

New Holland Middletown Elementary School District #8

NEW HOLLAND MIDDLETOWN ESD #88

RISK MANAGEMENT PLAN

July 2020

New Holland Middletown ESD #88 shall have in operation a comprehensive Risk Management Plan which shall reduce or prevent the district's exposure to liability. It is of the utmost importance for the district to: (1) ensure that statutory and common law, health, and safety rights are extended to visitors, employees, and students; (2) make certain that the district's buildings and grounds are maintained in a safe condition; and (3) 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 (Ill. Rev. Stat., Ch. 85, 10101 et seq.) provides for a school district to levy a tax, which when collected, will pay the cost of risk care management (Ill. 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 costs of legal services and the wages and salaries of employees in connection with defending or otherwise protecting itself against any liability or loss described herein above and under federal or state common or statutory law, the Worker's Compensation 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 public entities or their employees.

The district's Risk Management Plan shall provide for: (1) identification of the various components of the Risk Management Plan; (2) clearly delineated personnel responsibilities; (3) adequate insurance against liability exposure; and (4) identified and allowable costs for the maintenance of the Risk Management Plan.

The general overall responsibility for the development and maintenance of the district's Risk Management Program rests with the Superintendent of the district. 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.

It is expected that the Superintendent will continually evaluate the effectiveness of the program and be apprised of needed revisions, additions, or deletions to the components and assigned responsibilities. The Superintendent or his designee will be responsible for monitoring all staff evaluations to assure that risk care responsibilities are being evaluated. It is expected that, because of delegating responsibilities, the Superintendent would spend no more than ten percent (10%) of his time toward the fulfillment of this task. It will also be the Superintendent's responsibility to provide for the protection of students, personnel, and the general public and freedom from exposure to tort-producing situations which arise from incidents at all-school functions and activities. Five percent (5%) of his/her time will be spent fulfilling this obligation.

One primary component of the Risk Management Plan is the provision of an insurance/compensation program that will provide protection to the district against liability.

Portions of this component shall include, but not be limited to:

1. Premiums for the various necessary insurances, including liability insurance, building and fleet insurance, workers' compensation, unemployment compensation, 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.
5. Pay for architectural, engineering, and consulting services connected with protecting the district against liability involving Life/Safety issues, ADA issues, asbestos issues, and environmental issues.

The district's Superintendent is assigned the responsibility for the administration of this component to the Risk Management Plan, and shall serve as the district's liaison to the various consulting services, claim and adjustment services, and insurance companies. In addition, the

district's Superintendent shall be responsible for all communications concerning claims against, or on behalf of, the district. He/she shall also be responsible for the bidding of supplies and contractual services in such a manner that the district meets all the requirements for freedom from tort situations, which include meeting the requirement for toxic materials, Equal Opportunity Employment, prevailing wage rates, comparable name equipment, responsible bidders, etc. It is expected that the District's Superintendent will devote an additional five percent (5%) of his/her time toward the fulfillment of these duties.

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

1. Development and identification of the various components and responsibilities concerning inspection of buildings, grounds, and equipment to provide protection to the local district, its employees and the public, daily inspection of buildings and grounds, and operation of the district's building security system.
2. The maintenance of the legal and safe conditions of the buildings and grounds. Head Maintenance is responsible for the district's compliance with state and federal laws regarding employee and student health and safety, asbestos, radon, lead, etc.
3. The supervision of all personnel performing maintenance duties within the Risk Management Plan. It is expected that all custodians beyond Head Custodian/Maintenance would devote five percent (5%) of their time in daily inspection of their respective areas of assignment for a risk free environment. It is expected that day custodians would devote twenty-five percent (25%) of their time for inspections and correction of risk/tort situations.
4. The ordering, procuring, and bidding of supplies and outsourced services in such a manner that the district meets all requirements for freedom from tort liability situations, which would include meeting the requirements for toxic materials, comparable name-brand equipment and/or supplies, lowest responsible bidders (as appropriate), etc.

