

East Richland Community Unit School District No. 1

Risk Management Program FY13

The East Richland Community Unit School District No. 1 shall have in operation a comprehensive Risk Management Program, which shall reduce or prevent the District's exposure to liability. It is of the utmost importance for the District: (1) to ensure that statutory and common law, health and safety rights are extended to all visitors, employees, and students; (2) to make certain that the District's buildings and grounds are maintained in a safe condition; and (3) to provide careful supervision and protection of all the District's real and personal property, including vehicles.

The Illinois Local Government and Governmental Employees Tort Immunity Act (III. Rev. Stat. Ch. 85, 1-101 et seq.) provides for a school district to levy a tax which when collected will pay the cost of risk care management (III Rev. Stat. Ch. 85, 9-107) in addition, this section (9-107) provides for funds raised pursuant to this section to be used:

...to pay the operating and administrative costs and expenses, including the cost of legal services and the wages and salaries of employees in connection with defending or otherwise protecting itself against any liability or loss described hereinabove and under Federal or State common or statutory law, the Workers' Compensation Act, the Workers' Occupation Disease Act and the Unemployment Insurance Act, to purchase insurance to purchase claim services, to pay for judgments or settlements, or to otherwise provide protection to the local public entity or its employees or, pursuant to an intergovernmental contract, other local public entities or their employees.

The District's Risk Management Program shall provide for:

1. identification of the various components of the Risk Management Program
2. clearly delineated personnel responsibilities
3. adequate insurance against liability exposure
4. identified and allowable costs for the maintenance of the Risk Management Program

The general, overall, responsibility for the development and maintenance of the District's Risk Management Program rests, of course, with the Superintendent of Schools. The Superintendent shall be responsible for development of the Program, identifying the various components of the Program, and delegating responsibilities for these components to the appropriate personnel, as necessity indicates. It is expected that the Superintendent would continually evaluate the effectiveness of the Program, and be apprised of needed revisions, additions or deletions to the components and assigned responsibilities. It is also expected that, because of the delegation of responsibilities, the Superintendent of Schools would spend no less than five percent (5%) of his/her time toward the fulfillment of this task.

A primary component of the Risk Management Program is the provision of an insurance/compensation program that will provide protection to the District against liability. Portions of this risk management component shall include, but not be limited to:

1. Premiums for the various necessary insurances, including all Liability Insurance, Building and Fleet Insurance, Worker's Compensation, Unemployment Compensation, Personnel Bonds, etc.
2. Pay judgments or settlements arising against the District.
3. Pay for all legal fees connected with protecting or defending the District against liability, including unfair labor practice charges, and employee collective bargaining.
4. Allowance for the time expended by assigned District personnel concerning the above delineated assignments.

The District's Superintendent, who serves in a business official capacity, is assigned the responsibility for the administration of this component of the Risk Management Program. He/she shall serve as the District's liaison to the various consulting services, claim and adjustment services, and insurance companies. In addition he/she shall be responsible for all communications concerning claims against, or on behalf of, the District.

The District's Risk Management Program in relation to the safe conditions of building and grounds and protection of the District's real and personal property shall primarily be a responsibility of the Director of Building and Grounds and Custodial Services. His/her responsibilities and duties shall include, but not be limited to:

1. Development and identification of the various components of responsibilities concerning inspection of buildings, grounds, and equipment to provide protection to the local District, its employees, and the public. Within this parameter, he/she shall be responsible for the supervision of the building custodians, daily inspection of building and grounds, the development and operation of the district's building security program, including the acquisition and supervision of necessary security personnel and purchasing of security devices.
2. The maintenance of the legal and safe conditions of building and grounds. He/she is responsible for the District's compliance with State and Federal Laws regarding employee and student health and safety, asbestos, radon, lead, etc. He/she shall be responsible for the training of the District custodial personnel to perform work on safety and health matters.

3. The coordination of all personnel performing maintenance duties within the Risk Management Program - Contractual Custodial Company personnel, etc. It is expected that all contractual custodians would devote twenty (20) percent of their time in daily inspections of their respective building and ground to provide for a risk-free environment.
4. The bidding of supplies and contractual services in such a manner that the District meets all the requirements for Toxic Materials, Equal Opportunity Employment, Prevailing Wage Rates, comparable name equipment, responsible bidders, etc.

It is expected that the Director of Maintenance and Custodians will expend one half of his/her time directly related to fulfilling the responsibilities of his/her position in the District's Risk Management/Tort Avoidance Program.

The District's Risk Management Program in relation to safe conditions and supervision and protection of the District's real and personal property includes other components than those described in the responsibilities of the Director of Building and Grounds and Custodial Services and the responsibilities of those directly supervised by the Director. Included here are responsibilities performed by many different personnel:

1. The Transportation Director is assigned the responsibility for the Risk Management Program regarding all aspects of the District's transportation program such as supervising transportation maintenance personnel, and drivers in their risk management responsibilities--the driver daily inspection of their busses for safety problems--and the maintenance personnel for the inspection of all busses and resultant efforts to correct any possible tort-producing deficiencies. The Transportation Director is expected to devote fifty percent (50%) of his/her time to risk management functions.
2. Student Transportation--All bus drivers shall be responsible for the inspections (prior to each run) of their bus to ensure that the vehicle is free from any situation that would produce risk or tort possibilities. It is assumed that this task would require approximately one tenth of the time actually spent for transporting students and thus one tenth of the cost of bus service shall be included under the Risk Management Program.
3. Student Transportation--Contracted transportation maintenance personnel as needed are responsible also for the inspection of vehicles, both for legally required state inspections, and for provisions for maintaining risk-free student and employee operating conditions. Vehicles must be kept safe, not only for the students and employee safety, but also for the safety of the District property. Approximately one-half (50%) of maintenance personnel time will be devoted to these tasks.

