



## Director of Claims Joins SELF Staff



Schools Excess Liability Fund is pleased to announce the addition of Jimmy Rowe to the staff June 23 as Director of Claims. He will be responsible for providing leadership in SELF's claims operations—managing the tail of the Excess Workers' Compensation Program and ultimately assuming the ongoing claims operations of the Excess Liability Program.

"We are extremely happy to have Jimmy join the SELF management team to maintain the high level of service, expertise and claims management that has been the hallmark

of the Excess Workers' Compensation Program under the guidance of Stephen Schempp during the last nine years," said SELF Chief Executive Officer Eric Lucas. "The SELF Board of Directors is committed to providing its membership with responsive, proactive and diligent management in all aspects of its claim operations and bringing Jimmy aboard furthers that goal."

Jimmy fills the vacancy left by Workers' Compensation claims veteran Stephen Schempp who retired from his position as Director of Workers' Compensation Claims in December of 2013.

He comes to SELF with a decade of experience in handling and managing workers' compensation claims in California, for clients that included public schools and community colleges. He specialized in handling large case loads and most recently worked with Gallagher Basset as a contract Senior Caseload Manager. Prior to that, he held the position of Western Regional Unit Manager for The Hanover Insurance, based in Roseville.

A native Californian, Jimmy received his bachelor's degree from California State University Fullerton, and holds a California State Self-Insured License.

He currently resides in Folsom with his wife, two young daughters and their golden retriever.

Jimmy is excited to begin working with the SELF membership and said he looks forward to maintaining the strong professional partnerships that Stephen cultivated during his tenure with the JPA.

## Surge in Members Participating in SELF's OEL Coverage

SELF has seen a dramatic increase in the number of members seeking to participate in the Optional Excess Liability offering during the last several months.

Following an in-depth look at jury verdicts and settlement over the last few years, the SELF Board voted to increase the core program limit from \$25 million to \$30

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### Conferences & Events

#### SEPTEMBER

##### CAJPA Conference

September 16-19, South Lake Tahoe

##### Effective Strategies for Strengthening Your LCAP, School Safety & Climate Webinar

Presented by: Community Matters  
September 30, 11 a.m.

#### OCTOBER

##### Good Schools Webinar

October 21, 1:30 p.m.

October 31, 10 a.m.

Topic: Liability Issues with Volunteers

##### ACBO Fall Conference

October 26-29, Temecula

#### NOVEMBER

##### ACSA Leadership Summit

November 6-8, San Diego

### About Us

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### Our Mission

SELF is a member-owned, statewide partnership of public educational agencies providing quality pooled programs for excess coverage that benefit our students.

### By the Numbers

SELF is the leading statewide excess liability provider for California's public schools and colleges, serving nearly 3 million students.

### SELF Awareness

Comments should be sent to the above address or [info@selfjpa.org](mailto:info@selfjpa.org).

### Board

Area II	Adam Hillman
Area III	Richard Hare
Area V	Cathy Reineke Dave George
Area VI	Nancy Anderson Diane Crosier Tony Nahale Eva Lueck Toan Nguyen Karla Rhay

### Community Colleges

Michael Gregoryk, John Didion,  
Teresa Scott, Kevin McElroy

## A Message from Eric Lucas



The headlines from recent stories that affect school districts have been alarming. From the bus crash on I-5, that likely will result in multiple, large dollar settlements to the recent Moraga School District sex abuse settlements, it has become quite apparent that school districts in

California must remain vigilant in handling their risk exposures.

If the risk is similar to the set of facts in the transportation incident cited above, securing appropriate defense and indemnity language in the transportation contract; securing high limits from the transportation vendor; and being designated as a “Named Insured” on that vendor’s liability policy are but a few of the basic principles to adhere to and make sure you “check off” your risk management to do list when dealing with such an exposure.

In the media every week we read of or hear of cases similar to the \$14 million Moraga SD headline. While the initial reaction certainly should be one of empathy for the victims, a district must also consider whether their own policies and procedures regarding training, reporting, etc. are up to date; being applied via training and adhered to by all district employees.

Certainly, these types of stories reflect a lack of adherence to in-place policy(ies); the possible lack of, or lax oversight of an employee; the failure to take a parent’s complaint with the appropriate tone of seriousness and concern, and then the possible failure to follow up appropriately on a complaint.

With thousands of students going through California schools each year, the events discussed here are few and far between in occurrence. However, when these events do occur, they do make the headlines. As a result, these experiences should serve as a wakeup call to make sure all risk professionals are tuned into what is happening today and prevent the mindset of “this would never happen to my district.”

*(continued from page 1)*

million for the 2014/2015 program year, and restructure the Optional Excess Liability coverage to a single offering of \$25 million in additional limits beyond the \$30 million ground up, for a total of \$55 million in limits.

The increase to the core limit came at no additional cost to the membership and the optional limits came at the record low rate of \$1.00 per ADA for K-12 members and just \$0.71 per FTES for community colleges. Other types of members and those with ADA below 160 are charged a flat fee.

The low rate in combination with the recent high-profile bus crashes in national and local news as well as an educational push by SELF staff on the value of the additional limits are likely responsible for the increase in participation in the optional layer.

More than half of SELF’s ADA is now taking the optional limits, which can be added at any time of the year.

You must be a member of SELF’s Excess Liability Program to participate in the higher limit offering. For more information, visit our website or contact Director of Communications & Member Services Lois Gormley at [lois@selfjpa.org](mailto:lois@selfjpa.org).

