



ESD 112

FALL 2001

RISK MANAGEMENT MATTERS

news of southwest washington risk management insurance cooperative, workers' compensation trust, and unemployment insurance pool programs

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The #1 Hit of The Summer!

Critics agree - Safety Training for Maintenance, Custodial and Grounds School Staff is a success. "Two thumbs up!" "This training has something for everybody." "Great information." "Well done." "Instructors were highly qualified." "Speaker was interesting, funny and informative." "Upbeat presentation." "Learned a lot." "Kept us awake, very interesting to listen to."

Those were just some of the many comments from the more than 80 people who attended the training held July 30th-August 3rd, the second year that "Safety Training for Maintenance, Custodial and Grounds School Staff" was presented. Sixteen different topics were presented by 12 safety professionals. School staff were encouraged to attend the classes required by WISHA regulations, and registered for any classes they found of interest or pertinent to their job.

Scott LaBar, a Loss Control Specialist for ESD 112 who coordinated the event, strove to provide participants with some new topics and different speakers from the previous year. Scott noted "We wanted to cover some new topics such as back injury prevention and fire prevention that were not addressed the first year, while still providing the basic WISHA-required training of hazard communication, lockout/tagout and fall protection. Where we repeated classes from the first year, we tried to schedule a different speaker so the audience would get a slightly different presentation. Judging by class comments, we succeeded in providing interesting, knowledgeable speakers for topics that aren't always the most exciting."

Other topics presented included ladder safety, personal protective equipment, indoor air quality, power tool safety, hearing conservation, safe chemical handling, welding safety, forklift safety and respiratory protection. Another new addition this year was a class devoted to WISHA compliance and inspection. Scott was able to get the WISHA Compliance Supervisor for Southwest Washington to identify and discuss "common violations" that are often cited during a workplace inspection. The presenter came prepared with slides showing many of these violations so attendees could get a visual picture of what he was referring to. Scott said, "Compliance inspectors are not typically allowed to speak to the public as part of their job. I had to get permission from his supervisor in Olympia for him to speak to us and he ended up doing a super job. It was great having his perspective on things."

Mike Murphy, the Safety Coordinator for the local electrician's union, had everyone wondering what he was up to when he brought in an aquarium and proceeded to fill it up with water. Later on he put an electric drill into the

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water, while it was running, to demonstrate some electrical and grounding principles. Later he cooked a hot dog with electrical current to illustrate another point. Class comments like "great demonstrations" were typical.

Several of the presenters, all safety professionals, commented on how impressed they were with the level and thoroughness of the training that was being provided. One speaker commented "The school districts are very fortunate to have this kind of program made available to them. I have rarely run across another program quite like this one and to be offered at basically no cost- wow! The ESD is to be commended."

This program is authorized and provided by the Workers' Compensation Trust Executive Committee. A similar program is planned for the summer of 2002.

Scott summed it up when he said, "I know it is hard for people who are used to always being on the move to sit for this length of time, but maintaining a safe workplace is hard work. My hope is that the training instilled in the employees a new awareness of safety principles and procedures that will help them prevent injuries and make their school district a safer place for themselves, other staff members, students and visitors."

Preventing Injuries in High School Football I Seminar a Success

On June 1, 2001 fifty-four coaches from fourteen area school districts gathered at ESD 112 to learn how to prevent injuries in high school football.

The variety of related subjects, and well-informed speakers, included the following:

Tim Walsh, Head Football Coach with the Portland State University Vikings, shared creative ways to incorporate safety into instruction, how to conduct proper tackling drills and reinforce safe tackling practices, and how to pick good assistant coaches.

Brad Hergert with Riddell All American, and **Billy Rice** with Schutt Sports, provided detailed information on how to ensure proper helmet fit, how to inspect a helmet, and when to recondition a football helmet.

Brian Apling, Certified Athletic Trainer with Evergreen High School, talked about preseason physicals, strength training and conditioning programs for high school students, emergency medical plans, and recognizing injuries during play and practice and when to take an athlete out of play.

Pat Alexander, WIAA Regional 3 Facilitator, and **Chuck Anderson**, Superintendent with La Center School District, discussed WIAA coaches education program and how it affects schools and volunteer coaches.

Mike Patterson, Attorney at Law with Lee, Smart, Cook, Martin & Patterson, spoke about the basic legal duties of coaches, current legal cases related to football injuries with high judgments, and how to reduce the likelihood of an athletic liability lawsuit.

Comments from the participants included the following:

- "Great information! Best use of my time during a workshop."
- "Excellent job!"
- "I appreciate the info and thinking!"
- "Good mix of speakers"
- "Would like to see yearly"

The Risk Cooperative does plan to offer a similar seminar for coaches this school year.

Seminars such as this are one way that the Southwest Washington Risk Management Insurance Cooperative assists its member districts with reducing losses.

Building Inspection Report Form Available

To assist our member districts with maintaining facility safety, a "Building Inspection Report" form is enclosed in this newsletter. This one-page form is designed as an easy to use checklist. The checklist outlines general criteria for all school buildings, and includes areas that contribute to facility losses in schools. (The Risk Cooperative has issued separate inspection report forms for specific areas, including playgrounds,

bleachers, and science labs.) Since it is a brief, one-page form, it is assumed that the user is familiar with building components and inspection requirements.

