

## **NYS PTA Guidance on Insurance, Events and COVID-19**

PTA leaders and members are taking extraordinary measures to support children, families and educators during these challenging times. This guidance attempts to help you make certain decisions, while explaining your insurance coverages during the pandemic.

### **Best Practices: Social Distance and Masks to Stay Safe**

During these months, you are NOT required to have in-person meetings. You MAY still meet virtually for the foreseeable future, and as we re-open schools that may be the safest thing to do. You may meet in-person if you wish, so long as appropriate social distancing is met including mask wearing, and the risks for in-person meetings are accepted. As reminder, there are still gathering rules in place that prohibit large gatherings. You should discuss this decision with the officers and/or executive board of your PTA before deciding one way or the other.

If your school doesn't allow building use right now (which is common, understood, and acceptable under the circumstances), you may research other possible places for in-person meetings. If you are going to hold in-person meetings (which you are NOT required to do right now), you MUST follow all CDC, NYS Department of Health and NYS Education Department rules.

This means:

- All attendees must be masked for the entire time of the gathering, especially if you cannot be distanced at least 6 feet from anyone outside your immediate family household
- You must make ALL attempts to distance at least 6 feet during gatherings from anyone outside your immediate family household, EVEN if you are all wearing masks
- If you cannot distance at least 6 feet from anyone outside your immediate family household, you must wear a mask the entire time of the gathering, however masks are fully recommended even when you can distance
- Masks themselves (either cloth, self-cut, or medical versions) are most advisable, they should cover BOTH the nose and mouth fully
- Face shields and neck gaiters may not be as reliable as a traditional mask in prevention of COVID-19 transmission
- Limit inter-personal contact before, during, and after the meeting, and have hand sanitizer available for all attendees
- Where possible, meet outside in fresh air

Suggestions for in-person meetings:

- Outside at local parks
- Outside on the school lawn (if allowed by your school)
- Outside in public community spaces
- At local halls or gathering spaces

Please be mindful that NYS still has gathering bans in effect. This means that any gathering or meeting must remain under 50 people (including adults and all children in attendance). If you must meet, try to meet in smaller groups to reduce density.

Please read these Department of Health Guidelines which apply to schools before making your decision on whether or not to hold an in-person meeting; you should follow these guidelines where possible and practicable: [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Pre-K to Grade 12 Schools MasterGuidance.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Pre-K_to_Grade_12_Schools_MasterGuidance.pdf)

You should also refer to, and follow, this CDC guidance for events and gatherings: <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html>

The State Education Department has extremely comprehensive guidance for schools (145 pages) which you should be aware of as well: <http://www.nysed.gov/common/nysed/files/programs/reopening-schools/nys-p12-school-reopening-guidance.pdf>

### **Insurance Coverage**

As you are aware, AIM is our insurance company and is a great partner who supports our units throughout NYS.

After detailed conversations, we want to share the following:

Communicable diseases are excluded from the AIM Insurance Policies, and this exclusion is standard to insurance policies.

AIM does not discourage in-person events. However, they strongly advise adhering to local and state guidelines to avoid negligence. Such guidelines are included above in the text and links.

To reduce liability risk, events and gatherings should follow all appropriate guidelines.

For any event which may require removing masks (like eating), or for events where social distancing isn't practical, the unit should be aware that this activity is more high risk in terms of liability. There is less liability associated with events where masks are enforced from beginning to end and social distancing is feasible.

### **Could the PTA be liable if someone contracts COVID-19 at a PTA event?**

Yes. From a liability standpoint, PTA's must follow state and local guidelines with respect to mask wearing and social distancing. COVID-19 can be contracted practically anywhere.

If the PTA exhibited gross negligence by disregarding proper guidelines as set forth by local or state government, or knowingly exposing someone, it would be much easier to hold the unit liable.

If your unit is sued for a COVID-19 related issue, insurance will NOT pay for legal representation, as there is no coverage for communicable diseases. So your unit must follow CDC and NYS guidelines.

It is also important to note that if you have in-person events, a typical injury (someone falls and breaks their arm) still falls under your insurance policy for coverage.

### **How could there be a loss if we aren't having in-person events?**

1. Crime

Whether PTA's are collecting money through virtual events or protecting funds from previous periods, there is still a huge need to protect your funds. In challenging economic times, embezzlement or theft of funds is a very significant risk.

## 2. Directors and Officers (D & O)

D & O coverage protects the decisions you make as an officer or director.

Virtual events hold the very same liability as in-person events do as officers are making no fewer decisions, and are possibly subject to even more scrutiny as we navigate a very challenging pandemic/quarantine time.

It should be noted that someone can sue the unit, officer, or director just because they disagree. In the case of frivolous lawsuits, the D & O coverage steps in to defend.

Example: PTA conducts a virtual fundraiser and officers decide to spend the money on masks for all students instead of student scholarships and a parent sues.

NYS PTA has a group D & O policy - and aside from the above reasons - there is a retroactive date (which allows claims from past policy periods just discovered to be covered) which would "reset" to a current date if the policy lapsed. This means maintaining current coverage protects you from incidents that may have occurred (pre-COVID) but have not been discovered yet.

## 3. General Liability

Having any type of event, whether in-person or virtual, creates liability. Also, your General Liability coverage includes per person coverage for accidents. For example, if a volunteer is injured preparing or conducting a virtual event, the insurance covers them. Some additional examples:

- Zoom Yoga class - There is an instructor guiding children on yoga poses. It's a PTA event and if a child hurts themselves, the PTA could be held liable. Thankfully, your insurance would step in.
- Virtual Fun Run - PTA assigns all participants a 3-mile run on their own and asks them to show proof of distance. However, they fail to notify parents or provide guidance around traffic or heat and a child is hurt. The PTA could be held liable, but your insurance covers this type of liability.

Please contact your region director here: <https://nyspta.org/home/about/contact/contacts-region-directors/> or NYS PTA at [pta.office@nyspta.org](mailto:pta.office@nyspta.org) with any questions. Know we are here to help you on this journey as NYS PTA leaders during these unusual times.