

School Leaders Risk Protector®

Claims Scenarios

Public School (K-12)**Incident: IDEA Claim**

A class action lawsuit was filed against our insured on behalf of numerous school-aged children with varying learning and behavioral disabilities. Claimants alleged the insured violated the Individuals with Disabilities Education Act, §504 of the Rehabilitation Act of 1973, and 42 U.S.C. §1983 in failing to provide those children with special education and related services.

Executive Liability Payment: Paid \$3,300,000 in legal fees to date. Defense costs are in addition to the limit of liability.

Incident: IEP Hearing/Retaliation Lawsuit

An IEP Hearing was requested by the parents of an autistic child as a result of a dispute with the insured over alternate placement. The parents placed their child in a specialized reading school during the IEP Hearing process, and the school filed truancy charges against the parents. The parents then filed a retaliation lawsuit in federal court alleging the truancy charges were in retaliation for requesting an IEP Hearing.

Executive Liability Payment: Settlement and defense costs totaled over \$110,000.

Incident: Non-Employment Discrimination

A lawsuit was filed against the insured by a student group that promotes homosexual equality. The Claimants alleged they were denied the opportunity to publicize their student group, hold meetings, and engage in other acts of expression.

Executive Liability Payment: Paid over \$460,000 for claimants' attorney's fees, and over \$90,000 in defense costs.

Incident: Bullying/Non-Employment Discrimination

A lawsuit was filed by the parents of a student alleging racial discrimination against the insured. The Claimants alleged their son was subjected to racially motivated bullying, culminating with a racial epithet being etched into their son's locker. Claimants further alleged that the school racially discriminated against their son by failing to follow established non-discrimination protocol. Both the NAACP and U.S. Department of Justice launched investigations into this matter.

Executive Liability Payment: Settlement and defense costs totaled \$115,000.

Incident: Employment Discrimination (Race)

A lawsuit was filed by a non-certified Hispanic employee alleging race discrimination. The insured's district has a large Hispanic population, and racial tensions in the community increased after an African American majority school board was elected for the first time in district history. Claimant worked in a District Support Center, and alleges the board voted to eliminate the Support Center in an effort to deny services to Hispanics. The Support Center was closed, and Claimant accepted a position with the insured for less money. Claimant was eventually terminated for unauthorized removal of district property from the defunct Support Center.

Executive Liability Payment: Settlement and defense costs totaled \$219,000.

Incident: Expulsion/Non-Employment Discrimination (Race)

A lawsuit was filed by the parents of a high school student alleging racial discrimination and failure of due process. The Claimant's son was involved in a fight at school with several known gang members and was subsequently expelled. The Claimants alleged that their son had a deficit disorder and that the school improperly evaluated him.

Executive Liability Payment: Settlement and defense costs totaled \$138,000.

Community College

Incident: Employment Practices (EEOC Disability Discrimination Charge)

Claimant was advised that her position was being eliminated as a result of the insured transitioning from a community college to a 4-year college. Claimant, who lost her eyesight as a result of diabetes, applied for several positions with the 4-year college and was not hired. As a result, her employment with the insured ended and she filed a Charge of Discrimination with the EEOC.

Executive Liability Payment: Settlement and defense costs totaled over \$250,000.

Incident: Employment Discrimination (Religion)

A lawsuit was filed by an adjunct professor alleging religious discrimination, and retaliation for filing a state agency charge. Claimant, a Roman Catholic, alleged that the department chair repopulated the adjunct faculty with Evangelicals, and provided them with favorable course assignments.

Executive Liability Payment: Settlement and defense costs totaled \$475,000.

Charter School

Incident: Employment Practices (Whistleblower Claim)

A lawsuit was filed against the insured by three Claimants alleging wrongful termination and retaliation in violation of the Whistleblower Protection Act. Claimants were allegedly terminated for reporting various illegal activities to the founder of the Insured, and threatening to contact various state and federal authorities. Specifically, Claimants intended on disclosing fire-safety concerns, and information that the principal was using school funds to pay for menial jobs performed around his home.

Executive Liability Payment: Settlement and defense costs totaled over \$437,000.

Private College

Incident: Employment Discrimination

A lawsuit was filed against the insured by a group of former professors alleging wrongful termination. Specifically, Claimants alleged the college initiated an image makeover and began terminating and/or refusing to hire older, dark skinned, and foreign born professors, and replacing them with young, white, native born Americans.

Executive Liability Payment: Settlement and defense costs totaled \$339,000.

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These scenarios are given as brief examples which may give rise to claims. Whether or not coverage will apply depends on the facts of each case and the terms of the specific policy. These descriptions should not be relied on to justify coverage in any situation. All policy terms, conditions and exclusions of local Chartis policies vary. Please refer to the actual policies for complete details of coverage and exclusions.