To use this form, check each item in the "OK" column when correct. If problems are found, make notes in the "Remarks" section. Date and sign the form before forwarding and filing. "Repair priority" is included to help prioritize needed repairs. Forward to the appropriate person(s) for corrective actions.

The form is designed to be a three-part form, with the original for

maintenance (who will do most of the repairs), the first copy for the building's principal/manager (who is administratively responsible for safety in the building), and the second copy for the district's safety officer (to ensure follow-up).

The Risk Cooperative recommends written facility inspections at least quarterly for all school buildings to identify and correct hazards and to document the district's proactive loss control efforts.

For assistance in using this form, or for any comments or suggestions, please call the Risk Cooperative.

Workers' Compensation Trust Loss Summary

Good news!

This is a summary of the Southwest Washington Workers' Compensation Trust's loss experience for the 2000-01 school year. The Trust is comprised of 29 school districts in southwest Washington and Educational Service District 112, and includes over 10,600 employees.

For the 2000-01 year, the Trust recorded 305 workers' compensation claims. This represents a 10.6% reduction from the 341 claims filed for the prior year. For comparison, there were 351 claims in 1996-1997, 380 for 1997-1998, and 359 for 1998-1999.

This reduction comes even with an average increase of 4.3% in the number of worker hours per year. It could be reasonably expected that the number of claims would increase as the number of worker hours increases. More employees, more hours worked, more injuries and claims. Right? Wrong! In fact what has happened on average is that the number of claims per hours worked has decreased in four of the past five years. How significant is this? Well, if you take the cost of a claim as averaged over the past five years and multiply that by the reduction in the number of claims over those same five years (difference between the projected number of claims and the number of actual claims) a savings of approximately \$600,000 has been realized over that five year period! Safety does pay!

Employee injury frequency (number of claims/number of employees) is just below 3%. In other words, one out of every 35 employees filed a workers' compensation claim during the past school year. School districts with a frequency rate below that average include:

Battle Ground, Hockinson, Roosevelt, Castle Rock, Klickitat, Skamania, Centerville, La Center, Stevenson-Carson, Evergreen, Lyle, Toutle Lake, Glenwood, Mt. Pleasant, Wahkiakum, Green Mountain, Ridgefield, and Washougal.

Congratulations to those 18 school districts with better than average loss experience!

To whom are these injuries occurring?

Position	Number	%
Teachers	73	23.9
Aides	66	21.6
Custodians	50	16.4
Transportation	35	11.5
Maintenance	17	5.6
Food Service	17	5.6
Grounds	9	3.0
Warehouse	5	1.6
Clerical	4	1.3
Administration	4	1.3
Other	25	8.2
Total	305	100.0

The higher frequency of teacher claims is understandable because there are more than five and a half times the number of certified staff as classified staff in a school district. The high frequency of aide claims may be due to the varied nature of their work assignments. Custodians, food service employees, grounds and maintenance personnel often have more physically demanding job duties such as heavy lifting, or more hazardous work such as operating machinery that contributes to their injury numbers.

We can also examine accident causes.

Cause	Number	%
Falls	63	20.7
Overexertion	62	20.3
Bodily Reaction/ No Fall	40	13.1
Struck by Student	31	10.2
Struck Against an Object	30	9.8
Struck by Object	23	7.5
Contact With	20	6.6
Athletics	15	4.9
Repetitive Motion	5	1.6
Motor Vehicle Accidents	5	1.6
Caught in or by Equip.	2	0.7
Other	9	3.0
Total	305	100.0

FALLS -Falls to the same level (slip on water/fall to the floor) and falls to a lower level, (falling from a ladder.)

OVEREXERTION - Injuries from excessive lifting, pushing, pulling, holding, carrying or throwing an object.

BODILY REACTION -Injuries from bending, climbing, loss of balance and slipping without falling.

STRUCK BY STUDENT - Accidental and intentional contact.

STRUCK AGAINST AN OBJECT - Example, a carpenter walking into a door frame.

BEING STRUCK BY AN OBJECT - Something falling on an employee.

CONTACT WITH - Injuries resulting from contact with insects, plants,

electricity, temperature extremes, chemicals and blood.

ATHLETICS - Injuries sustained during an athletic activity.

Falls are the most frequent employee injury. Falls occur when employee slips or trips. Loss of traction causes most slips, and most trips happen when feet encounter something that shouldn't be on the floor. To prevent slips encourage wearing proper footwear when wet surfaces are likely, fixing leaky equipment, cleaning up spills immediately and take smaller steps and wider turns. To avoid trips, keep aiseways, walkways and work areas clean, and free from clutter. Close file cabinets and drawers, and properly store tools when not in use. Using a ladder improperly or using boxes, shelves or chairs to reach a height cause many falls. Stairs are another place where people are often injured. Take steps one at a time, always use the handrail, and make sure your forward foot is firmly planted before you shift your weight. Never use stairs to store anything.

An overexertion injury happens when a worker becomes fatigued or performs a job where the human body's capacity to complete the task is not matched to the worker's physical capabilities. Employees often overestimate how much they can lift or are in a hurry and don't think about using good lifting techniques. To help prevent these injuries, employ proper lifting techniques, get assistance from another employee, exercise the muscles (stretching) before work, and employ mechanical assistance such as wheelbarrows, and carts.

