



K-12 PUBLIC SCHOOLS

LARGE LOSS REPORT

2018

The Large Loss Report 2018 summarizes major damage awards and settlements of \$250,000 or more that affected public K-12 schools in 2017.

The cases include a \$36.1 million jury award in a school bus incident and a \$3.58 million settlement in a sex abuse case.

These descriptions are drawn from published accounts, and most do not involve United Educators (UE) members. However, they do reflect trends UE has seen among its claims. Complaints involved bullying, harassment, discrimination, negligence, sexual abuse and assaults, and wrongful death.

Since the release of this report, some of the outcomes may have changed as a result of subsequent legal proceedings. Regardless of the outcome, the defense expense can be significant.

Institutions and brokers can use this report to assess risk management programs and coverage needs.

Abuse

The **St. Vrain Valley School District** in Longmont, Colo., agreed to pay a **\$3.85 million** settlement to an autistic student who was repeatedly assaulted by a bus driver. The driver, who was convicted and jailed for assault, kicked, hit, and sprayed the 20-year-old student in the face with disinfectant over several days in 2016. The settlement ended a U.S. Department of Education Office for Civil Rights investigation into whether the driver harassed the student, who is Nepali-American, on the basis of race, national origin, and disability and whether the district failed to respond properly.

The **Santa Clara County Office of Education** and the family of a special needs student in California reached a **\$2 million** settlement in a lawsuit that claimed a teacher had abused the child repeatedly. The teacher allegedly enclosed the nonverbal 11-year-old student in a “cell block” of bookshelves, tied him to a chair, and forced him to vomit, and when classroom aides complained to the principal, no action was taken. The settlement also requires that the teacher and principal attend child-abuse prevention and reporting classes.

A jury ordered the **San Diego Unified School District** to pay **\$1.25 million** to a former high school student who was denied a bathroom break and told to urinate in a bucket in a supply room. The student sued the district and the teacher involved, who district lawyers said mistakenly thought she was following the school’s no-bathroom-breaks policy. The girl’s lawyer said the student was taunted, traumatized, and attempted suicide because of the media attention the case received. The district’s lawyer said administrators were considering an appeal.

The **Clark County School District** must pay **\$900,000** to a Nevada family whose severely disabled son was restrained several times by a teacher’s aide. The lawsuit was settled in arbitration. The 2011 to 2012 school year incidents were recorded on video cameras that school district police installed in the classroom after



the student’s parents and another student’s parents complained that their children were coming home with rug burns and bruises. The teacher’s aide pleaded guilty to misdemeanor child abuse.

Accidents

An 11-year-old girl in California who was hit by a car while crossing the street mid-block to board her school bus received a **\$36.1 million** award from a **San Bernardino Superior Court** jury. The girl suffered brain damage in the 2012 accident and requires 24-hour care. The lawsuit alleged that the bus company failed to enforce its disciplinary procedures designed to prevent unsafe behavior, including failing to use crosswalks.

Bullying

A student who was blinded in one eye in an assault received a **\$700,000** settlement from **New York City** schools. The lawsuit accused administrators at the

victim's junior high school in Brooklyn of failing to supervise the lunchroom where the 2012 attack by two other students occurred. During the trial, the student testified that he had told the school dean he was being bullied and had suffered previous physical attacks.

A student of Egyptian descent who was assaulted on the way home from school in 2013 received a **\$375,000** settlement from the **Bayonne Board of Education** in New Jersey. The student's lawsuit said district administrators were aware of "tensions, fights, harassment, bullying, and injuries" involving Egyptian students at the plaintiff's high school but failed to act. The student suffered a fractured skull and other permanent injuries.

The **Sioux City Community School District** in Iowa paid **\$262,500** to settle a bullying lawsuit involving a kindergarten student who was punched in the eye in 2011 by another student during outdoor recess. The boy, who was recovering from a cornea transplant in that eye, required a second transplant and suffered vision loss.

