



OSC | 10
Ohio Safety Congress & Expo

**Pro-Active Risk Management
Program for Schools**
Session: 385
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Warning

*This presentation includes
images and photos of a
graphic nature*

Presentation Focus

- Why a risk management (RM) program is important in schools?
- How to implement a risk management (RM) program in schools
- Lessons learned by others' mistakes

Risk Management **IS** Common Sense

BUT

Often is **NOT** Common Practice

Why a Risk Management program is important in schools?

Risk Management is a **discipline** for dealing with uncertainty

The **practice** of Risk Management helps to identify, assess and control risks

- Safety and security of students and teachers
- Protection of property and assets
- Threat of litigation

What is Risk Management?

- Process of looking into the future – whether 5 seconds or 5 years
- Looking for things that can go wrong and then doing something right now to try and prevent it from going wrong – and/or – to mitigate and lessen the negative effects

Risk Management Goals

- Stop losses from happening
 - Risk Avoidance: totally avoid the activity
 - Risk Modification: make activity safer
 - Creation / Use of Policies and Procedures
 - Training
- Minimize the cost of Risk
 - Risk Reduction
 - Risk Transfer
 - Contracts with third parties / vendors
 - Insurance

How to implement a Risk Management program in schools

- Required Commitment from ALL parties
- Identify risks and analyze them
- Review options for responding to risks
- Select the best techniques
- Develop protocols, train appropriate people
- Implement protocols, test and monitor the results (maintain supporting documentation)
- Repeat the Process

Risk Management Program

Traditional Method	Successful Culture
Compliance focused	Values focused
Relies on strict enforcement	Exemplified & supported by decision makers
Punishes unsafe behavior	Positive reinforcement - training
Top down driven	Shared decisions
Dictated by policy & procedure	Delegation & Empowerment – everyone's responsibility

Risk Management Program

Myths	Facts
STARTS with a strong set of policies & procedures	STARTS with STRONG support from the TOP down!
Controls are essentially negative, a list of "thou shalt not's".	Control attempts to make the right things happen the first time / every time
Controls are a necessary evil	Controls are to be built into , not onto , your business processes
Risk Management is Common Sense	Risk Management is NOT always common practice
Implementation alone guarantees a well controlled school environment	CONSTANT monitoring, inspecting, documenting, revising is necessary!

Lesson's Learned Where do Claims Occur?

- Buildings & Property
- Playgrounds
- General Liability / Contracts
- Safety Related
- Athletics / Other Activities (clubs)
- Bus / Transportation
- Employment / Civil Rights

Building & Property Claims

- Fire Sprinkler malfunction/leak: \$420,000+

\$17,000,000 Fire

- \$17,000,000 to building and contents
 - Three things that don't mix:
 - students
 - paint solvent
 - cigarette lighter

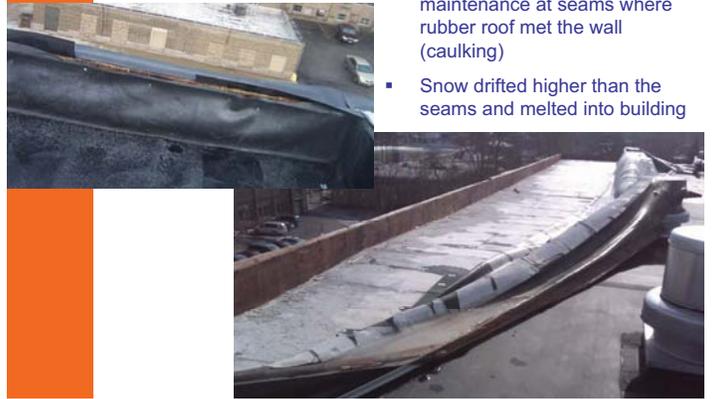


\$17,000,000 Fire



Flat Roof Maintenance \$400,000+

- Flat roof was in need of simple maintenance at seams where rubber roof met the wall (caulking)
- Snow drifted higher than the seams and melted into building



Building & Property Claim Prevention

- Proper handling of cleaning solvents (in class).
- Fire extinguishers in art rooms/shop classes.
- Disaster Recovery Plan: In a disaster where will you hold class, extra transportation, equipment, etc.
- Conduct and document on-going building preventive maintenance.
- Emergency gas shut-off valves in science labs, and electrical shut off in shop class.

Playground Claims

S-hook on swing broke causing brain injury:

- Liability:
 - 1) is there a defect on public grounds?(2744.02 (B)(4))
 - 2) did SD know/should they have known of the defect?
- Who wants to call the parents (you know them)



Playground Claims

Student leg injured on merry-go-round

- Does the school owe for the claim:
 - Was there a physical defect?
 - Was school aware of the physical defect?



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This presentation includes images and photos of a graphic nature

Merry-Go-Round Injury



Prevention of Playground Injuries

- Playground safety issues appear on 70% of Risk Management surveys completed
- How to prevent?
 - Common sense monthly inspections of equipment, fall areas, and fall material
 - \$1 s-hook could have prevented brain injury
- 'Handbook for Public Playground Safety' by the U.S. Consumer Product Safety Commission, Publication # 325
- www.cpsc.gov

General Liability / Contract Issues

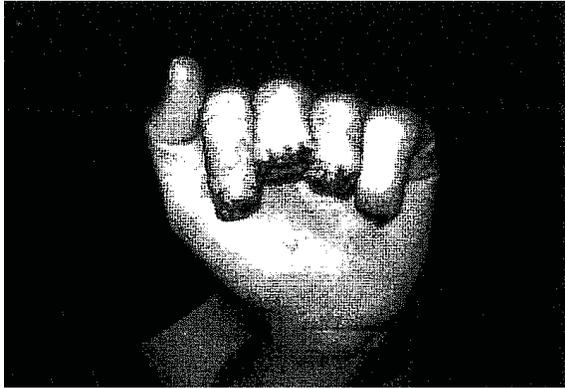
- Use good contracts: District must be named as **Additional Insured**, Certificate of Insurance, hold harmless, indemnification (sample language).
- Get "Additional Insured" certificate **in your hands**.
 - Some may say, "Additional Insured just makes other insurance company pay for damages".
 - However: Additional Insured = Free Insurance
- Develop, review and share emergency plans with user groups of school facilities.
- Require visitors to sign-in and wear badges.
- Require employees to sign acknowledgement of receipt for employee handbooks, sexual harassment training, etc.
- Perform background checks on volunteers and those with access to students.

