

Available Programs to Help Reduce Claims Exposures

Introduction

22-29-2. Purpose of act.

The purpose of the Public School Insurance Authority Act is to provide comprehensive core insurance programs, including reimbursement coverage for the costs of providing due process to students with disabilities, for all participating public schools, school board members, school board retirees and public school employees and retirees by expanding the pool of subscribers to maximize cost containment opportunities for required insurance coverage.

NMPSIA Today

- **School Districts**

- 88 Mandatory (*Excludes APS*)

- **Charter Schools**

- 98 Mandatory

- **26 Educational Entities**

- 27 (*Optional*)

- **Average Monthly Membership**

- 69,514 Employees and Dependents



- **Staff**

- 11 FTE

- **Board of Directors**

- 11 Board Members

- **Governor Appointees**

- Alfred Park, President
- Denise Balderas
- Sammy J. Quintana

- **New Mexico Association of School Business Officials**

- Chris Parrino, Vice President

- **School Boards Association**

- Pauline Jaramillo, Secretary

- **Public Education Commission**

- K.T. Manis

- **NEA-NM**

- Bethany Jarrell
- David Martinez, Jr.

- **AFT-NM**

- Tim Crone

- **Superintendents' Association**

- Daniel Benavidez

- **Educational Entities at Large**

- Trish Ruiz

NMPSIA Loss Prevention Program

- Established through NMAC 6.50.12 with the objective of reducing claims and costs
- Facilitated through a contractual arrangement between NMPSIA and Poms & Associates

Risk Services Programs

- **Ergonomics**
 - Objective: Reduce the frequency and severity of costly soft tissue injuries by school employees
- **Threat Assessment and Active Shooter**
 - Objective: Reduce the probability of an incident of multiple victim school violence
- **Employment Practices Policy and Consulting**
 - Objective : Reduce the number of employment practices claims (wrongful termination, violation of contract)
- **Technical Assistance Program for Special Education**
 - Objective: Reduce number of IDEA (Individual with Disabilities in Education) Due Process/Litigation claims
- **On-site School Facility Audits**
 - Objective: Reduce the frequency of Worker's Compensation, Liability and Property Claims
- **Safety Training**
 - Objective- Reduce the frequency and severity of Worker's Compensation by identifying and reducing or eliminating workplace hazards, OSHA Compliance
- **Identifying a Predator Training**
 - Objective: Reduce the number of sexual molestation claims in NM public Schools
- **Bullying Prevention Training and sustainable policy development consulting**
 - Objective: Assist schools with understanding of the issues and development of policies addressing bullying
- **Armed school employees**
 - Objective: Assist schools with an understanding of the relevant statutes, policies, procedures and liabilities necessary to make informed judgements regarding arming employees

Partnership with CES

- **Technical Assistance Program for Special Education**
 - Objective: Reduce number of IDEA (Individual with Disabilities in Education) Due Process/Litigation claims. Provide training and consultation for Special Education Directors and Staff on the technical requirements under the Federal IDEA, including development of workable IEP's, proper hearings, behavior management and more.

Technical Assistance Program for Special Education

- Provide Workshops and Site Visits as Requested by Public & Charter Schools:

- | | |
|---|---|
| <ul style="list-style-type: none">Development of Individualized Education Program (IEP)'sCompliance with Individuals with Disabilities Education Act (IDEA)Legal implications of the (IEP)<ul style="list-style-type: none">Prior written notice, progress toward goals, and service schedulesLegal implications of discipline for students with disabilities<ul style="list-style-type: none">Include Manifestation Determination Meetings (MDR's)Development of quality transitional planning and IEP documentationDevelopment of both Functional Behavioral Analysis (FBA) and behavioral intervention plan | <ul style="list-style-type: none">Trouble shooting potential issues:Review IEP for IndividualizationsProvide Recommendations in Engaging both Parent and Advocate at IEP MeetingsWriting appropriate attainable goals that address current and future performanceEnsuring timelines regarding annual IEP's and re-evaluations are up to dateTraining individuals on looking up legal/compliance information on their ownEnsuring that students with significant health and or mental health needs are provided with appropriate educational services without disruption (on school campus or at home) |
|---|---|

CES Trainings

- 2020 – 2021
 - 96 Workshops, 27 Webinars, 70 Topics, 7,442 Attendees
- Ongoing TAP Topic Series Presentations
 - Social Emotional Learning (SEL) based on CASEL Competencies
 - Applied Behavior Analysis (ABA)
 - Autism Resources for Individuals with Autism Spectrum Disorders and Other Needs
 - Behavior Strategies for Virtual and Classroom Setting
 - Structured Literacy Approaches to Teaching Reading
- **Hot Topics Library**
 - www.cestap.org
 - Over 35 recorded on demand trainings

Summary of Coverage

- What is covered
 - Worker's Compensation
 - Property
 - General Liability
 - Auto Liability and Physical Damage
 - Bus Inspectors Professional Liability
 - Crime
 - Cyber - Claims made during policy year

Summary of Coverage - cont.

