



California Schools JPASM

RISK MANAGEMENT | EMPLOYEE BENEFITS

VIDEO-CONFERENCING MEETING:

PURSUANT TO: EXECUTIVE
ORDERS: N-08-21: N-15-21:
N-29-20 and AB 361

ZOOM LOG-IN LINK:

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In-Person Meeting Location:

California Schools JPA
Conference Center, Suite 102
1950 S. Sunwest Lane
San Bernardino, CA 92408

CALIFORNIA SCHOOLS RISK MANAGEMENT EXECUTIVE COMMITTEE MINUTES

WEDNESDAY, SEPTEMBER 28, 2022 - 9:00 A.M.

COMMITTEE MEMBERS PRESENT:

Deanna Dibble, President
Sharon Flores, Vice President
Lisa Bailey, Secretary
Lori Isom, Member
Shauna Warnock, Member
Robert Chacon, Member
Beiwei Tu, Alternate

Barstow Unified School District
Morongo Unified School District
Chaffey Community College District
Central School District
Hesperia Unified School District
Snowline Joint Unified School District
Riverside Community College District

COMMITTEE MEMBERS ABSENT:

Jeff Haynes, Member
Joseph Sanchez, Member

San Bernardino City Unified School District
San Bernardino County Superintendent of Schools

OTHERS:

Javier Gonzales
Teresa Saenz
Omar Palmerin
Kimberly Escandon
Melissa Hernandez
Yolanda Comer
Kandy Delgado
Sofia Alba
Julie Leggin
Felipe Garcia
Daniel Rodriguez
Ed Lee
Terri Douglas
Sherri Williams

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Robert Feldhake	JPA Counsel
Kerry Castillo	Rim of the World Unified School District
Monica Esqueda	Riverside Community College District
Ajay Mohindra	Victor Elementary School District
Jennifer Sharp	Victor Elementary School District
Angela Hatley	Alliant Risk Services
David Mudgway	Alliant Risk Services
Lillian Vanvieldt	Alliant Risk Services
Diane Allen	Carl Warren & Company
Neil Butterbaugh	Carl Warren & Company
Jeff Peters	Carl Warren & Company
Stephanie Millhollon	Sedgwick
Misael Peraza	Sedgwick
Delina Gonzaga	Tristar
Rob Fautt-Hoo	Tristar
Brook Jimenez	AALRR
Dina Harris	AALRR

1.0 **CALL TO ORDER**

President Dibble called the meeting to order at 9:05 a.m. after a confirmation of a quorum present.

1.1 APPROVE AGENDA FOR THE EXECUTIVE COMMITTEE MEETING OF SEPTEMBER 28, 2022

President Dibble called for a motion to approve the agenda for September 28, 2022, as presented. Board Secretary Teresa Saenz shared that there's an edit to the recommended motion of Item 6.2 and a correction to Item 7.3, there's currently no CSRM Treasurer as listed on the Finance Report.

Motion: Lori Isom - Second: Lisa Bailey

Ayes: Deanna Dibble, Sharon Flores, Lisa Bailey, Lori Isom, Shauna Warnock, Beiwei Tu
Nays: None

Abstentions: None

Motion carried by a unanimous vote of the CSRM Executive Committee.

2.0 **PUBLIC COMMENTS**

President Dibble asked if there were any public comments for today's meeting, there were none.

3.0 **CONSENT CALENDAR**

3.1 APPROVAL OF AUGUST 31, 2022, EXECUTIVE COMMITTEE MEETING MINUTES

3.2 APPROVAL AB361 BROWN ACT BOARD CERTIFICATION

President Dibble called for a motion to approve all items listed 3.0 Consent Calendar as presented.



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Motion: Lisa Bailey - Second: Shauna Warnock

Ayes: Deanna Dibble, Sharon Flores, Lisa Bailey, Lori Isom, Shauna Warnock, Beiwei Tu

Nays: None

Abstentions: None

Motion carried by a unanimous vote of the CSRM Executive Committee.

