



PACE Trust recognizes that in today's educational climate there is heightened awareness of the potential for violence in schools and, rightfully so, an increased level of attention to methods used to protect our students. PACE Trust understands that there are many security measures currently being used or considered by schools that expose our Members and the PACE Trust to significant potential liability; the most notable of which is the use of armed personnel with various levels of experience and training.

To address this important issue, PACE Trust added an exclusion to the PACE Liability Document and created a new pricing structure. These coverage and pricing changes were not made with the intent to render an opinion on or dictate if a school district should use armed personnel. Rather our intent is to help reduce the liability exposure to the Pool arising out of the use of armed personnel.

**What PACE Trust covers:**

PACE Trust provides liability coverage for damages and defense costs arising out of the use of firearms by District\College employees or agents acting in the course and scope of their duties who use a firearm:

1. To protect persons or property, or
2. Within the incarceration process, and
3. Who are certified as either an armed private security professional or law enforcement officer by the Oregon Department of Public Safety Standards and Training (DPSST).

**What PACE Trust will not cover:**

PACE Trust does not cover the use of firearms by District\College employees or contractors who are not certified as either an armed private security professional or law enforcement officer by the DPSST.

The PACE Trust position for liability. If a Member is going to make use of a firearm a job responsibility for an employee or agent that the individual must receive adequate on-going training in the use of the firearm for law enforcement purposes. The standard in Oregon for training in this area is the DPSST.

**Exclusionary language:**

Any liability for Damages or Defense Costs, including Bodily Injury, Personal Injury or Property Damage caused by, resulting from, or arising out of the use of a Firearm, by any Participant.

This exclusion, number AE, does not apply:

1. To a Participant who held a valid ODPSSST Certification at the time that same Participant's use of a Firearm resulted in Damages, including Bodily Injury, Personal Injury or Property Damages, or



2. Where by court judgment, the Named Participant, or a Participant not applying the use of a Firearm, is found vicariously liable due to the actions of a Participant directly applying the use of a Firearm.

Definitions:

**“DPSST Certification”** means recognition by the Oregon Department of Public Safety Standards that a private security professional meets all qualifications listed in ORS 181.875 and the Oregon Administrative Rules Division 60 for an armed security professional; or a Public Safety Officer who meets all the qualifications listed in OAR 259-008-0060

**“Firearms”** shall mean any device used as a weapon from which a shot is discharged, or projectile is launched using gun powder, compressed air, or any other accelerant or propellant.

**Liability Pricing Structure for the Use of Armed Personnel**

The following liability pricing structure will be used to collect adequate contributions to account for the liability exposures from the various types of armed security personnel contracted for or employed by a Member. The ideal situation is for a Member to contract with a City or County law enforcement agency who retains the legal liability for its own law enforcement officers. For this situation there will be no premium charge. For other options that increase legal liability for the Member and PACE Trust there will be a charge as follows:

|    | <b>Type of Armed Personnel Contracted for or Employed by District</b>   | <b>Premium Charge</b>          |
|----|---|--------------------------------|
| 1. | DPSST Certified City or County Department AND the City or County retains the liability for any actions arising out of their employee’s actions                | No Premium Charge              |
| 2. | DPSST certified City or County Department but transfers the liability for the officers’ actions to the District   | \$1,500 per FTE premium charge |
| 3. | DPSST certified person who will be responsible for carrying a firearm as part of their job duties, and is not a City, County or State law enforcement officer | \$2,500 per FTE premium charge |
| 4. | A person who is NOT certified by DPSST and who will be carrying a firearm as part of their job duties   | <b>Coverage Excluded</b>       |
| 5. | No Armed Security Personnel   | No Premium Charge              |

**General Liability Update Form**

A General Liability Update Form is included in the Renewal Update Packet sent out every school year during the month of April. The update form, provides us with the number of armed personnel being used, either by contract or employment, that fit any of the categories of personnel listed above. A new update form is available upon request by emailing [underwriting@sdao.com](mailto:underwriting@sdao.com)