- Equipment Breakdown
- Mandatory Catastrophic Student Accident
- Use of Facilities Tenant User Liability
- Special Events Coverage
- Limited Criminal Defense
- Limited IDEA

Ergonomics and Job Hazard Analysis

- Almost 20% of worker's comp reports are listed with No Obvious Cause
- Number one cause for injury –Slips, Trips and Falls
- Teachers, EA's, Administrators, and Clerical Employees account for over 44 million of the incurred losses
- Custodian, maintenance and cafeteria – almost 34 million

- ***Risk Management Recommendation***
- ***Site Audit***
- ***Ergonomics***
- ***Investigation of facts***

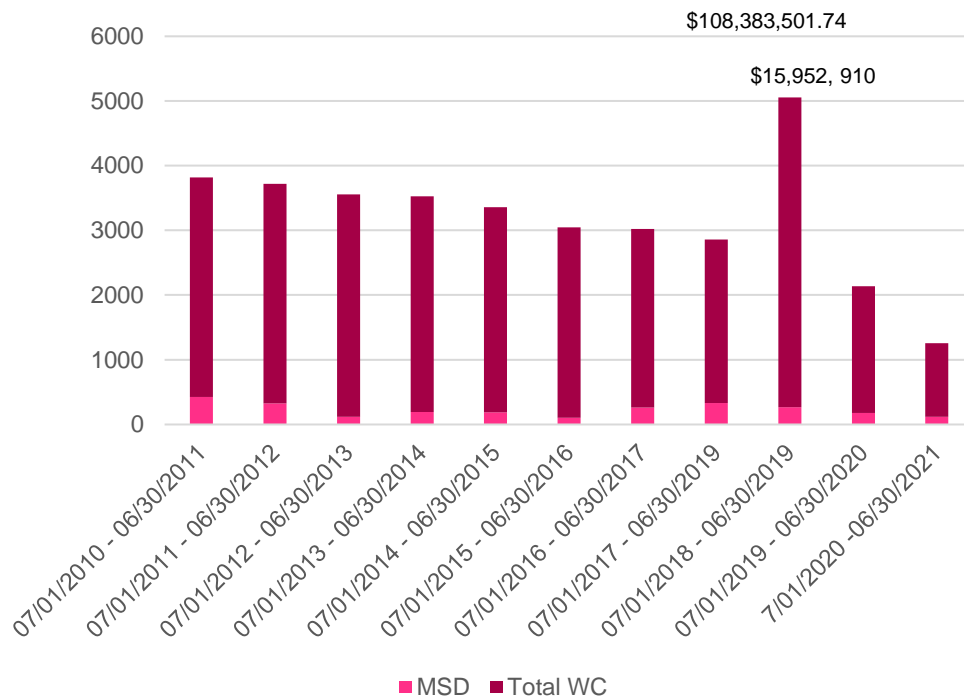
Ergonomics Program

- Objective: Reduce the frequency and severity of costly soft tissue injuries by school employees

