



September 2021

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

Our schools are open! Thank you to NYS PTA leaders and members, who are taking extraordinary measures to support children, families, and educators during these challenging times. This guidance is meant to assist you in making certain decisions, while explaining your insurance coverages during the pandemic.

**This guidance is based on current DOH and CDC guidance, which must be followed at all times.**

Further, you must also follow your school district/building rules and policies and any policies from outside venues you may be using for gatherings.

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

State guidance on social distancing, mask usage and vaccinations continue to change, as may your decisions regarding PTA meetings and activities. Note, health and safety guidance may change between planning your event and holding your event, so be on the lookout for future updates to this document, and to changes in CDC and DOH guidance.

During these months, while you are NOT required to have in-person meetings, you may want to consider shifting back to in-person meetings if they can be held safely when following CDC, DOH and your school district's guidance. However, you MAY still meet virtually, and may want to consider hosting hybrid meetings (both in-person and virtual).

Things to consider when making a decision to have in-person events:

- Are your members or attendees vaccinated? Certain fully vaccinated people under NYS rules can gather with other fully vaccinated people in certain settings. If people are not fully vaccinated, or have underlying health conditions, those individuals should be wearing masks at all times and remain socially distanced from others. As reminder, if you are in a school building in NYS, all must be masked pursuant to state rules.
- How will you keep vaccinated and unvaccinated children in attendance safe?
- A friendly reminder, masks are always the safest option for all attendees.
- Can you meet outside? It is safer for all people to meet outside, and in some cases, masks may not be required for outside events pursuant to CDC and DOH guidance.

- Can you find a space to socially distance? It is safer for all people to socially distance still, even if they are vaccinated.
- Try to meet in smaller groups to reduce density of attendees, especially if you are planning to meet inside.

If your school doesn't allow building use right now, you should research other possible places for in-person meetings. If you are going to hold in-person meetings, you MUST follow all CDC, NYS Department of Health and NYS Education Department rules.

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

**No matter your decision on events and gatherings, you MUST follow current DOH and CDC guidance.**

**You must also follow all of the rules your school district may have if you are having events or gatherings in their school buildings or on school grounds.**

NOTE: Your school district may require you to sign a liability waiver to host on school grounds events. If they ask to sign a waiver, please send this waiver to your region director, and they will receive guidance on your behalf from the NYS PTA Executive Director.

### **Relevant Guidance**

Current NYS DOH guidance for schools:

<https://coronavirus.health.ny.gov/system/files/documents/2021/09/school-guidance.pdf>

Current CDC guidance for small large gathering: <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html>

Current CDC guidance for fully vaccinated people: <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>

Current CDC recommendations for unvaccinated people: <https://www.cdc.gov/coronavirus/2019-ncov/your-health/about-covid-19/caring-for-children/families.html>

Highlights in the CDC gathering guidance include:

1. Risk Factors to Consider
  - a. Number of COVID-19 cases in your community and county.
  - b. Setting of the event—Indoor events, especially in places with poor ventilation, pose more risk than outdoor events.
  - c. Length of the event—Events that last longer pose more risk than shorter events.
  - d. Number and crowding of people at the event – Events with more people increase the likelihood of being exposed.
  - e. Behavior of attendees during an event—Events where people engage in behaviors such as interacting with others from outside their own household, singing, shouting, not

maintaining physical distancing, or not wearing masks consistently and correctly, can increase risk.

2. Promote Healthy Behaviors that Reduce Spread
  - a. Stay Home when appropriate - Educate event staff and attendees about when they should stay home.
  - b. Advise attendees to stay home if they have tested positive for COVID-19, are waiting for COVID-19 test results, have COVID-19 symptoms, or if they have had close contact with a person who has tested positive for or who has symptoms of COVID-19.
3. Physical (Social) Distancing
  - a. Adjust the size of an event based on the ability of attendees from different households to stay 6 feet (2 arm lengths) apart.
  - b. Remind attendees upon arrival to stay at least 6 feet away from people who don't live with them.
  - c. Discourage attendees and staff from greeting others with physical contact (for example, handshakes). Include this reminder on signs about physical distancing.
4. Masks
  - a. Require that attendees wear well-fitting masks that fit completely over their nose and mouth. (NOTE – you must follow the rules of the venue you are gathering in, and if inside a school building, masks are required pursuant to state rules).
  - b. Make a plan beforehand for how compliance will be monitored and ensured.
  - c. Encourage attendees ahead of the event to bring and use masks at the event. Consider having masks on-hand to provide to staff and attendees who do not bring their own.
  - d. Advise attendees that masks should not be placed on babies or children younger than 2 years old, anyone who has trouble breathing, or anyone who is unconscious, incapacitated, or otherwise unable to remove the mask without assistance, or a person with a disability who cannot wear a mask, or cannot safely wear a mask, for reasons related to the disability.
5. Hand Hygiene and Respiratory Etiquette
  - a. Require staff and attendees to wash their hands frequently (for example, before, during, and after taking tickets, or after touching garbage) with soap and water for at least 20 seconds and increase monitoring to ensure adherence.
  - b. If soap and water are not readily available, staff and attendees can use hand sanitizer that contains at least 60% alcohol and rub their hands until dry. (Note: PTA can purchase hand sanitizers and/or wipes with PTA funds as needed).
  - c. Encourage guests to avoid singing or shouting, especially indoors. If possible, keep music levels down so people don't have to shout or speak loudly to be heard.

## **Insurance Coverage**

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, PTAs 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 DOH 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 PTAs are collecting money through virtual events or managing 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.

### Conclusion

As always, thank you for all you do as a unit leader to support our students, their families, and our great educators and school related personnel.

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.