

Oregon Community Unit School District No. 220

RISK MANAGEMENT PROGRAM

2018-2019

Oregon Community Unit District No. 220 shall have and maintain a comprehensive Risk Management Program, which shall attempt to reduce or prevent the District's exposure to liability. It is of the utmost importance for the District: 1) to ensure that constitutional, statutory, regulatory 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; 3) to provide careful supervision and protection of all the District's real and personal property, including vehicles; and 4) to control and manage costs relating to injuries.

Section 9-103 of the *Local Governmental and Governmental Employees Tort Immunity Act* ("Act"), 745 ILCS 10/9-103, provides that a school district may protect itself against certain specified liabilities, by various means including "risk management directly attributable to loss prevention and loss reduction." Section 9-107 of the Act provides that a school district may annually levy a tax upon all taxable property in the district to pay for "risk management directly attributable to loss prevention and loss reduction."

Oregon Community Unit School District No. 220 has engaged in a formal process designed to identify, specifically address, and then reduce or eliminate risk exposures under the Act. The process engaged in by the School District has the following characteristics:

1. Identification and analysis of exposures;
2. Selection of techniques to handle each exposure;
3. Implementation of the chosen techniques;
4. Periodic monitoring of the implementation of the techniques, including the making of adjustments as appropriate.

Section 9-107 of the Act also permits the School District to levy a tax upon all taxable property in the district to pay the cost of insurance, including all operating and administrative costs directly associated therewith, claims services, legal services directly attributable to insurance, educational, inspectional and supervisory services directly related to loss prevention and loss reduction, and to pay tort judgments and settlements.

The Risk Management Plan is the result of the formal process engaged in by the School District to identify and attempt to reduce or eliminate exposures under the Act. It identifies areas of exposure, assigns personnel and develops actions to help eliminate or handle the exposure and then implements a process to reduce or eliminate the exposure and to monitor the School District's progress.

745 ILCS 10/9-107(b). Given the recent litigation across the State of Illinois involving the interpretation of this statute, and the costs of defending such litigation, the District will not fund the entire Risk Management Program under this levy. However, the Risk Management Program remains in effect.

The District's Risk Management Program shall provide for:

1. Identification of various components of risk management;
2. Clearly delineated personnel responsibilities;
3. Adequate insurance against liability exposure; and
4. Identified and allowable costs for the maintenance of the Risk Management Program.

The overall responsibility for the development and maintenance of the District's Risk Management Program rests with the Superintendent. The Superintendent shall be responsible for the development of the Program, identifying the various components of the Program, and delegating responsibilities for these components to the appropriate personnel as necessity dictates. It is expected that the Superintendent will continuously evaluate the effectiveness of the Program and be apprised of needed revisions and additions or deletions to the components and assigned responsibilities and evaluate the effectiveness of needed revisions, additions or deletions to the Risk Management Plan and its components.

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. The Superintendent is responsible for this portion of the Risk Management Program which includes, but shall not be limited to, the following components:

1. Purchase of insurance consultant services;
2. Payment of premiums for various necessary insurance, including all liability insurance, building and fleet insurance, workers' compensation, unemployment compensation, personnel bonds, etc.;
3. Payment of judgments or settlements arising against the District; and
4. Payment of all legal fees connected with protecting or defending the District against possible tort liabilities.

The bidding of supplies, equipment, and contractual services is also a responsibility of the Superintendent. The Superintendent is responsible for the bidding of supplies, equipment, and contractual services in such a manner that the District meets all requirements for freedom from tort situations by meeting common law, statutory and regulatory requirements for toxic materials, equal opportunity employment, prevailing wage rates, quality of supplies and equipment, verifying bidder qualifications, contractor employee criminal background checks, etc.

It is expected that the Superintendent will expend forty-four percent (44%) of his/her time directly related to fulfilling the responsibilities of his/her position in the District's Risk Management Program.

The Superintendent, in his/her capacity as the chief executive of the District, has responsibility to ensure that the Risk Management Program is adopted and implemented in the District.

The Superintendent is also directly involved in risk management activities, especially those related to litigation.

The responsibilities for special education services are assumed by the Superintendent. These responsibilities are in four major areas:

1. The guarantee of protection of the constitutional, common law, and statutory rights of students;
2. Reducing exposure to tort situations involving the legal and proper student testing, evaluation, identification, and placement including medical, physical and behavioral issues of special education students;
3. Providing for the confidentiality of student psychological profiles and records; and
4. Discipline of special education students.

The Superintendent, administrative assistant, and bookkeeper(s) will identify the various risk components of programs under their purview, select techniques to minimize risk exposure, and monitor the effectiveness of the techniques chosen. The administrative assistant and bookkeeper(s) shall make recommendations for change to the techniques to the Superintendent, then monitor the effectiveness of the recommendations as implemented.

