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A Message from New Jersey Schools Insurance Group's Executive Director on 2020 Graduations Ceremonies

Dear members of the New Jersey Schools Insurance Group:

As many of our members are already aware, Governor Murphy announced on May 26, 2020 that in-person graduation ceremonies can begin on July 6, 2020. Read the Governor's press release [here](#).

The New Jersey State Department of Education (DOE) subsequently issued guidance for districts when choosing the most appropriate type of graduation ceremony to host (i.e., virtual, drive-through/drive-in, or modified in-person). Read the DOE's guidance [here](#).

We have received many inquiries regarding the availability of insurance for COVID-19-related claims that may arise from such drive-through/drive-in or modified in-person outdoor ceremonies. And while we want to provide our members with as much information as possible, specific coverage determinations are extremely fact-sensitive and can only be made on a case-by-case basis. Furthermore, the fact that there may be coverage for a potential claim does not mean that such ceremonies are recommended.

Indeed, we share the concern expressed by many risk managers that districts hosting drive-through/drive-in or modified in-person ceremonies may face a significantly increased risk of litigation. A successful defense of such claims may require a showing of faithful adherence to all of the current recommendations for in-person gatherings promulgated by the DOE, the New Jersey Department of Health (NJDOH) and the Centers for Disease Control and Prevention (CDC). But in the context of drive-through/drive-in or modified in-person graduations, such adherence may not be feasible.

In this regard, it is notable that the current DOE guidance explicitly "recommends that districts take full advantage of virtual ceremonies, which are the safest alternative graduation ceremony at this time." Read the DOE's guidance [here](#).

Ultimately, the question of whether to host a virtual, drive-through/drive-in, or modified in-person, outdoor graduation ceremony must be made by each individual district. When making this decision, the DOE guidance requires that districts consult with municipal officials, the local Office of Emergency Management, local law enforcement, first responders, and local health officials. NJSIG encourages you to also consult with your brokers and other risk management professionals to help determine, from a risk management perspective, what is the best choice for your district at this unprecedented time.

Finally, we also recommend that you check with your broker as to whether any ancillary coverage, such as student accident insurance, may be affected by the proposed dates of these ceremonies, which are in a different fiscal year and thus may be in a different policy year.

Thank you and stay safe,
Jill Deitch, Esq., Executive Director
New Jersey Schools Insurance Group