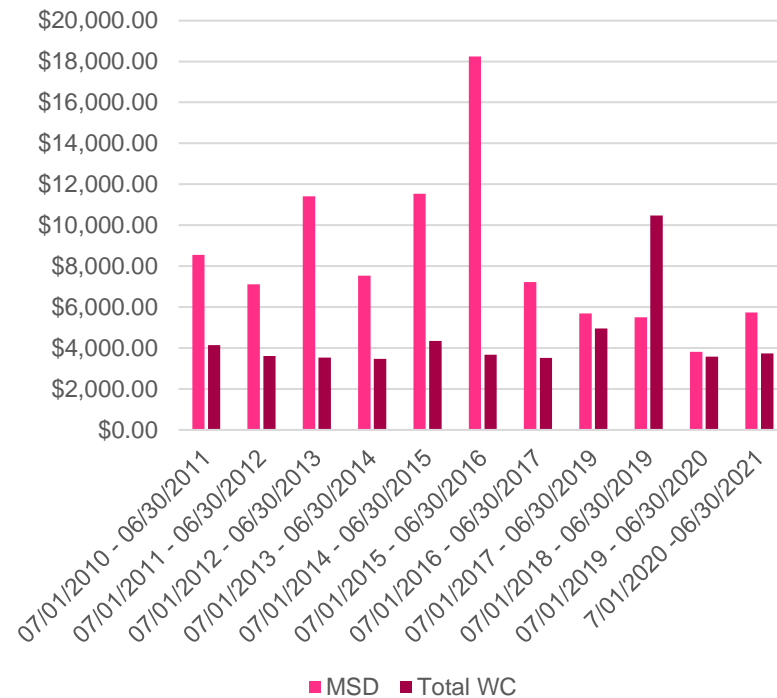


Worker's Compensation

MSD vs All WC – Frequency



Cost per claim
MSD v all WC



Property

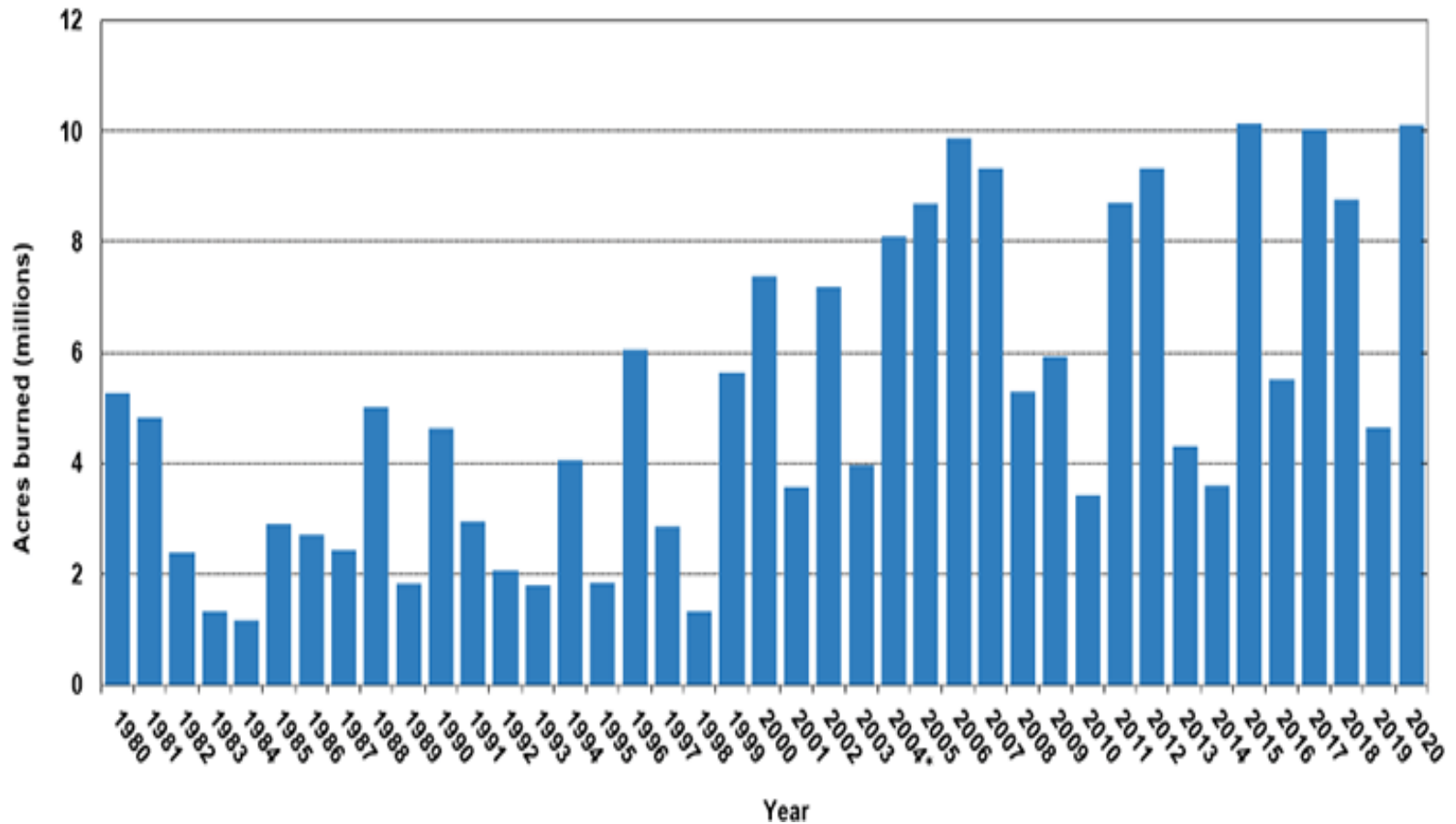
- NATURAL CATASTROPHES in the US
 - 170 billion in 2021
 - Civil Disorders 2020 were estimated between 500 million – 900 million they came in well over 2 billion
 - Hurricanes and wildfires were by far the most expensive
In fact, these storms alone comprised 81.2% of costs
 - Estimates for 2021 - 112 + billion (does not include the tornadoes and wildfires in December)
 - Colorado wildfire insured losses pegged at about \$1 billion
 - The fourth highest on record
 - Hurricane Katrina in 2005 approx. 150 billion,
 - 3 Hurricanes in 2017 approx. 161 billion