It is expected that the Head Maintenance will expend twenty-five percent (25%) 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 Head Maintenance. Included here are responsibilities performed by many different members of the staff.

1. **Student Transportation** – All bus/vehicle drivers shall be responsible for the inspection of their bus/vehicle prior to each run to ensure that the vehicle is free from any situation that would produce risk or tort possibilities. It is expected that this task will require ten percent (10%) of the time actually spent transporting students.
2. **Lab and Activity Teachers** – Since it is recognized that many of our teaching and coaching positions have inherent tort liability potential, the district will record a certain percentage of the time devoted to the duties in those positions to the Risk Management Plan. It is expected that teachers in art, band, physical education, science lab, industrial arts, and coaches will closely supervise their students and ensure that all are protected from undue exposure to risk situations. It is expected that ten percent (10%) of the coaches' time and five percent (5%) of the other listed teachers' time will be devoted to these tasks.

The district's Risk Management Plan, in relation to the health and safety of district students and personnel, is the responsibility of the Superintendent, Principals, Supervisor of Students, Guidance Counselors and Athletic Director. The degree of this responsibility (time invested) varies in accordance to each person's assigned supervisory activities. They shall provide for the protection of students, personnel, and the general public and freedom from exposure to tort-producing situations, which arise from but are not limited to:

1. Incidents in parking lots and on the campus.
2. Incidents in the lunchroom.

3. Incidents occurring during school athletic activities and other school-sponsored events.
4. Incidents occurring during physical education classes.
5. Incidents occurring during industrial education and/or vocational education classes.
6. Incidents occurring in connection with the transportation of students: (a) before boarding (b) during boarding, and (c) after exiting the school bus/vehicle.
7. Incidents in connection with safety of students from traffic hazards and exposure to risk.
8. Incidents due to acts of fellow students committed both in the classroom and outside the classroom.
9. Incidents due to lack or insufficiency of supervisors: (a) at bus/vehicle loading/unloading, (b) during or between class periods, (c) during lunch hours, and (d) miscellaneous undetermined times.

It is expected that the Superintendent shall devote an additional five percent (5%) to the above tasks, and the Building Administrators shall also devote approximately twenty percent (20%) of their time to the above tasks. It is expected that the Athletic Director will expend fifteen percent (15%) of his/her time, the Guidance Counselors ten percent (10%) of their time. One of the primary responsibilities of the School Nurse/Administrative Assistant is the protection of the health and safety of students and personnel. This position is directly involved with the district's compliance with state and federal health regulations. He/she is responsible for ensuring that the students have been physically examined in a legal manner that ensures 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 School Nurse/Administrative Assistant has the additional risk management responsibility of reducing student/personnel exposure to communicable disease and other health and safety problems. Not only is the School Nurse/Administrative Assistant responsible for limiting exposure, but he/she is also responsible for the protection of students

with specified health problems, health needs, and safety needs. It is expected that no less than twenty-five percent (25%) of his/her time shall be devoted to limiting/avoiding tort situations arising from the health, safety, and physical conditions of students and personnel.

Head Cook has the responsibility to supervise the protection of students from health problems due to contaminated supplies, improperly stored, cooked, or handled food and milk. They are 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. It is expected that the Head Cook will expend twenty-five percent (25%) of their time devoted to these tasks. Five percent (5%) of the cooks' duties will be devoted to these tasks.

The responsibilities for providing Special Education services are directly interwoven into the Risk Management Plan. The responsibilities fall into four major areas:

1. The guarantee of protection of the Constitutional and statutory rights of students;
2. The reduction of exposure to tort situations involving the legal and proper student testing, evaluation, identification, and placement of Special Education students;
3. Providing for the confidentiality of student psychological profiles and records; and
4. The discipline of Special Education students.

The Tri-County Special Education Cooperative has responsibilities directly interwoven into the District's Risk Management/Tort Avoidance Plan. The Cooperative's responsibilities are in three areas: (1) the guarantee of protection of the constitutional and statutory rights of the students; (2) the reduction of exposure to tort situations involving the legal and proper student testing, evaluation, identification, and placement of Special Education students; and (3) providing for the confidentiality of student psychological profiles and records. It is expected that

the Tri County Special Education Cooperative will devote their entire time fulfilling these obligations.