In the lawsuit, the mother said she had asked school administrators several times to protect her son from his attacker, who had been bullying him, and to keep him indoors during recess while he recovered from the initial transplant.

Defamation

A former student who alleged she was improperly subjected to a strip search and a body cavity search reached a **\$375,000** settlement with the **Harrisville Central School District** in New York. The lawsuit said the student was ordered to undress and subjected to the searches on suspicion of drug possession, but no drugs were found. The school district had argued that administrators had reason to suspect the student of possessing drugs.

Discrimination

A former high school cafeteria worker won a **\$340,000** judgment against the **Independence School District** in Missouri for discrimination and retaliation. She had



worked as a cook in the cafeteria at William Chrisman High School, where her daughter attended school, until she was fired in May 2015. In her lawsuit, the woman said students had sexually harassed her daughter and the district didn't do enough to protect her, and that the district disciplined and fired the worker for complaining to district officials. The school district said the woman was fired for posting comments on social media about a security issue at a school building, but did not respond to questions about those comments or the security issue.

Harassment

A jury awarded two maintenance workers for **Portland Public Schools \$1 million** in a racial harassment lawsuit. The two workers said officials in the Oregon district minimized their complaints about the harassment, which included being called racial epithets and finding a noose hung in their workplace. The plaintiffs alleged that the district called the incidents “micro-aggressions” rather than discrimination.



Four women who brought federal civil rights claims against an elementary school principal and the **Albany City School District** settled a sexual harassment lawsuit for **\$400,000**. The women alleged that the principal sexually harassed and intimidated them but the district failed to stop the behavior. The New York State Division of Human Rights investigators found that a “severe and pervasive sexually hostile work environment” existed at the school.

Sexual Molestation and Assault

The **Palm Beach County School Board** approved a **\$3.58 million** settlement of a sexual abuse lawsuit filed by four female students that claimed they were abused by an elementary school teacher in Boca Raton, Fla. The alleged abuse took place in 2005 when the girls were 9 and 10 years old. The teacher pleaded guilty to abusing two of the girls. The district had pursued a “comparative negligence” defense, claiming the girls shared some responsibility for the abuse. In announcing the settlement, board members apologized for using that defense.

The **Vineland Board of Education** in New Jersey agreed to pay **\$275,000** to settle a lawsuit involving a former teacher's sexual relationship with a 16-year-old student. The settlement was the result of mediation. The lawsuit alleged that the student suffered lasting mental and physical injuries. The former teacher, who worked for the district's alternative program for students with disciplinary or mental health issues, later pleaded guilty to endangering the welfare of a child.

Social Media

RePublic Schools Nashville reached a **\$2.2 million** settlement in a class-action lawsuit filed by parents who claimed the Tennessee charter school network sent them spam text messages without their consent. The series of four mass text-message blasts went out to more than 5,000 parents and prompted them to call about enrolling their children in the network's schools. The



lawsuit accused RePublic of violating the Telephone Consumer Protection Act by sending messages without prior permission. RePublic said it would no longer send text messages to parents without their consent.

Sports Injuries

A grade school softball player was awarded **\$1.1 million** by a Dutchess County jury for brain-injury symptoms she suffered after she was hit in the head with a bat during an indoor practice. The players were not wearing helmets. The lawsuit argued that the **Spackenkill School District** in New York failed to provide training for coaches and to implement policies for coach-to-student ratios for indoor practices.

Whistleblower

A former vice principal received a **\$275,000** settlement from **Brick Township School District** in New Jersey

over claims she was fired for refusing to alter the principal's stepson's grade. The former vice principal's whistleblower lawsuit alleged that as a result of her refusal, she was denied tenure despite "uniformly positive" performance evaluations and was unable to find another job in district schools. The school district denied wrongdoing.