Safety Related Claims

Examples of 5 Separate Shop Equipment injuries

- Four loss of finger(s) claims
- One loss of hand
- Students must be tested on safety on each piece of equipment
- Keep records of safety training (test)

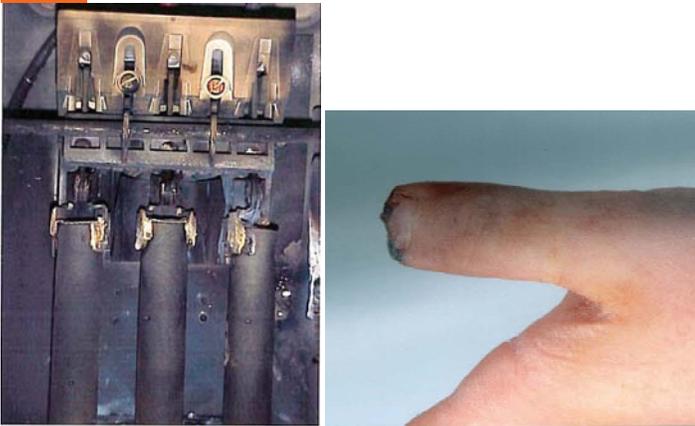
Safety: Shop Class Injury



Safety: Shop Class Injury



Safety: Shop Class Injury



Safety: Shop Class Injury



Safety: Shop Class Injury



Safety Related Claims



Slip, Trip, Fall claims

- Remember: Is there a defect?
- Is a 5'W x 15'L x 5'H pit in the bus garage floor a defect?
- What if the bus garage is not lit? Does it become a defect?

Safety Claim Prevention

- Post, teach and test safety rules for each piece of vo-ed equipment
- "Every student gets an A on safety on each piece of equipment." **Keep Test results!**
- Install emergency electrical shut-off switches in shop areas
- Do not remove manufacturer safety features such as guards & shields on shop equipment
- Post Consumer Product Safety Commission rules on the handling of folding tables in cafeterias
- Display emergency exit evacuation plan and maps
- Practice Live Lockdown with local Police & Fire

Athletic / Other Activities (clubs)

- Wrestler / Paraplegic
- Student Athlete hit in face by discus
- Ski - quadriplegic
- Ski - death
- Bleachers
- Playing fields

Athletic/Other Activities (clubs)

- Require signed waivers by parents - Clubs, special events, field trips, Ski trips.
- Immobilize injured competitors and never move them. Allow medical personnel to make all decisions.
- Properly Train on safe athletics.
- Post safety rules – weightlifting/workout rooms.
- Inspect, Inspect, Inspect & Document

Bleachers



Bleachers



Playing Field



Bus / Transportation Claims

- Bus left of center – double fatal: killed student on bus and driver of other vehicle.
 - School hired transportation company.
 - Proper contract in place indemnification and “Additional Insured” language.
 - “Additional Insured” endorsement **was secured** by school district.
 - Vendor’s insurer is defending school district.
 - Effect: school district has free extra limits of insurance. If damages go above the vendor’s insurance limit, the school district’s own insurance stacks on that.

Bus vs. ??



Bus v Car: Double Broken Ankles



Bus vs. Pedestrian Fatal Cross Walk Accident



Bus vs. ??



Bus vs. Buggy



Bus / Transportation

- Need to develop a driver's handbook:
 - Require drivers to sign an acknowledgement of receipt of the driver's handbook.
- All drivers must be certified.
- Random drug/alcohol testing.
- Hired Transportation: Use good contracts - **Additional Insured**, Cert of Insurance, hold harmless, indemnification.
 - Get Additional Insured certificate in hand.

ODE and ODOT have wonderful material available

Employment / Civil Rights Claims

- Teacher alleged 1) was fired for adopting minority children and 2) children were denied FAPE due to race
- Strip Search: 20 Students strip searched looking for missing money and credit cards.
 - Search and Seizure: Can students be searched and seized (detained)?
 - Can schools search back packs, purses, or lockers?

Employment / Civil Rights Claims

T-shirts – Free Speech:

- Do students have free speech rights in schools?
- Free Speech: Can SD ask student not wear:
 - Political T-shirt (pro-life)?
 - Religious T-shirt (Christian symbols)?
 - Insane Clown Posse T-shirt (Explicit Hard Rock band)?
- Separation of church and state - different than free speech.
 - **SD can not endorse religion:** that is what is meant by separation of church and state.

Summary

Minimizing Your Risk Factor

- Required Commitment from ALL parties
- Identify risks and analyze them
- Review options for responding to risks
- Select the best techniques
- Develop protocols, train appropriate people
- Implement protocols, test and monitor the results
- DOCUMENT
- Repeat the process



- Formed in 2002
- Dedicated to meeting the needs of Ohio public school entities by providing quality, affordable, and innovative insurance and **risk management solutions**.
- Membership = approximately 300 school districts
- Partnered with BASA, OSBA and OASBO

Additional Resources

Your Local Ohio School Plan Agent

www.ohioschoolplan.org

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Risk Management

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