The Superintendent will make decisions, then monitor their effectiveness. It is expected that the Superintendent's administrative assistant will expend ten percent (10%) of her/his time assisting the Superintendent in fulfilling his/her responsibilities under the District's Risk Management Program.

The District's bookkeeper(s) are assigned the responsibility for serving as the District's liaison to the various consulting services, claims and adjustment services, and insurance companies. They are also assigned the responsibility for receiving all incoming communications, either written or by telephone, from various consulting services, claim and adjustment services, insurance companies, attorneys and collective bargaining agents pertaining to risk management, answering questions, and directing the communications to the appropriate personnel. The bookkeepers are responsible for typing, proofing and mailing all correspondence concerning these assigned responsibilities.

The District's bookkeeper(s) also have the responsibility to receive, check for accuracy and, when approved by the Board of Education, make payment on all bills to consulting services, claim and adjustment services, and insurance companies.

It is expected that the bookkeeper(s) will devote approximately five percent (5%) of their time toward the fulfillment of these duties.

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

Development and identification of responsibilities for the periodic and routine inspection, maintenance, and repair of buildings, grounds, vehicles, and equipment to provide protection to the District, its employees, its students, and the general public;

1. Maintenance of legal and safe conditions of the buildings and grounds in compliance with common law, constitutions, state and federal laws regarding employee and student health and safety (asbestos, radon, lead, pesticides, herbicides, etc.);
2. Serve as the District's official Asbestos Management Director;
3. Training of the District's custodial and maintenance personnel to perform work on safety and health matters; and
4. Supervision of custodial and maintenance personnel in the performance of their duties under the Risk Management Program.

It is expected that the Director of Buildings and Grounds will expend forty-five percent (45%) of his/her time directly related to fulfilling the responsibilities of his/her position in the District's Risk Management Program. It is expected that custodial and maintenance personnel will devote between ten percent (10%) and fifty percent (50%) of their time, depending upon their individual job assignments, in daily inspection, maintenance, and repair of buildings, grounds, vehicles, and equipment, to provide a risk-free environment. The Director of Building and Grounds and all maintenance personnel will identify the various risk components of programs under their purview, select techniques to minimize risk exposure, and monitor the effectiveness of the techniques chosen. The Maintenance personnel shall make recommendations for change to the techniques to the Director of Building and Grounds, then monitor the effectiveness of the recommendations as implemented.

The District's Risk Management Program in relation to the health and safety of the District's students and employees is the responsibility of the Building Principals, their administrative staff, and other staff they supervise. The degree of this responsibility (time invested) varies in accordance with the number of students involved, the age of those students, risk factors particular to a student or students and the number of employees involved. Building Principals and the employees they supervise shall provide for the protection of students and employees from exposure to tort-producing situations which arise from, but are not limited to, the following:

1. Incidents in the lunchrooms;
2. Incidents on playgrounds;

3. Incidents occurring during school athletics;
4. Incidents occurring during physical education classes;
5. Incidents occurring during vocational training, technical education, or shop work;
6. Incidents in connection with the transportation of students:
 - a. Boarding a bus, van, or other District-owned vehicle;
 - b. During transit to/from school or school-related events in a bus, van, or other District-owned vehicle;
 - c. Disembarking from a bus, van, or other District-owned vehicle; and
 - d. Immediately prior to boarding and after disembarking a bus, van, or other District-owned vehicle;
7. Incidents in connection with safety of students from traffic hazards and exposure to risk;
8. Incidents due to acts of fellow students:
 - a. Committed in classroom; and
 - b. Committed outside of classroom; and
9. Incidents occurring:
 - a. Before school buses arrive;
 - b. During or between class periods;
 - c. During noon hour or recess periods; and
 - d. After school buses depart.

Principals, and assistant principals will identify the various risk components of programs under their purview, select techniques to minimize risk exposure, and monitor the effectiveness of the techniques chosen. Assistant Principals shall make recommendations for change to the techniques to the Principal, Principals shall make recommendations for change to the Superintendent, then monitor the effectiveness of the recommendations as implemented.. It is expected that each Building Principal and Assistant Principal will expend thirty percent (30%) of his/her time in meeting his/her responsibilities associated with the Risk Management Program. Secretarial and clerical staff have additional specific tort responsibilities related to public visitors, mail and telephone communications, security of records, as well as reporting requirements for student and staff conduct. Secretarial and clerical staff will identify the various risk components of programs under their purview, select techniques to minimize risk exposure, and monitor the effectiveness of the techniques chosen. Secretarial and clerical staff shall make recommendations for change to the techniques to their supervising Principal or Assistant Principal, then monitor the effectiveness of the recommendations as implemented. It is expected that the secretarial and clerical staff supervised by the Building Principals and Assistant Principals will devote five percent (5%) of their time on duties directly related to risk management.