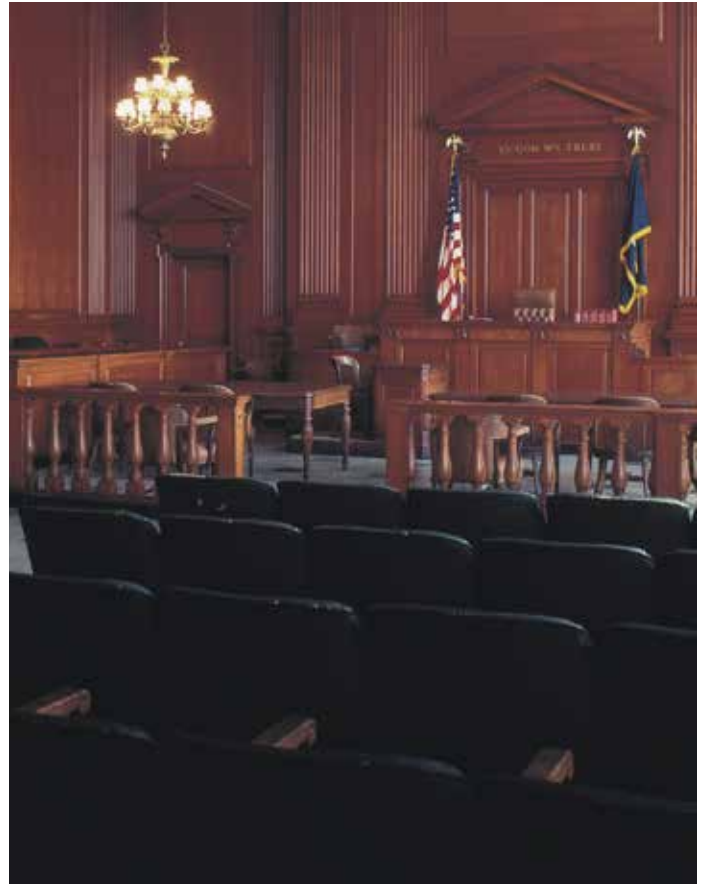
Wrongful Death

A jury deliberated for two days before awarding **\$1.26 million** to the husband of a Mentor, Ohio, woman killed when her car collided with a school bus. The wrongful death lawsuit against the bus driver and the **Mentor School District** had sought **\$3 million** for the woman's pain and suffering preceding her death, as well as the husband's suffering and the loss of his wife.

Wrongful Termination

Lee County District Court in Iowa entered a default judgment against a now-closed boarding school and ordered the owner to pay a former employee **\$750,000** for wrongful termination. The employee's lawsuit said that she was fired in 2015 for reporting an alleged case of abuse involving a former teacher and a student. The school, **Midwest Academy** in Keokuk, closed in 2016.

A former Kentucky high school teacher and coach settled a retaliation lawsuit with the **Montgomery County Schools** for **\$500,000**. The teacher's lawsuit claimed she was targeted by the Board of Education and the former superintendent because they believed she had filed an anonymous Title IX complaint against the district for failing to provide equal facilities to male and female athletes. She was eventually fired. An administrator in the same district received a **\$250,000** settlement when the Education Professional Standards Board found that the same superintendent, who was fired in 2016, had demeaned and badgered her.



United Educators (UE), a reciprocal risk retention group, is a licensed insurance company owned and governed by nearly 1,600 members representing thousands of schools, colleges, and universities throughout the United States. Our members range from small independent schools to multicampus public universities. UE was created in 1987 on the recommendation of a national task force organized by the National Association of College and University Business Officers. Our mandate is to provide schools, colleges, and universities with a long-term, stable alternative to commercial liability insurance.

EduRisk™ from United Educators provides members with risk management resources to help prevent incidents that put people and institutions at risk. And, when claims do occur, UE protects our schools, colleges, and universities with education-specific coverage and an experienced claims management team. This prevention and protection philosophy enables UE to reduce the overall cost of risk for our policyholders.

United Educators is Rated A (Excellent) by A.M. Best.

For more information, visit www.UE.org or call (301) 907-4908.

Copyright © 2018 by United Educators Insurance, a Reciprocal Risk Retention Group. All rights reserved. Permission to post this document electronically or to reprint must be obtained from United Educators. UE-140XX 01/18

