OSC|12
Ohio Safety Congress & Expo

WELL AT HOME. SAFE AT WORK.

401 Overview of School Calamities

Steve Deig, CSRM, CPSI

Wednesday, March 28, 8:15 to 9:15 a.m.

Ohio | Bureau of Workers' Compensation

Proprietary and Confidential

2011 School General Liability and Auto Serious Loss Review

Steve Deig, CPSI, CSRM
School Technical Consultant
Liberty Mutual/Ohio Casualty Insurance

Liberty Mutual. AGENCY CORPORATION

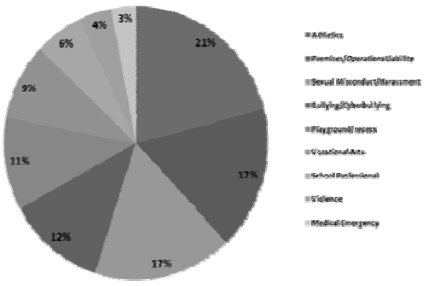
COPYRIGHT – Liberty Mutual Insurance Company 2012
All Rights Reserved

Agenda

- Background
- Discussion on GL losses
- Loss Prevention and Mitigation (GL)
- Discussion on Auto losses
- Loss Prevention and Mitigation (Auto)

School Serious Losses

2011 GL School Serious Loss Type

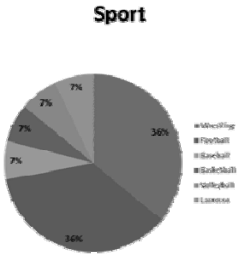


School Shooting

Athletics

Involves school organized sports:

- **29%** of serious losses in this category involved a fatality.
- **21%** of the time the claimant was a spectator.
- **79%** of the time the claimant was a participant
- **64%** of the time the injury occurred during practice
- **36%** of the time the injury occurred during the interscholastic contest.

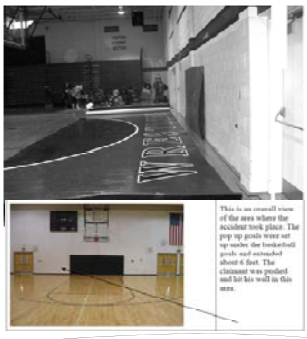


Indoor Gyms – Loss Prevention

- Must conform to state high school athletic association rules.
- NFHS rules
- Wall padding--ASTM F-2440 standards

Safety Recommendations for padding of indoor basketball courts:

- NCAA and NFHS both indicate that a minimum of three feet preferable to have ten foot clearance.
- If the ten foot rule cannot be accommodated--very minimum six feet of clearance is needed.
- Any clearance less than ten feet, the walls should be fully padded.
- Since gyms are used for multi-purpose events other than basketball that all walls and obstructions be fully padded.



School Safety Newsletter on Heat Stress for Athletes

Recommendations Listed in the NATA Heat-Acclimatization Guidelines:

1. During the first five days of the heat-acclimatization process, athletes may not participate in more than one practice per day.

2. If a practice is interrupted by inclement weather or heat restrictions, the practice should recommence once conditions are deemed safe, but total practice time should not exceed three hours per day.

3. A one-hour maximum walk-through is permitted during the first five days of the heat-acclimatization period; however, a three-hour recovery period should be inserted between the practice and walk-through (or vice versa).

4. During the first two days of the heat-acclimatization period, in sports requiring helmets or shoulder pads, a helmet should be the only protective equipment permitted (goalies, as in the case of field hockey and related sports, should not wear full protective gear or perform activities that would require protective equipment). During days three through five, only helmets and shoulder pads should be worn. Beginning on day six, all protective equipment may be worn and full contact may begin.

5. Beginning no earlier than the sixth day and continuing through the 14th day, double-practice days must be followed by a single-practice day. On single-practice days, one walk-through is permitted, but it must be separated from the practice by at least three hours of continuous rest. When a double-practice day is followed by a rest day, another double-practice day is permitted after the rest day.

6. On a double-practice day, neither practice's duration should exceed three hours total, and student-athletes should not participate in more than five total hours of practice. Warm-up, stretching, cool-down, walkthrough, conditioning and weight-room activities are included as part of the practice time. The two practices should be separated by at least three continuous hours in a cool environment.

7. Because the risk of exertional heat illnesses during the pre-season heat-acclimatization period is high, the consensus statement strongly recommends that an athletic trainer be on site before, during and after all practices.