While it is recognized that many other positions include assignments which may create exposure to tort and risk situations, no effort has been made by the District to allocate a portion of its time to the Management Program. It is expected that teachers of physical education, industrial/vocational education, science, etc., as well as all coaches will closely supervise their students and ensure that all students are protected from undue exposure to risk situations.

New Holland Middletown ESD #88 is a member of the Tri-County Special Education Cooperative. The District, because of its membership in this cooperative, assumes responsibility for its portion of expenditures for the Risk Management/Tort expenses incurred by the Tri-County Special Education Cooperative. These expenditures will be prorated according to the formula governing the delineation of each member district's management costs. This pro-ration will vary from year to year.

Paraprofessionals who supervise lunchrooms and playgrounds will create and maintain safe and orderly environments for students. One hundred percent (100%) of their time will be devoted to fulfilling these responsibilities.

SUMMARY OF PERSONNEL TIME EXPENDITURES MANDATED BY THE RISK MANAGEMENT PROGRAM FOR NEW HOLLAND MIDDLETOWN ESD #88

Superintendent (25%)

- Develop and maintain Risk Management Plan.
- Evaluate the effectiveness of the Risk Management Plan.
- Monitor staff evaluations to assure that risk care responsibilities are being evaluated.
- Serve as the District liaison to insurance consulting services, claim and adjustment services, and insurance carriers.
- Communicate claims concerns to insurance carriers.
- Provide for the protection of students, personnel, and the general public and freedom from exposure to tort-producing situations which arise from incidents at all school functions and activities.

Head Maintenance (25%)

- Responsible for the safe conditions of building and grounds and for the protection of the district's real and personal property.
- This will include but is not limited to:
 - Inspecting buildings, grounds and equipment for safety; and
 - Ensuring compliance with State and Federal laws regarding employee and student health and safety.
- Ensure that students and employees are free from hardship due to improper or unsafe mechanical devices.
- Supervision of personnel performing maintenance duties within the Risk Management Plan.

Second Shift Custodians (5%)

- Daily inspect building for risks and/or hazards.

Day Custodian (25%)

- Inspect and correct situations which could result in risk or tort situations.

Bus/Vehicle Drivers (10%)

- Safety inspections and reports on mechanical problems which could result in tort-creating situations.

Teachers (5%)

- Supervise students in the classrooms and in the halls during the passing periods.

Lab and Activity Teachers (5%)

- Closely supervise their students and ensure that all are protected from undue exposure to risk situations.

Coaches (10%)

- Closely supervise their athletes and ensure that all are protected from undue exposure to risk situations.
- Ensure that all athletes have physicals on file before allowing them to participate.

Athletic Director (40%)

- Provide for the protection of students, personnel and the general public and freedom from exposure to tort-producing situations which could arise from incidents occurring during school athletic activities and other school-sponsored events and incidents due to lack of insufficiency of supervisors.

Guidance Counselors (10%)

- Freedom from exposure to tort-producing situations which arise from incidents in the lunchroom.
- Monitoring that special education rights and procedures are followed.

Building Administrators (20%)

- Provide for the protection of students, personnel, and the general public and freedom from exposure to tort-producing situations which could arise from incidents in parking lots or on campus; incidents in lunchrooms, classrooms, and hallways; incidents at all school-sponsored events; incidents occurring in connection with the transportation of students before boarding, boarding, and after leaving school-provided transportation; incidents in connection with safety of students from traffic hazards; and exposure to risk incidents due to acts of fellow students committed both inside and outside of classrooms.

Nurse/Administrative Assistant (25%)

- Ensure district's compliance with state and federal health regulations and limiting/avoiding tort situations arising from the health, safety, and physical conditions of students and personnel.

Food Service- Head Cook (30%)

- Supervise the protection of students from health problems due to contaminated supplies, improperly stored, cooked, or handled food and milk and to ensure that students and employees are free from harm due to improper or unsafe mechanical devices.

