

K-12 Sexual Misconduct Liability Endorsement Application Guide

This guide is designed to assist members and their agents with completing the application for sexual misconduct liability endorsement. Additionally, it provides resources to help evaluate whether a member is meeting legal requirements and assist with moving beyond minimum requirements to implement best practices.

In this guide, the items in grey are application questions and the subsequent bullet points will include applicable resources, examples or clarifications.

Section 1 – General Information

This section gathers your entity's name and your desired limit of coverage.

Section 2: Coverage Requirements

The four questions in this section are the minimum requirements of the law. To be offered any coverage you must be able to answer "Yes" to all section 2 questions. At the time of a loss, if it is determined that you are not in compliance with the law, coverage for such loss may be denied or excluded.

- 1. As required by ORS 339.374, Does your entity perform the required background checks on all employees, contractors, volunteers, or anyone who might have direct unsupervised contact with students?**

- As a resource we have a quick reference guide ([QRG](#)) on [background checks](#) to help members evaluate if they are meeting the minimum requirements of the law.

- 2. Has your entity's board adopted and does it enforce all applicable policies on the reporting of suspected abuse and suspected sexual conduct by employees, contractors, agents and volunteers and students as required by ORS 339.372?**

- [Sample Policy JHFF-GBNAA Reporting Requirements for Suspected Sexual Conduct with Students](#)
- [Sample Administrative Regulation JHFF/GBNAA-AR – Sexual Conduct Complaint Form \(includes Witness Disclosure Form\)](#)
- [Sample Disclosure Release Form \(Fillable PDF\)](#)
- [Sample Policy – GCAB G1 Personal Electronic Devices and social media – Staff](#)
- [Sample Policy JHFE/GBNAB Suspected Abuse of a Child Reporting Requirements](#)

Section 2: Coverage Requirements continued

3. Does your entity provide training to employees and information to contractors and volunteers on prevention and identification of abuse and sexual conduct and reporting obligations on an annual basis as required by ORS 339.400?

- Most schools are using online training, such as through [VectorSolutions](#), to provide training to employees on mandatory reporting of child abuse and sexual conduct requirements.
- PACE has brochures that can be used to provide information on these topics to employees and to contractors, vendors and volunteers. As well as an acknowledgment form that can track whether they received it.
 - Mandatory Reporter Requirements- Employee [\(English\)](#) [\(Spanish\)](#)
 - Mandatory Reporter Requirements- Contractors, Vendors, & Volunteers [\(English\)](#) [\(Spanish\)](#)
 - Mandatory Reporter Requirements Acknowledgment Form [\(English\)](#) [\(Spanish\)](#)

4. Does your entity require annual trainings that satisfy the requirements of Erin's Law (ORS 336.059)?

a) A minimum of four (4) instructional sessions (equal to or greater than a standard class period) of sexual abuse prevention instruction per year for grades K-12.

b) Sexual abuse instruction that is integrated and part of required district comprehensive sexuality education plan and is aligned with state standards.

c) Instruction that is age appropriate, medically accurate, and is not shame or fear based.

d) Instruction that is culturally inclusive and is responsive to diverse students including race, ethnicity, gender identity and sexual orientation.

e) A parental involvement component to inform parents about child sexual abuse topics.

f) A professional training component for administrators, teachers and other school personnel.

- PACE has a [QRG on Erin's Law](#). This document provides an in-depth description of these requirements, detailing the applicable Oregon Administrative Rule (OAR) and offering a plethora of resources.

Section 3: Risk Management

The questions in section 3 will be used in conjunction with your claims history and other information to help evaluate if your entity will be offered either of the upper limits. The questions we are asking are not requirements of the law, but rather what you may be doing above and beyond those minimum requirements.

If you are doing prevention work that is not captured in one of these questions, please include a narrative describing that prevention work and attach it to the application.

1. Does your entity require staff, volunteers, agents or contractors to undergo training related to sex abuse, sexual conduct or grooming identification and reporting beyond what is required by ORS Chapter 339?

- If you are using online training (e.g., VectorSolutions) to complete your sexual abuse and sexual conduct training, this question is asking if you are doing anything above and beyond that basic online training requirement and to provide a narrative of what that includes. Below are some examples and PACE resources:
 - For contractors and volunteers, PACE offers the same training programs available to staff through [VectorSolutions](#).
 - Utilizing PACE's Sexual Abuse Prevention Consultant or one of the PACE Risk Management staff to provide training to staff on sexual conduct.
 - Utilizing resources like the [Protect Yourself QRG](#) or the [We Got This poster](#) to post in your buildings and/or to educate staff on specific topics in these documents during staff meetings or during professional development.
 - Handing out the PACE [Sex Abuse Prevention Staff/Student Resource Card](#). These can be ordered with lanyards from [PACE](#).

2. Does your entity conduct regular walk-throughs of your facilities to identify and mitigate potential sex abuse hazard areas (i.e. blind corridors, offices with curtains on windows, etc.)?

- This question is identifying if building and district level administrators are actively monitoring their building(s) to address concerns that could lead to sexual abuse or sexual conduct. This would include monitoring spaces with perceived privacy (e.g., limited visibility or covered windows), securing facilities when staff are not present to supervise (e.g., locking doors), and/or staff meeting with students one on one, as a few examples.

Section 3: Risk Management continued

3. Has a walk-through risk assessment of your facilities with a PACE Risk Management Consultant been conducted in the past two years or scheduled for the upcoming year? And if so, how have you addressed any sex abuse hazard areas that were identified?

- You can reach out to your member's risk management consultant to determine when the last walkthrough risk assessment was conducted. You can find the assigned risk management consultant at the bottom of the member's contacts in their insurance portal account, or you can reach out to riskmanagement@sdao.com.
- The recommendations that would be included in "sex abuse hazard areas" could include things like:
 - Improving supervision of students to prevent student-to-student abuse.
 - Locking/securing facilities when staff is not present to supervise.
 - Uncovering windows to reduce the perception of privacy.
 - Removing couches from classrooms.
 - Addressing blind spot areas, or hidden nooks (e.g., theater lofts, press boxes, dugouts, storage closets, etc.)

4. Does your entity post the 'It's Mandatory' poster and a completed 'We Got This' poster provided by the PACE Risk Management staff in visible locations in all buildings?

- As part of the Sexual Conduct law, you are required to post information on sexual conduct in your schools, including the names of your designated licensed administrator and their backup. These posters are to assist with this requirement and provide additional information.
- [We Got This! Poster \(English and Spanish\) 8.5x11](#)
- [Mandatory Reporter poster \(English and Spanish\)](#)

5. Has anyone from administration attended at least one sex abuse prevention training provided by the PACE in the past two years?

- This could include a variety of trainings, including:
 - PACE Day
 - PACE regional trainings;
 - A training on sexual conduct by PACE at an association conference;
 - A current PACE webinar on sexual abuse prevention; or
 - An in-person/onsite training at your school by PACE staff.