Suggested High School Coach Requirements for Health and Safety

- State can have specific guidelines.
- http://www.nfhslearn.com/StatePricingRegs.aspx
- In absence of state specific guidelines here are some suggestions:
  - Trained in CPR/AED
  - If not recommended by state or state has something similar --complete and obtain NFHS coaches certification which includes NFHS Fundamentals of Coaching, NFHS First Aid for Coaches and Fundamentals of Coaching Sport. Here is the link: http://www.nfhslearn.com/Certification.aspx
  - Training on concussion recognition and prevention.
  - Health and Wellness: A Coach's Guide to Hydration, Nutrition and Supplements

Athletic/Sports Risk Management

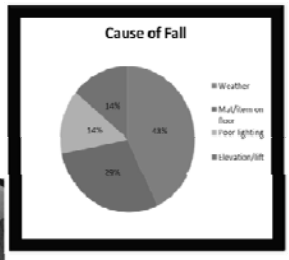
- **School needs to:**
  - offer and use safe equipment,
  - use appropriate and safe facilities,
  - **proper instruction & supervision** appropriately prepare & condition,
  - appropriately warn about the risks,
  - offer appropriate post-injury care,
  - offer appropriate activities,
  - maintain reasonable records, and,
  - follow appropriate rules & regulations.

State HSAA Sports Waiver

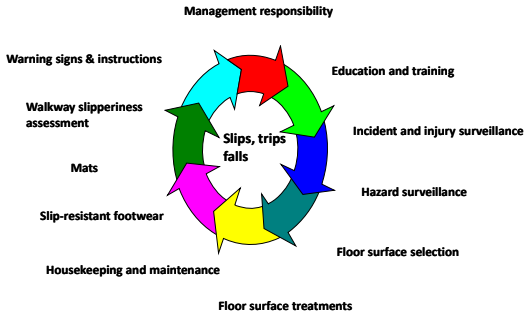
I know of the risks involved in athletic participation, understand that serious injury, even death is possible in such participation, and choose to accept such risks. I voluntarily accept any and all responsibility for my own safety and welfare while participating in athletics, with full understanding of the risks involved, and agree to release and hold harmless my school, the schools involved and the IHSAA of and from any and all responsibility and liability, including from their own negligence, for any injury or claim resulting from such athletic participation and agree to take no legal action against my school, the schools involved or the IHSAA because of any accident or mishap involving my athletic participation. *(Deposition of Catherine Davenport, Exhibit D, p. 3).*

Premises and Operations Liability

- **64%** were result of falls
- *See chart for cause of fall detail*
- **54%** of losses involved injury to students
- **38%** of losses involved guests and injuries were to elderly guests.
- Many were evening event losses especially around holiday events.
- Severe head trauma most common injury.



Fall Safety Management Process



Resource Documents

Liberty Mutual Resources

- School Employee Safety Series (under development)
- Parking lot: checklist (LP 5532) and frequent inspection checklist (LP 5533)
- Cafeteria Self Inspection checklist LP 972
- School janitorial and custodial services LP 5369
- Ladders LP 868
- General Machine Guarding LP 5515
- Falls: For supervisors (LP 5040), floor surfacing (LP 5142), cleaning and maintenance (LP 5010), falls on stairways (LP 5158), and outdoor falls (LC 5434)
- Material Handling LP 5177, Training Workers in Safe Lifting and Material Handling (LP 148), R3 Lifting/Lowering Tasks (LP 5381), R3 Lifting/Lowering Worksheet (LP 5443)
- Repetitive Task Analysis Worksheet (LP 895), Stressful Postures Associated with Cumulative Trauma Disorders (LP 188), Assessing the Risk of Cumulative Trauma Disorders (LP 281), Ergonomic Recommendations for Workstation Design (LP 185)
- Model Safety Programs: Ergonomics and Workplace Musculoskeletal Disorders, Personal Protective Equipment, Core Elements of a Safety and Health Programs

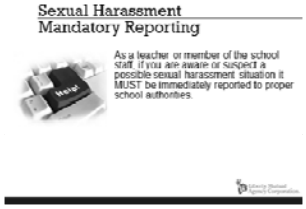
Sexual Misconduct and Harassment

- 82% were result of teacher/student SMM
- Student/student losses occurred on bus
- Hazing incident seen student to student.
- Special needs students observed in student/student SMM losses.
- Late mandatory reporting of incident to authorities was alleged in several cases.
- Late reporting to carrier was observed in several cases.

Child Abuse Prevention Model Safety Plan

TABLE OF CONTENTS

Definitions of Child Abuse and Neglect 4
Sexual Harassment Policy Components 5
Guidelines for Sexual Harassment Policy Development 6
Best Practices for Screening Volunteers 6
Developing Best Practices For Volunteers 6
Volunteer Risk Evaluation Process 6
Recommended Best Practices 7
Best Practices for Screening and Hiring of Employees 7
Supervisory Recommendations 8
Two Adult Rule 8
General Supervision Recommendations 8
Supervision Recommendations for Overnight Trips 8
No workers under 18 years old 8
The Five Years or Older Rule 9
Six Month Rule 9
Observation of Children 9
Counseling Safeguards 9
First Aid and CPR Training 9
Parental Permission 9
Supervision Recommendations for Aquatics 9
Annual Refresher Training 9
Duties and Responsibilities of Supervisors 9
Recognizing Child Abuse and Neglect 10
Physical abuse 10
Emotional Abuse 10
Sexual Abuse 11
Neglect 11
Reporting Child Abuse or Neglect 12
Professionals Required to Report 12
Reporting by Other Persons 12
Standards for Making a Report 12
Privileged Communications 13
Inclusion of the Reporter's Name in the Report 13
Disclosure of the Reporter's Identity 13
No Sure if's Abuse? 13
Checklist for Mandated Reporters 14
Investigation of School Sexual Harassment and Abuse Complaints 14
Activity Release Form 17