Cooks/Cafeteria Staff (5%)

- Supervise the protection of students from health problems due to contaminated supplies, improperly stored, cooked, or handled food and milk.

Tri-County Special Education Cooperative (100%)

- Guarantee of protection of the constitutional and statutory rights of the students.
- Reduction of exposure to tort situations involving the legal and proper student testing, evaluation, identification, and placement of Special Education students.
- Providing for the confidentiality of student psychological profiles and records.
- Discipline of Special Education students.
- Overseeing the district's compliance with special education issues.
- Provide for the confidentiality of student psychological profiles and records.

Playground/Lunchroom Supervisor (100%)

- Supervise students to ensure a safe and orderly environment when eating and participating in recess.

Insurance Coverage (100%)

- Liability, building and fleet, workers' compensation, unemployment compensation, bonds, judgments, settlements, attorney, architect, engineer.
- Legal, safety, and environmental safety.

Services (100%)

- Legal fees connected with protecting or defending the District against liability
- Consultants and/or training of employees concerning HIV, Hepatitis B and Communicable Diseases
- Legal fees for defending against constitutional and civil rights violations and tort suits
- Fire monitoring equipment
- Architect fees when associated with tort expenditure issues
- Special education services through Mid-State Special Education Cooperative

Judgments

Any and all tort judgments or settlements for compensatory damages against the District

Other

Other such expenses that the administration deems appropriate under the tort immunity legislation.

Detailed Tort Fund Expenditures

Risk management and/or insurance related:

- Risk management administrative expenses
- Loss prevention program expenses
- Treasurer's bond
- Vehicle Insurance
- Comprehensive school package policy
- Unemployment insurance
- Worker's compensation insurance
- School Board Legal liability
- Umbrella policies
- Malpractice insurance(Nurse)
- Vandalism expenses
- Insurance deductible costs
- Background and/or Fingerprinting costs

Security Systems:

- Purchase
- Upgrades
- Replacements

Building/grounds alterations:

- Asphalt repairs and seal coating
- Testing for lead in drinking water
- Testing for radon
- Mold Remediation
- Surveys or removal of underground storage tanks
- Testing or building alterations related to sick-building syndrome
- AHERA compliance
- ADA compliance
- Playground equipment repairs
- Replacement playground equipment

Security:

- Building security systems
- Security Devices
- Security monitoring systems(cameras)
- Playground supervisors
- Bus monitors
- Bus camera monitoring systems

Blood borne pathogens:

- Purchase universal precaution kits (bandages, Bactine, Lysol, etc.)
- Costs related to personal protective equipment
- Costs related to the disposal of bodily fluid

Inclusionary education costs:

- Multidisciplinary conference costs
- Professional Development costs related to inclusion
- Appeals, hearings, court recorder costs

Physical education and athletes:

- Gym mats
- Refurbishing/testing football equipment
- Padded basketball backboards
- Bleacher inspections
- Bleacher repairs
- Replacement bleachers

Asbestos:

- Asbestos Management Director
- Sampling and testing
- Air sampling professional
- Project Manager

Miscellaneous:

- Fees associated with attendance at risk management workshops
- Crossing guards
- Eyewash stations for science labs
- Fringe benefit costs related to salaries allocated to risk management

New Holland Middletown ESD #88

STATE OF ILLINOIS)
COUNTIES OF LOGAN, MASON, MENARD) SS.
CITY OF NEW HOLLAND)

CERTIFICATE

I, Karen Davison, DO HEREBY CERTIFY that I am the Secretary of the Board of Education in and for the New Holland Middletown Elementary School District No.88 and that the foregoing is a true and correct copy of the Risk Management Program duly adopted by the Board of Education of New Holland Middletown Elementary School District No. 88 at a regular meeting held on the 12th day of August, 2020, said adoption being part of the official records of said Board of Education.

Dated: 8/12/2020

Karen Davison

Secretary of the Board of Education
New Holland Middletown ESD #88