Property

- Act of God \$50,000,000
 - Flood
 - Wind
 - Lightning
- All other losses \$25,000,000
- NOC \$6,500 ???

Risk Management recommendation
Planning – outside of flood zone
Risk management assessment

Acres Burned in US



Identifying Exposures

- Mitigate the risks of severe weather
 - Conduct routine property checks
 - Prioritize repairs
 - Identify improvement areas
 - Create a long-term plan

Inspection Program

- **On-site School Facility Audits**

- Objective: Reduce the frequency of Worker's Compensation, Liability and Property Claims.

- **Safety Training**

- Objective- Reduce the frequency and severity of Worker's Compensation by identifying and reducing or eliminating work place hazards, OSHA Compliance





Fire rated door to the principal's office closed during the fire





Principal's office showing limited damage as a result of the fire rated door





Office supply storage door, fire rated door left open the night of the fire





Copier and data network and all wiring unsalvageable



Health & Safety Training Topics

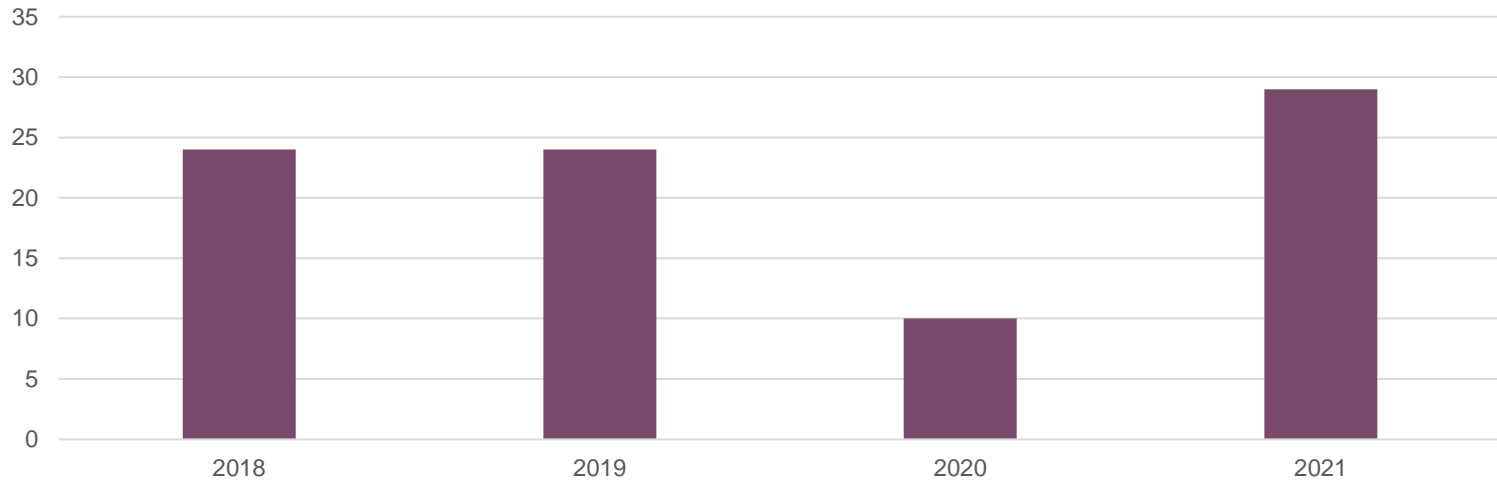
- Hazard Communication/Right-to-Know
- Chemical Hygiene and Laboratory Safety
- Bloodborne Pathogens
- Personal Protective Equipment
- Ladder Safety
- Playground Safety
- Electrical Safety
- NFPA Life Safety Code
- Back Safety/Lifting Techniques
- First Aid/CPR/AED
- Introduction to OSHA
- OSHA 10 and 30 Hour Training
- Accident Investigations
- Hazmat Response
- Safe School Plan Review
- Housekeeping and Storage Practices
- Development of Safety Policies