4.0 CHIEF EXECUTIVE OFFICER AND COMMITTEE REPORTS

4.1 CHIEF EXECUTIVE OFFICER'S REPORT

CEO Gonzales provided a brief report of the current JPA business. He opened his report by going over the current CSRM mission statement and its importance to the success of the organization.

CEO Gonzales recognized members of the CSRM Executive Committee and CSRM staff for their commitment to the JPA organization and its members by serving on subcommittees and the Executive Committee. A member-driven organization relies on the participation of our membership. A directive from the Executive Committee was given to make the dashboard from third-party administrators available for access to our members. These dashboards will go live at the beginning of October 2022, and the JPA has already heard from 12 member districts that they will be utilizing these services. The JPA will continue to reach out to the remaining member districts to get every district on board and using the dashboards.

Regarding JPA staffing, Kennedy Vu the new Senior Risk Manager will start on Monday, October 3, 2022. The JPA will be holding interviews for the Multi-Media Designer on October 4, 2022. We are currently working with the administrative agent on the JPA Communications Manager position. This item will be discussed during today's meeting. CEO Gonzales shared that he and CFO Yolanda Comer have been making in-person visits to district members to discuss services and what more the JPA can do to help them with the JPA's products and resources.

An update on the CSJPA annual conference was provided and included registration, the agenda schedule, and an update on the conference advisory group and their purpose of the meeting. The ACBO conference will be taking place on October 24-26, 2022, and members of CSRM will be in attendance. In addition, JPA staff and members attended the CAJPA conference in South Lake Tahoe from September 13-16, 2022, and he reviewed the itinerary from the conference.

Lastly, he shared the recent communications sent out to all JPA members and reviewed The Learning Institute's trainings that have taken place since July 2022.

4.2 COMMUNITY COLLEGE FOCUS GROUP

Julie Leggin reported on the newly formed Community College Focus Group. CSRM has reaffirmed its commitment to our community college members. CSRM has established a



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community college focus group that aims to deliver services and address needs specific to the group.

The focus group last met on September 7, 2022, and shared an overview of the items discussed:

- Training updated for Community College District members
- Trending issues
- Vector Solution - EverFi Training Platform-trending courses
- The 2022 ACBO Fall conference will take place October 24-26, 2022, in Indian Wells, California.

4.3 GOVERNANCE AND OPERATIONS REPORT

Julie Leggin reported on behalf of the Governance and Operation Committee. The committee last met on September 22, 2022, and voted to amend the CSRM MOC, specifically reporting Childhood Sexual Assault Claims. This is an action item under section 6.2 on the current agenda. The next governance and operations committee meeting is scheduled for January 18, 2023.

Robert Chacon logged onto the meeting at 9:25 a.m.

5.0 EMERGING TRENDS/EDUCATION

5.1 TITLE IX UPDATE AND TRENDS

Brook Jimenez and Dina Harris from AALRR presented the new Title IX Regulations on Sexual Harassment and Misconduct for employers and education entities. Updated language on Title IX regulations regarding actual knowledge has an obligation to report anything when suspected. Sexual Harassment means to conduct on the bias of sex under one or more of the following definitions: Quid Pro Quo Harassment (only toward employees), Hostile Environment Sexual Harassment, so severe, pervasive, and objectively offensive behavior. In addition, conduct on the bias of sex under one of the following: Other Sexual Acts.

Members should be strong Title IX members of a team: Coordinator, investigator, decision maker, appeal officer, and informal resolution process facilitators.

Brook Jimenez from AALRR presented Lessons Learned since 2020, including that all districts must comply with Title IX. Districts are struggling with identifying Title IX activities; substantial control over both the Respondent and the context in which the sexual harassment occurs. It includes off-campus events when it's an activity where the education institution has control of the participation.