Workplace safety has three major benefits. First, it reduces employee pain and suffering. Second, it helps avoid the direct costs of workplace injuries - such as wage replacement payments and medical care expenses. Third, it prevents the indirect cost of these accidents such as lower employee morale, lost productivity and the cost of hiring or training overtime or temporary replacement workers. If all employees are aware of their surroundings, have a "safety first" attitude, and take action to ensure safety, we can continue to reduce the number of employee injuries.



SW WA Risk Management Insurance Cooperative

Executive Committee Meeting of August 7, 2001

Mike Croke, broker from Willis of Seattle, reported on the full market survey and detailed premium and exposures. Loy Dale noted the broker and his staff have done an excellent job of negotiating our renewal this cycle, especially under the difficult insurance market conditions. The committee approved the renewal of excess insurance coverage by Willis for 2001-2002.

The Committee gave Loy Dale authority to gather data and ask for actuary information from ESD 113 before pursuing a discussion to consider a request by the insurance pool at ESD 113 to join the Risk Cooperative.

Loy Dale announced the addition of Shaun Mettler as Budget Analyst, to replace Marilyn Murawski who retired in September 2001.

A meeting date will be scheduled for review of the actuary's solvency report.

SW WA Unemployment Compensation Pool

A meeting date will be scheduled for review of the actuary's solvency report.

SW WA Workers' Compensation Trust

Executive Committee Meeting of May 29, 2001

The Committee approved fiscal year 2001-2002 Administrative Budget.

The Committee approved a dividend (refund) to the Trust's member districts of \$350,00 in the 2000-2001 year.

The Committee approved keeping current rates charged by the Trust flat for next FY 2001-2002.

A meeting date will be scheduled for review of the actuary's solvency report.

New Staff



Marla Bouma and Shaun Mettler, the newest ESD 112 Insurance Programs staff

Marla Bouma, Workers' Compensation Claims Assistant.

Marla assists the Trust's workers' compensation adjudicators with claims filed by school employees.

A lifelong Vancouver resident, Marla Bouma comes to us with over 15 years of secretarial experience. Her previous employment has included Records Clerk, Clark County Sheriff's Office, Personnel Supervisor at Olsten Temporary Services, and temporary secretarial assistance in various departments at ESD 112. She graduated from the Clark Community College Paralegal Program.

Marla enjoys both a service position and challenging environment, and looks forward to working with Insurance Programs and learning more about Workers' Compensation.

Shaun Mettler, Budget Analyst.

Shaun provides fiscal support to all three ESD 112 insurance programs, including budgeting, billing, financial statements, and day-to-day financial-related customer service. She also handles responses to unemployment claims.

Shaun brings years of fiscal experience, having worked as an accountant for Weyerhaeuser, senior accountant for Cascade General, and controller for a construction company.

Shaun's husband, Jim, is a pilot with Horizon Airlines. In their free time, Shaun and Jim enjoy snow skiing, water skiing, mountain biking, and traveling. Being a graduate of the University of Washington, Shaun is an avid Husky football fan.

Risk Management QUIZ

Do you know risk management well enough to be able to use it in your school?

After a brief summary of the principles of risk management, we present a case study and series of questions.

See how well you do with this quiz.

RISK MANAGEMENT SUMMARY

Risk management is the process of making and carrying out decisions that will minimize the adverse effects of accidental loss upon an organization. Risk management involves either reducing the frequency and/or the severity of losses (risk control) or paying for those losses that do occur (risk financing).

There are five steps in the risk management process, including analyzing loss exposures, evaluating various risk control and risk financing techniques, selecting and implementing the best techniques, and evaluating the chosen techniques to see if they are effective at reducing losses.

The Thirteen Risk Management Techniques

(Use as many as you can to protect your district)

Risk control techniques (prevention) are designed to minimize the frequency or severity of accidental loss.

1. *Exposure Avoidance* - Choosing to avoid a loss exposure by abandoning it or never undertaking an activity or an asset.
2. *Loss Prevention* - Measures aimed at reducing the frequency or likelihood of loss.
3. *Loss Reduction* - Measures aimed at reducing the severity or seriousness of the loss.
4. *Segregation of Loss Exposures by Separation* - dividing one unit into two or more independent units, each normally used in daily operations.
5. *Segregation of Loss Exposures by Duplication* - creating stand-by units that are used only when a regular unit has been lost.
6. *Contractual Transfer for Risk Control* - An entire activity and all its related exposures are transferred to another; a transfer of all legal and financial responsibility for a loss. (See #13)

Risk financing techniques (payment) include all ways of generating funds to pay for losses that risk control techniques do not entirely stop from happening.