School Violence NMPSIA/ Poms Provides

- **Threat Assessment and Active Shooter**
 - Objective: Reduce the probability of an incident of multiple victim school violence
- **Armed school employees**
 - Objective: Assist schools with an understanding of the relevant statutes, policies, procedures and liabilities necessary to make informed judgements regarding arming employees.
- **NEW**
 - **Reunification**
 - Objective: Assist Schools with coordination of resources between local law enforcement to ensure that all children are safely accounted for, transported or housed during a tragedy.
 - **Restorative Practices**
 - Objective: Begin to reform suspension and discipline practices in order to utilize the time to teach and encourage positive behaviors and communication

School Violence

Nationwide # School Shootings



169 injuries, 57 deaths

Education Weekly

Security Training Topics

- Threat Assessment: Assessing Dangerous Behavior
- Gang Recognition
- Security/Intruder Assessment
- School Violence
- Workplace Violence
- Violent Threat Response
- Verbal De-escalation
- Emergency Operations Planning/Review
- Bomb Threat Response

Civil Rights NMPSIA/Poms Provides

- **Employment Practices Policy and Consulting**
 - Objective : Reduce the number of employment practices claims (wrongful termination, violation of contract)
- **Identifying a Predator Training**
 - Objective: Reduce the number of sexual molestation claims in NM public Schools by identifying the behaviors leading to sexual misconduct
- **Bullying Prevention Training and sustainable policy development consulting**
 - Objective: Assist schools with understanding of the issues and development of sustainable policies

Civil Rights NMPSIA/Poms Provide-cont.

- **NEW**

- **HB 128 Training ***

- Objective: to assist schools with the implementation of HB 128
 - Vector Solutions on-line training

- **Boundaries Training**

- Objective: Review the Board policies and develop an understanding of Boundaries violations

- **Cultural Awareness***

- Objective: Encourage a curious mindset about Cultural backgrounds and their effect on everyday behavior.

- **QPR***

- Objective: Provide innovative, practical and proven suicide prevention training. Identify the signs of crisis, empower all individuals regardless of their background, to make a positive difference in the life of someone they know.

- **Suicide Prevention CPR**

- Objective: Identify the factors that lead to increased suicidal behaviors

Human Resources Training Topics

- ADA and the Rehabilitation Act
- Behavioral Management
- Bullying Cyber/Bullying Prevention
- Disciplinary Procedures
- Drug Free Workplace
- Drug Physiology
- Family and Medical Leave Act (FMLA)
- Fair Labor Standards Act (FLSA)
- I-9 Completion
- Neuro-Linguistics Programming

E-Learning

▪ ThinkHR eLearning Platform

- Bloodborne Pathogen Awareness*
- Sexual Harassment Prevention - Title VII*
- Slips, Trips, and Falls*
- Hand and Power Tool Safety*
- Back Safety and Injury Prevention*
- Ladder Safety*
- Defensive Driving Fundamentals*
- Hazard Communication: An Employee's Right to Know
- Personal Protective Equipment*IT Security for End Users: IT Security Fundamentals
- *Also available in Spanish

▪ Vector Solutions

- Twenty-two microlearning courses cover key topics that staff need to be trained on in order to be aware of the predator behaviors that child abusers use to groom their victims

▪ HIPAA/FERPA

▪ Safely Cleaning & Disinfecting Facilities

On the Horizon

- Restraint and Seclusion
- Armed Security Personnel/ School Violence
- Mandatory reporting system
- Criminal Offender Employment exclusion

Removal of Qualified Immunity

- Oxford High school shooting –Oxford township, Michigan
November 30
 - Four students were killed and seven people were injured, including a teacher
 - Arrested and charged 15-year-old sophomore Ethan Crumbley as an adult for 24 crimes, including murder and terrorism
- Now the interesting part
 - New filing by survivors of shooting for \$100 million
 - Superintendent, Principal and others accused of gross negligence, intentional infliction of emotional distress and failing to prevent the massacre
 - Accuses the defendants of making students less safe through their actions
 - Causing students to be in direct harm and acting in a manner that was so reckless as to demonstrate a substantial lack of concern
- Will claim qualified immunity - No longer available in NM
 - must show that a public official violated "clearly established law"

So...Need Training or Have Questions?

Risk Management/ Loss Prevention
Consulting and Training
Julie Garcia at 505-797-1354

Questions on Coverage or New Facility
Poms and Associates – Calif
Justin Perkins at 818-449-9300

CCMSI NMPSIA Claims Adjuster/Manager
505-837-8700