The District's Risk Management Program in relation to the health and safety of district students and personnel is the responsibility of the Building Principals and their administrative staffs. The degree of this responsibility (time invested) varies in accordance to the number of students involved and, of course, the age of those students; and to the number of personnel involved. Building Principals and/or their assistants shall provide for the protections of students and personnel and freedom from exposure to tort-producing situations that arise from; but are not limited to, the following:

1. Incidents in lunchroom - protection
2. Incidents on playgrounds - protection
3. Incidents occurring during school athletics
4. Incidents occurring during physical education classes
5. Incidents occurring during manual or vocational training or shopwork
6. Incidents in connection with transportation of students
 - a.) Before boarding
 - b.) During transportation
 - c.) After leaving school bus
7. Incidents in connections with safety of students from traffic hazards and exposure to risk
8. Incidents due to acts of fellow students
 - a.) Committed in classroom
 - b.) Committed outside classroom
9. Incidents due to lack or insufficiency of supervisors
 - a.) Before school bus
 - b.) During or between class periods
 - c.) During noon hour or recess periods
 - d.) After school bus
 - e.) Miscellaneous; undetermined time

It is expected that each Building Principal would spend approximately twenty percent (20%) of his/her time in meeting his/her responsibilities associated with risk care management.

One of the primary responsibilities of the School Nursing service is the protection of the health and safety of students and personnel. This position is directly involved with the District's compliance to State health law, and ensuring that the student has been physically examined in a legal manner that ensures that the student is in a risk-free physical condition, both in relation to him/herself, and in relation to other students and District personnel. The Nurse has the additional risk management responsibility of reducing student/personnel exposure to communicable disease and other health and safety problems. Not only are they responsible for limiting exposure, but they are also responsible for the protection of students with specified health problems, health needs, and safety needs. The portion of her time devoted to limiting/avoiding Tort and situations arising from the health, safety, and physical conditions of all students should be no less than fifty percent (50%).

The Director of Food Service and cooks have the responsibility to supervise the protection of students from health problems due to contaminated supplies, improperly stored, cooked or handled food and milk. He/she is also responsible for the protection of students and employees from harm due to improper or unsafe mechanical devices such as dishwasher thermostats, cutting utensils, steam tables, stoves, etc. The portion of time devoted to these activities should be no less than fifty percent (50%) for the Director and five percent (5%) for cooks.

The responsibilities of providing Special Education Services are directly interwoven into the District's Risk Management/Tort Avoidance program. The responsibilities are in four major areas. One, the guarantee of protections of the constitutional and statutory rights of students. Two, the reducing of exposure to a tort situation involving the legal and proper student testing, evaluation, identification, and placement of Special Education students. Three, providing for the confidentiality of student psychological profiles and records. Four, the discipline of Special Education students. Because of the wide range of responsibilities, and the tort producing possibilities of these responsibilities, it is expected that fifty percent (50%) of the Administrative costs paid to South Eastern Special Education would be devoted to fulfilling these obligations.

The responsibilities of Playground/Lunch Supervisors are solely and completely within the realm of risk management functions. The responsibilities of their position as listed previously in relation to the health and safety of students as well as the supervision and protections of students make these functions fall totally within tort guidelines.

Since it is recognized that many other positions include assignments, which are ripe to create exposure to tort and risk situations, an effort has been made by the District to allocate a portion of their time to the Management Program. It is expected that all Athletic Directors, Physical Education Teachers, Coaches, Music Teachers, ***Career Technical Education Teachers***, Science Lab Teachers, etc. will closely supervise their students and ensure that all students are protected from undue exposure to risk situations according to the allocations listed below:

1. Coaches - 10%
2. Teachers of Art, Science, Vocational Education and PE - 5%

2011-2012 TORT/RISK MANAGEMENT EXPENDITURES

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|------------|---|
| \$ 7,421 |Superintendent |
| \$ 16,892 |Cooks |
| \$ 31,569 |Food Service Director |
| \$ 128,956 |School Board Legal Liability, Workers' Compensation, Blanket Bond Liability, School Treasurer Bond, Unemployment |
| \$ 15,000 |Legal Fees/Records Management for Tort Situations/Public Costs. |
| \$ 29,044 | ...Director of Building and Grounds |
| \$ 62,906 |Nurses |
| \$ 31,916 |Playground/Lunch Supervisors |
| \$ 119,000 | ...Custodians |
| | ...Special Education Services |
| \$ 65,429 |Multi-Peril/Liability Insurance/Boiler (Commercial Package). |
| \$ 30,198 |Maintenance Staff |
| \$ 20,152 |Commercial Auto Insurance |
| \$ 124,545 |Transportation Staff |
| \$ 3,500 |Fingerprinting |
| \$ 23,472 |Principals |

**\$710,000 GRAND TOTAL FOR THE
2012-2013 SCHOOL TERM**