- * Retention - Includes all means of generating funds from within the organization to pay for losses:
 7. *Current expensing of losses* - paying for losses as they occur.
 8. *Unfunded reserve* - an accounting reserve not backed by earmarked funds.
 9. *Funded reserve* - pre-funding of losses.
 10. *Borrowing* - borrowing funds as needed to pay for losses.
 11. *Captive insurer* - establishing an insurance subsidiary through which an organization may insure some or all of its losses.
- * Transfer - Includes all means of generating funds from outside the organization to pay for losses:
 12. *Commercial insurance* - using funds from a private insurance company rather than the organization's funds to pay for covered losses.
 13. *Contractual transfer for risk financing* - entering into a contract (usually with a hold harmless agreement) under which another entity (not an insurance company) agrees to pay for specified losses to the organization; the contract transfers only the financial burden of the loss. (See #6)

A RISK MANAGEMENT CASE STUDY

The request:

A middle school PE teacher wants to add archery to the physical education program. Several students have expressed an interest in this. The PE teacher is an experienced archer, already has a curriculum, and knows someone who will donate the equipment. The teacher asks you, the administrator, for approval.



You begin to evaluate:

Practicing good risk management, you immediately start to identify the "exposures to loss" for this activity - imagining what can happen to cause property damage or physical injury. To do this you first get a picture of this activity - answer who, what, when, where, why, and how - this comes from the person proposing the activity. (For this scenario, we've drawn a picture of the proposed activity for you - see the related drawing).

There are four major exposures to loss in a school district:

- Property losses - damage to or destruction of tangible and intangible (information) property; this includes real estate and personal property
- Liability losses - costs resulting from an organization being sued for having breached a legal duty allegedly harming another; or becoming obligated under contract to pay for a loss another entity has suffered
- Net income losses - losses that reduce revenues or increase expenses
- Personnel losses - disability, unemployment, or death of an employee

Questions:

- What are the possible exposures to loss for this proposed activity?
- Based on your analysis, what risk control and risk financing techniques would you choose for your school district?

IMPLEMENTING RISK MANAGEMENT IN THIS CASE STUDY

THE QUIZ

(Answers to this quiz are found elsewhere in this newsletter)

A. Can you identify the types of losses that could occur?

1. A student trips over a target and falls. What type of loss is this to the school district - liability, personnel, net income, or property?
2. An arrow shot by a student breaks a window in the school. What type of loss is this to the school district - liability, personnel, net income, or property?
3. A jogger on the nearby track is shot with an arrow. What type of loss is this to the school district - liability, personnel, net income, or property?
4. The jogger's dog is shot with an arrow while on the track. What type of loss is this to the school district - liability, personnel, net income, or property?
5. A student is shot with another student's arrow while retrieving his arrows. What type of loss is this to the school district - liability, personnel, net income, or property?
6. The teacher is shot with a student's arrow. What type of loss is this to the school district - liability, personnel, net income, or property?
7. A jogger on the track who was shot with a student's arrow is rendered a quadriplegic, and the liability loss is greater than the district's insurance coverage. What type of loss is this to the school district - liability, personnel, net income, or property?
8. A student playing with her bowstring seriously injures her eye. What type of loss is this to the school district - liability, personnel, net income, or property?
9. The teacher trips and falls while helping a student. What type of loss is this to the school district - liability, personnel, net income, or property?
10. A student is hit with another student's bow. What type of loss is this to the school district - liability, personnel, net income, or property?

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IMPLEMENTING RISK MANAGEMENT IN THIS CASE STUDY

THE QUIZ, Continued

B. Can you identify the type of proposed risk management techniques?

1. You decide to keep targets and arrows at two locations and have two qualified instructors. What risk management techniques are these?
2. You decide to use a funded reserve for property losses and student medical payments caused by this activity. What risk management technique is this?
3. You decide that, because bows and arrows can be considered weapons, you will not allow this activity at your school. What risk management technique is this?
4. You decide to use arrows with rubber tips and involve only older students. What risk management techniques are these?
5. You decide to contract the entire activity out to a local park. What risk management technique is this?
6. You decide to keep spare targets and arrows on hand. What risk management technique is this?
7. You decide to separate the targets and use nets between them and keep participants behind a line while shooting. What risk management techniques are these?
8. You decide to buy commercial insurance (liability and worker's compensation) in case of personal injury. What risk management technique is this?
9. You decide to be sure to keep all bystanders away from the shooting and target areas by making the surrounding area "off limits." What risk management technique is this?
10. You have the teacher take a first aid kit out with him during archery classes. What risk management technique is this?

CLAIMS LESSON - PREMISES AWARENESS

Several years ago when a school district was preparing to remodel one of its buildings, an underground water meter box was installed next to the roadway on the district's property. The meter box was installed by the area public utility at the school's request, however, a water meter was not installed at the same time. Over the course of the school's remodel, several changes in plans came about, one of which was to move the source for water to the school from the front of the building to the rear. This change required a new location for the water meter. The installation at the front of the school was never used, and over time was forgotten.

Late in the day last winter, well after the sun had set, an employee was leaving the school for home. The employee had parked her car on the grassy shoulder of the roadway in front of the school, as all of the spaces in the school's parking lot were full. While getting into the car, the employee stepped in a hole resulting in a broken foot.

The hole the employee stepped into was the water meter box that had been installed years earlier and never used. Parking on the grassy shoulder was a common practice, and at some point a car had driven over the old meter box cover and broken it. This condition went unnoticed until the employee stepped on the broken cover and injured their foot.