Defining Complainant and Respondent through Title IX cover all persons in addition to Title VII and FEHA (Fair Employment and Housing Act). Emails fall under Title IX, specifically



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if they are school district-provided email addresses. This is where a Title IX Coordinator would investigate and decide if the situation falls under Title IX.

Brook and Dina went into detail during their presentation on the following legal definitions:

- Sexual Harassment Defined
- Response to Sexual Harassment

Additional information and definitions:

- Who would be the members of the Title IX Team
- Recognizing Title IX
- Education Program or Activity
- Defining Complainant and Respondent
- Recognizing Title IX
- Failing to Implement Preliminary Measures
- When to make a CPS report
- Mandated Reporting and Overlapping with Title IX
- Preliminary Measures:
- Removal of Respondent
- Supportive Measures
- Inappropriate Admonishments
- Not coordinating with other departments
- Improper handling of evidence
- “To Do” List
- What You Should Know
- List of Possible Title IX Scenarios

Brook and Dina took questions from the members of the Executive Committee on the presentation and information shared. There was a request to share the presentation with members of the Executive Committee after today’s meeting.

6.0 DISCUSSION/ACTION

6.1 APPROVE THE CHANGE TO THE CSRM MOC FOR DRONE COVERAGE

Julie Leggin presented on the change to the CSRM MOC for Drone Coverage and the exclusions.

Lisa Bailey asked if off-campus site drone trainings through the member district be covered. The response was yes, the JPA has added the exact language per the PRISM coverage.

Robert Chacon asked if anything in the language is there that exempts school districts from needing a license to operate a drone. Robert Feldhake provided a response that this is mainly for coverage and not expanded to commercial coverage. The coverage is for



educational purposes that expand to off-site locations for additional instruction (apprenticeship or intern programs as local airports). Beiwei Tu had a question on instructional coverage definition for use during educational ceremonies such as graduations with relation to the use by campus law enforcement.

After extensive discussion, the members of the Executive Committee agreed that the language for the vote is to merge the 2 exclusions and be applicable to all covered parties.

The Executive Committee will approve the language as presented and to work with JPA staff to merge the language and bring back as a single provision.

Lori Isom logged off the meeting at 10:30 a.m.

President Dibble called for a motion to approve the amended CSRM MOC for Drone Coverage and to add the following language under Section 7, Item # 1.E.3 that this exclusion does not apply to liability arising out of the ownership, operation, use, maintenance or entrustment to others of any Unmanned Aerial Vehicle (UAV) that is owned or operated by or on behalf of or rented to, or loaned by, any coverage party.” The motion also includes the added caveat that Item #'s 1.E.2 and 1.E.3 are regularly revisited by CSRM staff to see if there's a way to merge the two into one and bring them back for a new review and consideration.

Motion: Robert Chacon - Shauna Warnock

Ayes: Deanna Dibble, Sharon Flores, Lisa Bailey, Shauna Warnock, Robert Chacon, Beiwei Tu

Nays: None

Abstentions: None

Motion carried by a unanimous vote of the CSRM Executive Committee.

6.2 APPROVE THE CHANGE TO THE CSRM MOC FOR CSA REPORTING PARTY

Daniel Rodriguez presented that Effective July 1, 2020, the CSRM Liability program changed from **Occurrence** to **Claims-Made** for CSA claims. The current MOC indicates that the Reporting Party must report all CSA claims within 60 days of becoming aware of any allegation, arrest, investigation, disciplinary action, or any matter requiring reporting to the California Commission on Teacher Credentialing per the California Education Code. It defines the Reporting Party for CSA claims as “The **Covered Participant** and the designee assigned by **Covered Participant's Board...**”

For clarity and to limit exposure for late reporting, staff recommended to the Governance and Operations Committee to amend the Liability MOC to include the “Superintendent, Chief Business Officer, Risk Manager, or designee(s) of the Governing Board of the Named Covered Party” as Reporting Parties.