Certificated teachers and coaches have specific job responsibilities relating to student safety as related to their overall job responsibilities including monitoring duties, coaching duties and in their specific areas of instruction. Certificated

teachers and coaches shall identify the various risk components of programs under their purview, select techniques to minimize risk exposure, and monitor the effectiveness of the techniques chosen. Teachers shall make recommendations for change to the techniques to the Principal, then monitor the effectiveness of the recommendations as implemented. As a result of their specific job responsibilities they expend between ten percent (10%) and twenty-five percent (25%) of their time in meeting their responsibilities associated with the Risk Management Program. Clerical staff supervised by certificated teachers and coaches are expected to spend between five percent (5%) and twenty percent (20%) of their time on risk management duties.

The District provides special education services through participation in the Ogle County Education Cooperative. Certificated special education teachers are responsible for monitoring the behavior and protecting the health and safety of the individual students and groups of students they serve. Special education teachers have specific additional risky behaviors to monitor and manage arising from their students' special needs. Special education teachers shall identify the various risk components of programs under their purview, select techniques to minimize risk exposure, and monitor the effectiveness of the techniques chosen. Special education teachers shall make recommendations for change to the techniques to the Principal, then monitor the effectiveness of the recommendations as implemented. The time expended by special education teachers in fulfilling their responsibilities under the Risk Management Program will vary each year, depending upon the types of services required by District students. It is expected that between ten percent (10%) and fifty percent (50%) of the cost of special education services is attributable to special education teachers' risk management duties.

The District employs aides in regular classes. The aides oversee individual and group behaviors inside and/or outside of the classroom. Students in the care of an aide have specific risk factors which must be managed with a high degree of skill and care. Aides shall identify the various risk components of students under their charge, select techniques to increase student safety, and monitor the effectiveness of the techniques chosen. Special education aides shall make recommendations for change to the techniques to the Principal, then monitor the effectiveness of the recommendations as implemented. As a result of their inherent duties, these aides expend ten percent (10%) of their time meeting risk management objectives.

One of the primary responsibilities of the school nursing services is the protection of the health and safety of students and employees. School nurses and nurse aides are directly involved with the District's compliance with state health laws and ensuring that the students have been physically examined in a legal manner and are in a risk-free physical condition, both individually and in relation to other students and District personnel. Nursing services have the additional risk management responsibility of reducing student/employee exposure to communicable diseases and other health and safety problems and contributing to District Risk Management programs relating to health, such as concussion protocol committees, insurance claims, and the development of the Risk Management

plan itself. Not only are the school nurses and nurse aides responsible for limiting exposure, but they are also responsible for the assistance and protection of students with specified health problems, health needs, and safety needs. Nurses are health care professionals, frequently first responders to injuries occurring in the school environment. Nurses identify the various risk components of all school programs as well as students under their purview, select techniques to treat illness or injury, ameliorate and minimize health risks, and monitor the effectiveness of the techniques chosen. Nurses select medical techniques to treat illness or injury, then monitor the effectiveness of the choices as implemented. The portion of time devoted by school nurses and nurse aides to limiting and avoiding tort and situations arising from the health, safety, and physical conditions of all students is seventy-five percent (75%) of their time.

The District's Computer Technology Director and Assistant Technology Director are responsible for the installation and maintenance of the District's software programs, including Internet filtering software, and for monitoring the use of these programs in accordance with licensing agreements and maintaining confidentiality of school communications and electronic records. They are also responsible for supervising and monitoring the use of the Internet by students and employees in accordance with common law, constitutional, state and federal law, including tortious communications such as libel, obscenity, fraud, and threats of harm. The Computer Technology Director and Assistant Technology Director will identify the various risk components of programs under their purview, select techniques to minimize risk exposure, and monitor the effectiveness of the techniques chosen. They shall make recommendations for change to the techniques to the Superintendent, then monitor the effectiveness of the recommendations as implemented. These duties require the Computer Technology Director and Assistant Technology Director to expend fifty percent (50%) of their time meeting risk management objectives. The technology assistant(s) will expend five percent (5%) of his/her time assisting the Computer Technology Director and Assistant Technology Director in meeting these risk management objectives.

The District employs a Food Service Director, head cooks, assistant cooks, and cafeteria staff in the preparation and service of wholesome meals to students and employees in accordance with health and safety standards required by common law, constitutional, state and federal law and regulations. All food service staff are required to perform their duties in accordance with the rules, regulations and laws as well as common law obligations that will ensure a healthy and safe environment for themselves and their fellow employees. The Food Service Director, head cooks, assistant cooks, and cafeteria staff will identify the various risk components of programs under their purview, select techniques to minimize risk exposure, and monitor the effectiveness of the techniques chosen. Food Services Director shall make recommendations for change to the techniques to the Superintendent, then monitor the effectiveness of the recommendations as implemented. All other food service employees shall make recommendations for change to the techniques to the Food Service Director, then monitor

the effectiveness of the policy modifications. In fulfilling their job responsibilities, all cooks and cafeteria staff devote thirty percent (30%) of their time in meeting the objectives of the Risk Management Program.