The employee filed a Worker's Compensation claim that was declined by the Department of Labor and Industries. Worker's Compensation insurance coverage in the State of Washington generally does not cover injuries that occur from falls in parking lots when an employee is coming to or leaving from work. As a result of the Worker's Compensation claim being declined, the employee brought a tort claim against the school district based on a failure to properly maintain its property. The tort claim was resolved out of court for approximately \$15,000.

The lesson to learn from this incident is that maintenance and custodial workers need to be mindful of hazards located around where they work. Because we are present on a daily basis teaching, coaching, mowing the lawns, or doing other maintenance, we need to look for anything that may be hazardous or out of the ordinary. When something appears out of place, unusual or hazardous, advise those in the district that are charged with correcting the hazard. If nothing has been done about the hazardous situation in a reasonable period of time, send a reminder to those originally told about the problem. Most districts have a procedure in place for reporting hazardous conditions and/or for reporting broken or malfunctioning equipment.

When planning an event, be mindful of the plans and arrangements that have been made and changed, and cancel those actions taken on plans that will not be put into effect. In this incident, had someone taken care of advising the utility that the meter box that had been installed in front of the building would not be used and requested that it be removed, this loss might not have happened. Had those who often park in this area or had noticed this condition while attending to the grassy area that is maintained by the district done something about it, this loss might have been prevented.

This article is not intended to place blame on any group, individual, department or school district but as a reminder that everyone needs to be observant of physical conditions around them, and be pro-active in correcting situations that are potentially dangerous. Loss control is a responsibility that extends to all of us as school employees.

New Law concerning pesticide use at schools

SCHOOL PESTICIDE USE - PARENTAL NOTIFICATION

On May 15, 2001, Substitute Senate Bill 5533 was signed into law. This act relates to the posting and notification of pesticide applications at schools, and takes effect July 1, 2002. It amends RCW 17.21; and adds new sections to RCW 28A.320 and RCW 74.15. The law defines "school" as a licensed day care center or a public kindergarten or a public elementary or secondary school.

This new law has three important requirements:

1. Written annual notification to parents and employees of the school's pest control policies and methods
2. A notification system, at least forty-eight hours before a pesticide application, that includes:
 - Pesticide application prenotification (48 hours before use)
 - Notification signs posted at time of pesticide application at each primary point of entry to the school grounds; these signs must be in place for at least 24 hours (The law does specify that schools are not liable for unauthorized removal of these signs)
3. Maintaining pesticide application records, and an annual summary, accessible to interested persons

The Risk Cooperative's Loss Control staff plans to assist member districts by providing a sample written program to help comply with this new law.

If you would like a copy of this bill, please call the Risk Cooperative.



Touching Students What is Appropriate?

In an academic setting, appropriate touching from staff to students is very limited - traditionally only light, brief touches on the hands and shoulders. Touching that a staff member may think is all right may be perceived differently by a student or another adult.

(Note: This article addresses only touching of a positive nature - it does not include the touching that may be allowed to maintain order and discipline in a school.)

Following are several general guidelines for determining if a staff member's touching of students is appropriate (this is not a complete list):

- Try to touch only acceptable areas of the student's body (hands and shoulders)
- Staff should not do any touching of a sexual nature (the genital area or breasts) or kissing of students
- If a staff member must touch a student's genital area or breasts (such as a young boy asking for assistance in zipping up his pants), involve another same sex staff member
- Do not use any violence (hitting, squeezing, punching, pinching, shoving, etc.), even if done in fun, when touching a student
- Do not touch a student to fulfill your need for comfort
- Discontinue touching if it makes the student uncomfortable (you can often tell by the facial expression or body language)
- Student initiated hugging of staff, especially by younger children, is generally okay if doesn't make you feel uncomfortable
- Limited touching while comforting a student may be appropriate if you know the student and his/her needs
- Men should be cautious in interactions with girls (i.e. use side hugs instead of front hugs)
- Ask yourself how the touching would look to someone unfamiliar with you and the student

Staff should be cautious of private meetings with a student where the activities cannot be seen. It is recommended that a staff member not meet with a student behind closed doors if there is not a window into the area. This is especially important if you are a male staff member with a female student - be sure private meetings are visible to others or take another staff member with you. As a last resort, if you must meet privately, tell another staff member where you will be going, what you will be discussing, and how long you'll be there.

If you have any questions about this, or if you are uncomfortable with the touching done by other staff, contact your supervisor or building administrator.

Answers to IMPLEMENTING RISK MANAGEMENT IN THIS CASE STUDY - THE QUIZ:

A. Can you identify the types of losses that could occur?

1. Liability loss
2. Property loss
3. Liability loss
4. Property loss
5. Liability loss
6. Personnel loss
7. Net income loss
8. Liability loss
9. Personnel loss
10. Liability loss

B. Can you identify the type of proposed risk management techniques?

1. Segregation of Loss Exposures by Separation
2. Retention
3. Exposure Avoidance
4. Loss Reduction
5. Contractual Transfer for Risk Control
6. Segregation of Loss Exposures by Duplication
7. Loss Prevention
8. Transfer
9. Loss Prevention
10. Loss Reduction

So, how did you do?

16 - 20 correct: You are a risk management marvel!

11 - 15 correct: Good - you are learning to use risk management.

6 - 10 correct: All those techniques are still somewhat confusing.

0 - 5 correct: So, what is risk management anyway? Call the Risk Cooperative right away for assistance.

