	T	W
H	S	N	O	W	F	L	A	K	E	R	C	E	S
N	E	D	O	A	S	N	G	A	O	C	O	C	N
W	M	A	R	S	H	M	A	L	L	O	W	K	S
E	N	O	I	T	A	T	I	P	I	C	E	R	P
D	O	K	T	C	A	I	A	K	S	N	W	M	E

- WINTER
- FROST
- MARSHMALLOW
- BLIZZARD
- PRECIPITATION
- SNOWBALL
- COCOA
- SWEATER
- SNOWSHOEING
- SKIING
- SNOWFLAKE
- SLEDDING

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Do you know of an upcoming training or conference that would be of interest to our members? Let us know before February 18, 2022 for inclusion in our next edition. Email pertinent information to Editor Amber Garriott at [agarriott@wsrmp.com](mailto:agarriott@wsrmp.com).