The District shall employ as a borrowed servant one or more School Resource Officer, paying the City of Oregon for up to all costs of employment, save insurance, pursuant to an Intergovernmental Agreement between the Board of Education and the City of Oregon. School Resource Officers shall enforce criminal laws and shall assist in tort risks including fights, terrorist threats, and other disruption of the educational atmosphere, including an emphasis on risk avoidance, assist with natural disasters such as floods, fires and storms, and provide crowd control at school events. School Resource Officers will identify the various risk components of programs under their purview, select techniques to minimize risk exposure, communicate chosen techniques to responsible school personnel, and monitor the effectiveness of the techniques chosen. The School Resource Officer shall devote 100% of their time to risk avoidance.

Employees in other positions may be assigned duties and responsibilities that involve exposure to tort and risk situations or the monitoring, modification, and/or elimination of such situations. The Administration shall be responsible for identifying such employees and for documenting the duties and allocating the time to be expended by them under the Risk Management Program.

<u>Expectation of Time Dedicated to Risk Management Activities</u>	
Superintendent	44%
Superintendent's secretary	10%
Bookkeepers	5%
Director of Buildings and Grounds	45%
Custodial and maintenance	25%
Building Principals and Assistant Principals	30%
Athletic Director	50%
Elementary School secretary	5%
Middle School secretary	5%
High School secretary	5%
PreK- 6 th grade teacher(s)	12%
7 th – 12 th grade teacher(s)	10%
Physical education teacher(s)	20%
Driver education teacher(s)	20%
Home economics teacher(s)	15%
Vocational education teacher(s)	25%
Guidance counselor(s)	12%
Librarian(s)	10%
substitute teacher(s)	10%
Athletic coach(es)	15%
High School guidance secretary	20%
library aide	5%
Nurses	75%
Nurse aide	75%
Computer Technology Director and Assistant Technology Director	50%
Technology assistant	5%
Food Service Director, Head cooks, assistant cooks, and cafeteria staff	30%
School resource officer	100%

INSURANCE:

Building, Workers' Compensation, Unemployment Insurance, Errors and Omissions, Liability, Fleet, and others as deemed necessary.

SERVICES:

- Legal fees attributable to insurance

- Insurance consultant
- Consultants or training of employees concerning HIV, Hepatitis B and communicable diseases
- Consulting or training of employees concerning health risks of students, including concussions, drug use, communicable diseases, Legionnaire's disease, and so on.
- **School resources officer non-statutory risk avoidance**
- Legal fees for defending against Constitutional ~~and~~ civil rights violations and tort suits

JUDGMENT:

Any and all judgments or settlements against the District for constitutional civil rights and tort claims.

OTHER:

Other such expenses that the administration deems appropriate under the Tort Immunity Act.

TORT EXPENDITURES (Not all inclusive Examples only)

Risk Management and/or Insurance Related:

- Risk Management Administrative Expenses
- Loss Prevention Program Expenses
- Vehicle Insurance
- Comprehensive School Package Policy
- Unemployment Insurance
- Workers' Compensation Insurance
- School Board Legal Liability
- Umbrella Policies
- Malpractice Insurance (Nurse)
- Vandalism Expenses
- Insurance Deductible Costs

Buildings/Grounds Alterations:

- Surveys for identification of risks
- Testing Related to Sick Building Syndrome
- AHERA Compliance identification
- ADA Compliance identification
- Testing for Radon
- Testing for Lead in Drinking Water

Security:

- District emergency plans which protect the safety and well-being of students, staff and visitors, as well as their implementation
- **School resource officer non-statutory risk avoidance**

Blood Borne Pathogens & other communicable diseases:

Inclusionary Education Costs:

- Multidisciplinary Conference Costs (special consultants)
- Appeals, Hearings, Court Recorder Costs

Physical Education & Athletics

- Bleacher & other equipment and facility Inspections

Miscellaneous:

- Fees Associated with Attendance at Workshops pertaining to safety etc.

Asbestos:

- Designated Person (Plan prep)
- Samples

Oregon Community Unit School District No. 220

STATE OF ILLINOIS)
)
COUNTY OF OGLE)

CERTIFICATE

I, Mary Jo Griffin, **DO HEREBY CERTIFY** that I am the Secretary of the Board of Education in and for Oregon Community Unit School District No. 220; that the foregoing is a true and correct copy of a Risk Management Program duly adopted by the Board of Education of Oregon Community Unit School District No. 220, at a regular meeting held on the 16th day of November 2015.

DATED: _____

**Secretary of the Board of Education
Oregon Community Unit District No. 220**