

# COVID-19 BROKER FAQ

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**Q: Does CM Regent have a formal response to dealing with the novel coronavirus from a coverage standpoint, addressing what districts should and should not be doing at this time?**

**A:** We always encourage our insureds to follow all CDC, state, federal and local guidelines wherever possible. We have plenty of resources on our website at [www.cmregent.com/coronavirus/](http://www.cmregent.com/coronavirus/), including a sample COVID-19 School Sports Waiver. The waiver is a resource they can use, but we are not requiring them to use it as a condition of their policy.

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**Q: The governor/Department of Health released a "Level of Community Transmission Table." This is a decision-making matrix related to coronavirus. It contains recommendations as to what school officials should do if the number of cases per county changes from low to moderate or severe status. School officials are required to make decisions regarding the learning model (in-person, blended or full remote) based on the classification of their county (low, moderate, severe). Does School Leaders Liability insurance provide for defense or settlement coverage for the school administrators and JOC if they are sued for their decision on a learning model?**

**A:** As long as the decisions are based on CDC and local guidance, the normal defense coverages and exclusions under the policy would apply. For example, they shouldn't opt for full in-person if the table shows substantial transmissions.

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**Q: Considering all the changes in recommendations and the federal court ruling on gatherings, are there any coverage concerns if schools allow more than 250 spectators at outdoor events??**

**A:** We understand the recommendations from PA government and PDE are changing. Please refer to the [analysis on operating in violation of Governor's Orders](#).

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**Q: The insured is proposing to put up signage around sporting event entrances announcing that spectators enter at their own risk. Do you have a comment on the signage in lieu of individual spectator waivers? Would you be able to provide a sample spectator waiver form or specific language you would want included in the form?**

**A:** The signage is a great idea. We do not have a template waiver for spectators to recommend, as we are not sure of their viability currently. Spectators are in a different position than the athletes. If that changes, we will send out an update.

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**Q: There is an athletics activities exclusion under General Liability for medical payments, which states that we will not cover any payments for bodily injury (including disease) "to a person injured while practicing, instructing or participating in any physical exercises or games, sports, or athletic contests." This excludes medical payments from coverage, but would other damages (pain and suffering) still be covered?**

**A:** The Coverage C – Medical Payments coverage exclusion, e. Athletics Activities, does not bar a claim submitted under Coverage A – Bodily Injury, which has its own separate exclusions, and does not include an athletics activities exclusion. Coverage A and Coverage C are two separate coverages found under Section I – Coverages. Pain and suffering, as well as medical expenses, could potentially be covered under Coverage A, subject to review and any applicable exclusions and limitations, depending on the circumstances.



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**Q: The Department of Education has recommended all schools in our county go to virtual learning due to many COVID-19 cases in the county. Our IU provides services that will require meeting in person with students during this time. Are we exposing ourselves to possible liability and if so, are we covered?**

**A:** We understand that even in a virtual environment, some services must still be performed in person. We recommend continuing to follow CDC and local guidelines for safety measures to the fullest extent possible. The coverage analysis would not be impacted by performance of required services.

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**Q: Are there any liability issues we need to be aware of with our policy if we have special education assistants or teachers providing services in the homes of students?**

**A:** Some liability issues to consider if a school sends special education providers into students' homes (this list is not exhaustive):

1. WC is transportable and follows the employee throughout the state, providing the employee is performing work duties on behalf of the employer.
2. Owned autos – no change in coverage. Employees using personal autos have their personal auto insurance coverage as primary auto coverage, with our commercial auto liability coverage as excess. We do offer limited auto deductible reimbursement, which will pay up to \$1,000 that applies to the comprehensive or collision coverage on a personal auto being used by an employee in connection with school operations (see auto policy CMCA 88 05 02 19 for coverage provisions). Our business auto coverage includes employees as insureds CA 99 33 10 13.
3. Generally, property coverage only includes the designated premises, i.e., the school. However, we do offer some off-premises property coverages, subject to the corresponding property deductibles.
4. Commercial General Liability is also transportable and follows the school operations, with all policy coverages, conditions, provisions and exclusion applying. Keep in mind there is a very specific exclusion related to trampolines, so avoid those.

We strongly recommend consulting with your solicitor to ensure your training for sexual molestation and abuse is sufficiently robust and as up to date as possible. Strengthening abuse education and training is always extremely important with in-home operations. Using multiple employees during in-home operations is a best practice for sexual abuse risk management and prevention.

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**Q: What should we do if we feel we have a potential claim related to COVID-19?**

**A:** We encourage our insureds to submit a claim in the event of an incident, so that our claims team can conduct a full review of the facts and circumstances in light of all coverages and exclusions which may apply under the policy.

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**Q: Do you have any guidance regarding the Universal Face Coverings Order?**

**A:** Please visit the Pennsylvania Department of Health website for more information and additional answers to FAQs about the Universal Face Coverings Order.

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**Q: We are planning to offer day care services to our teachers and staff who may need to bring their children into the school because their home district is fully virtual. What should we do?**

**A:** Please complete this [questionnaire](#) and we will contact you.



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