## Legislative Update

SELF has taken active measures to either support or oppose the following bills, including but not limited to visits with key legislative stakeholders, letter writing and joining coalitions to support or oppose a bill. These positions are being communicated to members of the Legislature as bills work their way through the legislative process.



### BILL POSITIONS

#### Oppose

##### SB 924 (Beall)

**Amended:** 6/11/2014

**Title:** Damages: Child Sexual Abuse: Statute of Limitations

**Status:** Assembly Appropriations Committee

**Summary:** As amended on June 11, this bill established two separate statutes of limitations for an action for recovery of damages suffered as a result of childhood sexual abuse. An action for recovery of damages suffered as a result of abuse occurring prior to January 1, 2015, would be subject to provisions of existing law. An action involving abuse occurring on or after January 1, 2015 would be required to be

commenced within 22 years of the date the plaintiff attains the age of majority, or within three years of the date the plaintiff discovers or reasonably should have discovered that psychological injury or illness occurring after the age of majority was caused by the sexual abuse, whichever period expires later. This bill applies to private and public entities, including schools.

## Support

### AB 2217 (Melendez)

**Amended:** 5/6/2014

**Title:** Pupil and Personnel Health: Automated External Defibrillators

**Status:** Senate Education Committee

**Summary:** As amended on May 6, 2014, this bill would “encourage” all public schools to acquire and maintain at least one automatic external defibrillator (AED). The bill would authorize a public school to solicit and receive non-state funds to acquire and maintain an AED. The bill would provide that the school district and employees of the school district are not liable for civil damages resulting from certain uses, attempted uses, or non-uses of an AED. The bill would provide that a public school or school district that complies with certain requirements related to an AED is not liable for any civil damages resulting from any act or omission in the rendering of the emergency care or treatment.

## KMTG Legal Alert

### Prop. 42 Passes: State Not Required To Pay Local Agencies For Brown Act and Public Records Act Compliance



The California Constitution provides that whenever the State mandates a new program on local governments, the State must reimburse local governments for their increased costs. On June 3, 2014, voters approved Proposition 42, amending the California Constitution to eliminate the obligations of the State to reimburse local governments for costs incurred as a result of the mandates imposed by the Brown Act and Public Records Act.

## Background

In 1979, voters approved Proposition 4, the “Spirit of Proposition 13” initiative. Proposition 4 amended the California Constitution, requiring the State to provide reimbursement to local governments for state-imposed mandates. However, in the early 2000s the State began deferring reimbursements to local governments and by 2004, the State owed local governments roughly \$1 billion.

In 2004, voters approved Proposition 1A, which authorized the suspension of reimbursements during a budget crisis and also permitted that State to establish a payment plan for what the State already owed. Pursuant to Proposition 1A, the Legislature established a 5-year payment plan for pre-2004 mandates. And in his May Revision, the Governor recently proposed allocating \$100 million in the 2014-15 Budget to pay for pre-2004 mandate claims. The State has no plan to pay for post-2004 mandates.

During the two most recent budget years, the Legislature used its Proposition 1A authority to suspend reimbursement provisions of the Brown Act and the Public Records Act. Since the California Constitution requires that the cost of State mandates be reimbursed by the State, the suspension of these provisions had the effect of rendering unenforceable certain portions of the Brown Act and Public Records Act.

Responding to the possibility that some local governments may no longer follow portions of the Public Records Act and Brown Act if the Legislature again suspended reimbursement, the Legislature placed Proposition 42 on the June 3 ballot. Proposition 42 amends the California Constitution, and enshrines the rights and obligations conferred by the Public Records Act and Brown Act. More importantly to local governments, Proposition 42 amends the Constitution so that the State need not provide reimbursement for costs imposed by the Public Records Act and Brown Act. Proposition 42 also provides that the State need not provide reimbursement for mandates imposed by future amendments to either act, or their successor acts.

## What This Means To You

For over a decade, local governments in California have not been able to depend on the State to provide reimbursement for State mandates related to the Brown Act and Public Records Act. Proposition 42 removes the constitutional requirement to provide for such reimbursement for the Public Records Act and Brown Act. Moving forward, local governments may receive reimbursement for unpaid pre-2004 claims, but reimbursement for post-2004 claims appears unlikely.

## Questions

If you have any questions concerning this Legal Alert, please contact the following KMTG attorneys, or the attorney with whom you normally consult.

**Jeffrey A. Mitchell, Mona G. Ebrahimi, Maggie W. Stern or  
Anthony D. Bento | 916.321.4500**

## Board Dedicates SELF Conference Room in Honor of Retiring Member

The SELF Board of Directors dedicated its conference room in honor of retired Board Member Lynn April Hartline, honoring the former Orange County Deputy Superintendent for 27 years of service to the SELF organization.

At an early morning reception, prior to the April Board meeting, SELF Board and staff gathered for the dedication ceremony and to recognize the contributions that Lynn April made to SELF during her tenure; most notably, her role as the JPAs longest serving Board Chair from 1993 to 2001.

Lynn April served on the Board from SELF’s inception in 1986 as a representative of Area VI. She held a position on SELF’s Executive Committee for 25 of her 27 years and also served on the Finance Committee during that time.

She retired from the Orange County Department of Education in September 2013 and subsequently resigned her position on the SELF Board.

Because of her lengthy service and invaluable contributions, the Board felt the dedication of the conference room would be a fitting tribute.



*Pictured: John Didion, Board Chair, and Lynn April Hartline*

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