Surface Water Woes

School districts in Southwest Washington are located for the most part in a wet and mountainous environment. This means that during certain times of the year there is a need to deal with "surface water run-off." This task can be burdensome as well as problematic, especially when attempting to create new areas, or keep outdoor sports fields dry and usable. How the surface run-off water is dealt with is an important consideration when attending to these tasks.

Common law considers surface water run-off a "common enemy" and thereby allows landowners a shield against claims that might be brought against them by a neighbor for damages resulting from flooding that runs off from the landowner's property. Over the years, the courts have limited the protection granted by this common law doctrine, as the doctrine applied in its strictest sense, can create inequities. The courts have said that a landowner can deal with surface water run-off so long as what runs off is not in a greater amount than what would have naturally existed, or that the run off is not concentrated to a point where it causes damage to a neighbor's property.

In other words, a landowner cannot artificially collect surface water and channel it onto a neighbor's land in quantities greater than, or in a manner different than, the natural flow. This restriction would eliminate such activities as installing a culvert or digging a drainage ditch that would concentrate and direct the flow of water onto another's land. Diffusing surface run-off water off of one's land into a natural drainage, such as a dry-wash or creek or river, would be considered an acceptable practice, as long as it does not adversely impact a neighbor's use of his land.

Flooding that may occur in an area due to weather conditions is an "Act of God" or a natural occurrence. A diversion of surface water that a landowner makes on their property to what would be considered a natural drain, such as a draw or dry wash or river would probably not create a liability. However, a culvert installed or a drainage ditch created that collects and concentrates the flow of

surface water onto a particular area of a neighboring property which causes damage to the neighbor's property as a result of the modified flow would likely create a liability.

When landowners sets out to alter their property, such as altering the topography of the landscape, they need to give particular attention and consideration as to how they may be changing the surface water run-off from the property. Generally it would be wise to invest in the advice of a professional engineer who has expertise in dealing with surface water, such as a hydrologist. Often counties and municipalities have regulations that govern changes in topography, such as the amount of soil that can be displaced or added to a property. It is recommended that the landowner check with the local governing body before proceeding with plans to alter the topography of the land. Requirements dealing with land filling or excavation may be identified by the local jurisdiction when an application for a building permit is made.

If it is determined that there is a need for a culvert or drainage ditch to handle surface water run-off, and that culvert or drainage ditch affects a neighbor's property, it is recommended that an agreement be made with the neighbor as to how to handle the run-off. Often such agreements are beneficial to both parties, and sharing the expense of a drain would lessen the burden on each landowner. Whenever agreements are made between landowners, such as for an easement, the agreement needs to be in writing, as oral agreements dealing with real estate issues are difficult if not impossible to enforce. Easements that are properly agreed to, and written and recorded follow the property as part of the legal description from one owner to another, thereby reducing future disputes.

It is equally important that landowners deal with encroachments onto their property from other neighboring properties. An example of

such an encroachment may be a fence placed several feet onto the landowner's property by an adjacent owner. The encroaching property owner can gain legal title to the property that the fence line cuts off of the neighboring landowner's property after a statutory period of time, if the landowner does nothing about the situation. The landowner may do as little as acknowledge the encroachment, if the encroachment does not interfere in the landowner's enjoyment of his land, and give the neighboring property owner permission to place the fence where it is. This permission should be in writing to properly memorialize the agreement. Such a permissive use agreement can be revoked by the granting landowner at some point in the future and the landowner can require that the fence be removed. However, if an easement has been granted by the encroached upon landowner, the easement cannot be revoked without the written and recorded agreement of all landowners who use the easement. The termination of an easement agreement must be in writing and be recorded in order for the easement to be removed from the legal description of the property.

In this day and age, dealing with surface run-off water, or modifying the landscape are no longer simple tasks. The ecological effects of a plan or action and the ordinances and building codes of the local jurisdiction must be considered before venturing into any project. Failure to make these considerations may result in fines or legal liabilities that can have serious monetary consequences in the future. It is better to suffer the inconvenience of jumping through the hoops now than to suffer the legal consequences later.

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Emergency Paging

Member districts need to report emergencies at the time of the event.

Off Hours Access to ESD Insurance Programs is available by paging (360) 408-0373.

During normal business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m., call (360) 750-7504, 568-SCAN, or 1 (800) 749-5861.

Objective

The objective of Risk Management Matters is to provide useful information to our member districts. Your contributions and comments are welcome! Please call Loy Dale, Executive Director, with comments.

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VIOLENCE AT SCHOOL - WHAT CAN WE DO?

Stop Violent Behavior When It Is Small!

Violent behavior rarely begins with its most violent forms. It often starts with small inappropriate actions and grows to more damaging actions if not curtailed by responsible adults. Following is a list of inappropriate student behaviors from the least violent to the most deadly.

VIOLENCE CONTINUUM:

Eye rolling
Starting rumors/Gossiping
Gesturing
Staring/Leering
Graffiti Writing
Threatening
Name Calling
Taunting/Ridiculing
Stealing
Damaging Property
Sexual Harassment
Stalking
Intimidation/Extortion
Spitting/Pushing
Shoving/Punching
Hitting/Kicking
Flashing a Weapon
Stabbing Someone
Shooting Someone with a Gun

We often overlook small misbehaviors, but we keep score until we have to act. A little violence is not okay. Deal with all misbehaviors as they occur.