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On September 22, 2022, the Governance and Operations Committee voted to approve the amendment to the MOC.

There was significant discussion as to what members of the district, community college senior leadership, or cabinet-level members should be notified of when an occurrence of claims made takes place. A member of the Executive Committee asked if the Human Resource should be included in the language versus “other designee” There was a request to amend the recommended motion to add Senior Human Resource Officer to the language “and other designees.”

President Dibble called for a motion to approve the amendments to the CSRM MOC for CSA Reporting party to include the superintendent, chancellor, chief business officer, risk manager and other designees of the governing board of the name-covered party as reporting parties and amend the amendment to include the senior human resources officer.

Motion: Shauna Warnock - Sharon Flores

Ayes: Deanna Dibble, Sharon Flores, Lisa Bailey, Shauna Warnock, Robert Chacon, Beiwei Tu

Nays: None

Abstentions: None

Motion carried by a unanimous vote of the CSRM Executive Committee.

President Dibble called for a short meeting recess at 10:42 a.m.

President Dibble called for the meeting to resume at 10:53 a.m.

7.0 INFORMATION/DISCUSSION

7.1 SENIOR COMMUNICATION SPECIALIST UPDATE

CEO Gonzales updated the Executive Committee on the JPA Communication Manager position status. The SBCSS Human Resource department reviewed the JPA Communication Manager position and determined that the current duties and responsibilities fall within a separate job classification related to a Senior Communication Specialist.

The Senior Communication Specialist position accurately aligns with the essential job functions and requirements required by CSRM and CSEBA JPAs. Salary savings of \$4k annually from JPA Communication Manager to Senior Communication Specialist.

7.2 CSRM UNAUDITED ACTUALS FOR FISCAL YEAR 2021-2022

Yolanda Comer, Chief Financial Officer, presented the unaudited actuals for 2021-2022 and shown with past years for comparison.

The CSRM JPA is required to perform an independent annual audit of its financial records as codified in California Government Code section 6500. CSRM has contracted with a



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CPA firm, Clifton, Larson & Allen, LLP, to perform the audit. The final audited actuals will be presented at the December 2022 Board of Directors meeting by a member of the CPA audit team assigned to the JPA.

7.3 CSRM INVESTMENT REPORT

Yolanda Comer, Chief Financial Officer, reported on the activities of the financial office. Finance continues to work with member districts on the day-to-day transactional accounting of the various programs. This daily transactional accounting includes tracking enrollment participation for each program and processing accounts payable and accounts receivable transactions. In addition, Finance tracks the organization's cash flow needs to meet the financial obligations of the CSRM programs.

The California Schools Risk Management JPA assets are maintained in the San Bernardino County Treasury and in the Local Agency Investment Fund (LAIF) in Sacramento, which the State Treasurer's Office administers.

San Bernardino County's investment pool consists of property tax dollars and local government agency funds. Together, they constitute the treasury for all the County's school districts, community college districts, and many special districts. The Treasurer is responsible for holding and safely investing the pooled funds for the County and over 200 local agencies depositing funds into the pool.

Expert management and conservative policies have earned the County's \$10+ billion investment pool AAf/S1 ratings from an independent credit-rating firm, Fitch Ratings, achieving the highest possible rating for an investment pool of this type.

8.0 EXECUTIVE COMMITTEE COMMUNICATIONS

8.1 PROPOSED FUTURE AGENDA ITEMS

8.1.1 DEVELOP MARKETING PLAN HIGHLIGHTING PROGRAMS/SERVICES TO RETAIN AND ATTRACT NEW DISTRICTS

8.1.2 THE LEARNING INSTITUTE TRAINING UPDATE

8.2 EXECUTIVE COMMITTEE/SERVICE PROVIDER/PARTNER COMMENTS

President Dibble reviewed the proposed future agenda items and asked if there were any suggestions for future agenda items from members of the Executive Committee; there were none.