http://www.rainn.org/public-policy/laws-in-your-state

Components to include in a Sexual Harassment Policy

- School's commitment to prevent sexual harassment.
- Examples of behaviors covered by the policy.
- Identify the kinds of activities and sites where prohibited conduct could occur.
- Explain the methods the school will use to investigate incidents of alleged sexual harassment.
- Make clear the school will take action to stop sexual harassment from recurring.
- Outline specific procedures to address formal complaints of sexual harassment.
- Provide names, positions, and contact information for people responsible for accepting and managing complaints.
- Require employees, volunteers and staff to report harassment that they witness or learn about.
- Expressly indicate that retaliation is prohibited against those who report or participate in related proceedings.
- Explain that confidentiality will be maintained as much as possible and that victims or witnesses will not be required to face harassers.
- State that the goal of any investigation or proceedings will be a fair resolution that includes appropriate and corrective action.

These guidelines were adapted from Protecting Students from Harassment and Hate Crime by the US Department of Education Office of Civil Rights (1999) Check applicable local law for additional guidance.

Bullying/Cyber-Bullying

- **50%** of losses involved suicide.
- Fatalities **evenly split** between male/female
- **75%** of fatalities were high school age
- **50%** of losses were high school age
- **63%** of losses were male
- **25%** of time student was special needs

What can schools do?

- School student conduct policy should include evidence of illegal or inappropriate student postings on the internet should be grounds for school disciplinary action.
- Conform to state law and state model policy
- Involve legal counsel

District should develop Acceptable Use Policy (AUP)

- Internet and email use
- Instant messaging (IM), chat and weblogs
- Use of cameras, video equipment and webcams
- Other electronic equipment such as IPODS, PDAs, cellphones with cameras, etc.
- List sanctions to be imposed if rules are not followed
- Require students to sign a statement agreeing to comply with the district rules on network or internet use.
- Require parents to sign a consent form and release authorizing their child's use of the school network.
- Release form signed should also contain hold harmless language in favor of the school if the student's activities using the network causes damage to the user, the school or a third party.

What can schools do…when made aware of an incident?

- Take the complaint seriously and access the immediate threat.
- Ensure the safety of the target.
- Demonstrate compassion and empathy to the target.
- Follow school procedures on investigating and reporting the complaint.
- Contact parents.
- Contact proper authorities if physical threats are involved.
- Enforce school student conduct and AUP.
- Involve school legal counsel if considering serious disciplinary action.

Bullying Beyond the Schoolyard, S. Hinduja & J. Patchin.

School Employment Related Practices Checklist

Transportation

- **43%** of losses were fatalities
- **23%** of fatalities the school vehicle was non-owned.
- **23%** of fatalities involved either a pedestrian, motor or bicyclist and bus was turning.
- **30%** of losses involved loading/unloading operation
- Number of losses involved substitute bus driver.
- Number of losses involved left hand turns.

Transportation

Help Rocky the School Safety Patrol Dog get students to and from school safely!

Traffic Control – Bus Observations

- **Background**
- **Process**
  - **Current Operation**
  - **Layout**
  - **Observation Process**
  - **Documentation**
  - **Follow-up**

Transportation

Current Operations

- **Understanding of current flow**
  - **Dismissal process**
  - **Transportation (bus and others)**
  - **Pedestrian traffic**
  - **Bus pattern**
  - **Parents and others**
  - **Signage**
- **Supervision – faculty & others**
- **Crosswalks**

Layout

- **Obtain Google Earth map or school provided map**
- **Information to find out:**
  - **Bus parking**
  - **Parent parking**
  - **Others (daycare, special need, etc.)**

Transportation – Loss Prevention Resources

- Over 1/3 of videos in lending library deal with driver safety!
- Model Safety plans, resource notes, lessons from loss defensive driving series, etc.
- ***New*** FLEET version Employee Safety Perception Survey (ESPS).

Thank you for attending!

Think Safety!

o Points of view, ideas, products, demonstrations or devices presented or displayed at the Ohio Safety Congress & Expo do not constitute endorsements by BWC. BWC is not liable for any errors or omissions in event materials.

OSC|12