VIOLENCE AT SCHOOL - WHAT CAN WE DO?

Possible Minor Consequences for Low-level Violence

What can we do with minor student misbehaviors? What if "time outs" aren't effective at changing inappropriate behaviors? Following are some examples of minor consequences for low-level violence. Some of the responses can be done by any staff member; some actions involve the school counselor. Be sure that all consequences given to students are clear and consistent.

1. Miss recess and help in the office instead
2. Make "peace awards" buttons to be given to other students
3. Observe younger students on the playground and give rewards for pro-social behaviors
4. Write a formal essay from both points of view (victim & aggressor)
5. Make restitution for anything that is destroyed
6. Role-play the victim with a counselor
7. Do something nice for a victim of bullying (requires adult supervision and victim willingness)
8. Stay after school and help someone out by doing something nice
9. Make a presentation in a class about pro-social behaviors
10. Attend an after-school anger management group
11. Refer to the peer mediation program
12. Write a report on a social leader, such as Martin Luther King
13. Tutor another student in a mastered subject area
14. Discuss the incident later with the teacher
15. Discuss the incident with a different teacher
16. Write a report analyzing feelings, thoughts, actions and then consequences of the incident at hand
17. Call home and explain what happened
18. Write a formal letter of apology
19. Time out from the rest of class
20. Have a parent-teacher meeting that includes the offending student

"People don't change because they see the light -
they change because they feel the heat."

This information was provided in conjunction with the ESD workshop "Working with Bullies and Victims - a Toolkit for School Staff" presented by Martin Fleming with "ForKidSake." He can be reached by e-mail at martinf@forkidsake.net or by telephone at (509) 687-4802. This is used with permission.

Cutting Your Losses In The School Shop

Students in shop programs occasionally get hurt. Their injuries tend to be very serious due to the nature of the equipment that students work with and the work they do. Working in a school shop is much more dangerous than most other school activities, and thus needs additional safety measures to ensure the safety of students.

Shop claims

Following are some actual shop claims:

- A student in a wood shop class cut off most of two fingers when his hand went into a dado blade in a table saw when the wood he was cutting kicked back towards him. The saw had no protective guard. The student did not have the teacher's approval to use the piece of equipment he was working on.
- An auto shop student lost part of his finger in a car's alternator pulley when the car was started by another student while the first student was checking the tightness of the fan belt.
- An 18-year-old auto shop student used a floor jack instead of a transmission jack on a car engine while working on the car's transmission. The student was coming out from under the car on a creeper, and the transmission fell on his arm, numbing it. The teacher on duty was a substitute shop teacher.
- A senior in a horticulture class was cutting a small piece of wood with a hand-held circular saw. The saw hit a knot in the wood and jumped, cutting the hand of another student who was holding the wood.

What's a Shop?

Industrial and technology education in school districts takes on a variety of forms, but most traditionally includes the following activities and shops: automobile mechanic and auto body, woodworking, metal trades and welding, electronics, agriculture, horticulture, drafting, graphic arts, and commercial foods. These special types of education are designed to teach students skills and basics for a trade. Shops can be great learning experiences. Or they can be a place for a student to be seriously injured.

Components of a Safe Shop Program

What can a school district do to ensure a safe shop or industrial arts program? (This article uses the term "shop"

to include all shop and industrial arts programs.) There are seven components that address safety in all components of the program:

1. Safe facilities
2. Safe equipment
3. Skills training
4. Safety training
5. Proper student behavior
6. Good supervision
7. Safe products

1. Safe Facilities

Safety in the shop begins with the shop facility. The following questions begin to address shop facility safety:

- Are the facilities adequate for the work to be performed? (Is there a certified paint spray booth for auto body shop programs that spray paint?)
- Is there enough room for the students to work safely?
- Is there enough room and proper facilities for storage of supplies and hazardous materials both inside and outside of the shop?
- Is the facility and all work areas well lit?
- Are the floors slip resistant and easy to clean? Are there slip or trip hazards?
- Is there adequate ventilation, including ventilation for vehicle exhaust, dust, welding fumes, and chemicals?
- Is the area provided with climate control?
- Is the shop building protected with fire alarm, fire sprinkler and burglary systems? Are there adequate fire extinguishers?
- Are there labeled emergency shutoffs for all powered equipment and gas?
- Is the shop cleaned regularly? Is there good house-keeping both inside and outside of the shops?
- Is there a first aid kit available?

Loss Control Specialists find that most shops are housed in a separate building or area, that buildings are in good condition, and that working space is adequate. Areas of concern are traditionally the lack of adequate or appropriate storage space, inadequate ventilation, and poor housekeeping.

2. Safe Equipment

The Washington Administrative Code, WAC 296-24, "General Safety and Health Standards," Part C, "Machinery and Machine Guarding" lists many of the Labor & Industries (L&I) rules for wood and metal shop equipment. All equipment, both fixed and portable, should be suitable to the task to be performed, adequately maintained and lubricated, routinely inspected (with records kept), and provided with proper guards.