9.0 COMMUNICATIONS

9.1 TLI 2022-2023 TRAINING SCHEDULE

President Dibble shared the information could be found in the packet and asked if there were any questions; there were none.

10.0 FUTURE MEETINGS OF THE EXECUTIVE COMMITTEE

10.1 FUTURE JPA EXECUTIVE COMMITTEE MEETINGS AND EVENTS



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10.2 FUTURE JPA AD HOC, COMMITTEE OR FOCUS GROUPS

10.3 NON JPA CONFERENCES AND EVENTS

President Dibble shared the information could be found in the packet and asked if there were any questions, there were none.

11.0. ADJOURNMENT TO CLOSED

President Dibble called for a motion to move the CSRM Executive Committee meeting into closed session at 11:07 a.m.

Motion: Shauna Warnock - Second: Robert Chacon

Ayes: Deanna Dibble, Sharon Flores, Lisa Bailey, Shauna Warnock, Robert Chacon, Beiwei Tu

Nays: None

Abstentions: None

Motion carried by a unanimous vote of the CSRM Executive Committee.

The order of the Closed Session items was moved to accommodate the schedule of those individuals presenting.

11.3 FILE NUMBER 2009087DA – LOMAS VS RIVERSIDE COMMUNITY COLLEGE DISTRICT

President Dibble called for a motion to approve the recommendation for Item 11.3 as presented.

Motion: Lisa Bailey - Second: Beiwei Tu

Ayes: Deanna Dibble, Sharon Flores, Lisa Bailey, Shauna Warnock, Robert Chacon, Beiwei Tu

Nays: None

Abstentions: None

Motion carried by a unanimous vote of the CSRM Executive Committee.

11.2 FILE NUMBER 3016136DA – PADGET VS PLACENTIA YORBA LINDA UNIFIED SCHOOL DISTRICT

President Dibble called for a motion to approve the recommendation for Item 11.2 as presented.

Motion: Shauna Warnock - Second: Sharon Flores

Ayes: Deanna Dibble, Sharon Flores, Lisa Bailey, Shauna Warnock, Robert Chacon, Beiwei Tu

Nays: None

Abstentions: None

Motion carried by a unanimous vote of the CSRM Executive Committee.

President Deanna Dibble logged off the meeting at 12:30 p.m. and Vice President Sharon Flores took the lead for the remainder of the meeting.



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- 11.1 FILE NUMBER 1981165JP – GEIGER V HESPERIA UNIFIED SCHOOL DISTRICT
Vice President Flores called for a motion to approve the recommendation for Item 11.1 as presented.

Motion: Lisa Bailey - Second: Robert Chacon

Ayes: Sharon Flores, Lisa Bailey, Shauna Warnock, Robert Chacon, Beiwei Tu

Nays: None

Abstentions: None

Motion carried by a unanimous vote of the CSRM Executive Committee.

Vice President Flores called for a motion for the CSRM Executive Committee meeting move out of closed session at 12:45 p.m.

Motion: Shauna Warnock - Second: Lisa Bailey

Ayes: Sharon Flores, Lisa Bailey, Shauna Warnock, Robert Chacon, Beiwei Tu

Nays: None

Abstentions: None

Motion carried by a unanimous vote of the CSRM Executive Committee.

Vice President Flores reported that action was taken by the CSRM Executive Committee on Closed Session Items 11.1, 11.2, and 11.3, as presented.

12.0 **ADJOURNMENT**

Vice President Flores called for a motion to adjourn the September 28, 2022, Executive Committee meeting at 12:48 p.m.

Motion: Shauna Warnock - Second: Lisa Bailey

Ayes: Sharon Flores, Lisa Bailey, Shauna Warnock, Robert Chacon, Beiwei Tu

Nays: None

Abstentions: None

Motion carried by a unanimous vote of the CSRM Executive Committee.

Public Record Inspection Location

1950 S. Sunwest Lane, Suite 100
San Bernardino, CA 92408