The Use of Protective Guards

Accidents are caused by unsafe acts or unsafe conditions. Most of the Labor & Industries regulations are aimed at alleviating unsafe conditions - making it physically difficult for a person to get hurt. That is why it is essential for all power equipment to have guards that meet L&I standards, and that these protective guards be kept in place. If the guards are removed, the district will likely be judged liable for any injuries that occur.

Table Saw Guards

Many serious shop accidents in schools occur on table saws that are not guarded. As stated above, saws should not be operated without the proper guard in place. The school district, through the shop teacher, has a duty to provide an appropriate guard and ensure it is used. Without the guard, the saw should be tagged out of service and not be used.

We do recognize that there may be a few situations where a particular guard cannot be used (such as in ripping small pieces). In this case to ensure the safety of the students, do at least one of the following:

1. Have the teacher do the cut.
2. Require that the instructor pre-approve any unguarded saw use and stand by to directly supervise the cut.
3. Use another safety practice or device, such as push sticks, filler pieces, featherboards, or the like so the student's hand cannot come in contact with the exposed saw blade.
4. Clamp or otherwise attach small pieces to large pieces before cutting, and cut using the larger assembly.
5. Use another properly guarded tool or device. (Sometimes another guarded saw could do the cut just as well.)

The saw guard should be immediately replaced after the cut is made.

NOTE: It is recommended that guards NEVER be removed.

Personal Protective Equipment

Personal protective equipment for students in shop programs can include a variety of items depending on what the students are doing:

- Eye protection (goggles, glasses or shields, for power tools, welding, and others) RCW 70.100, "Eye Protection - Public & Private Education Institutions," defines in what areas eye protection is required for shops and labs (seven areas, including "any other activity or operation involving mechanical or manual work in any area that is potentially hazardous to the eye").
- Respiratory protection (respirators for operations like spray painting)
- Hearing protection (which may be needed when working with pneumatic tools)
- Hand protection (gloves, for chemicals and heat)
- Head protection (such as hard hats for construction work)
- Protection for sanitation reasons - to protect others (hair nets and clean clothes for food services)

School districts have an obligation to provide and maintain (as outlined in L&I and industry standards) necessary personal protective equipment. In a sense, personal protective equipment is a "personal guard" - a physical barrier to prevent or reduce injury potential. What protective equipment is needed is well known to shop instructors. What can be problematic is in getting the students to wear the protective equipment. The students should be taught the reason for wearing the protective equipment, and be disciplined when found not wearing it as instructed. Teachers can help model the use of protective equipment by wearing it themselves.

3. Skills Training

Teaching students specific skills in a shop program is the crux of the program, and the methods for doing so are a curriculum issue and beyond the scope of this article. What is often lacking in school shop programs is documentation of the skills training given to students on each piece of equipment or for each operation. The training is often done informally (especially in some programs which are geared more to individual work) or known only to the specific shop instructor. This documentation becomes critical should an injury occur and the school district becomes involved in a lawsuit. Can your shop program prove through paperwork what training was given to each student and when? This documentation is also important when there is a substitute teacher in a shop so he can know the abilities of each student.

Students must be qualified before using powered or dangerous equipment. They should secure approval from the instructor before using this equipment, and the instructor needs to check special setups. Although a basic requirement, the lack of qualifications of students was a contributing factor in several claims where students were seriously injured while using equipment.

In addition, teach the following components in the skills portion of the shop training:

- That safety in the shop is the first priority
- General shop and safety rules (addressed later in this article)
- Written rules for equipment use
- Knowledge of the hazards of and respect for powered equipment
- Training in non-power tools such as hammers, hand tools, ladders, and jacks
- Safe lifting and good body mechanics, safe handling of stock
- Additional specific training for working with hazardous materials such as flames, flammables, gases, chemicals, and the like

Graphic arts and food services programs also need equipment specific training.

Recommendation

It is the Risk Cooperative's recommendation that a program for documenting adequate safety skills training and performance (hands-on use of each piece of equipment) for shop students should be established. Some type of "Equipment Operation Check List" should be completed for each student on each piece of powered or potentially dangerous equipment, with the completion date documented and signed by the instructor. Instructors should also note periodic rechecking (monitoring) or retraining of students on this record. Students with previous shop experience should still be given a skills test by their current shop instructor. These testing records should be retained at least until the end of the school year.

Special Education Students

The training of developmentally disabled students requires additional considerations. Certainly special education students should be evaluated, and an IEP established as necessary. Additional supervision and or limited activities in the shop may be indicated with some special education students.

4. Safety Training

Techniques at eliminating unsafe acts must address knowledge, skill, habit and attitude. Learning how to properly use a piece of shop equipment is not the same as understanding that it can be dangerous. Students often think that they can do anything, and do not foresee the consequences of improper use of equipment. This is why safety must be emphasized. The training and habits the students learn first in the school shop probably will be those they continue to use in the "real world."

Safety Rules

There should be written safety rules, both general shop safety rules and specific safety rules for each piece of equipment. Often these safety rules are posted in the shop. There should be periodic review of safety rules with students, as well as consistent enforcement of them.

OSPI's Safety Guide for Vocational, Trade and Industrial and Technology Education (1987) can be helpful in the safety education part of shop equipment training. This guide gives the name of each device or operation, safety suggestions, parts of the device, a safety quiz and usually a sketch of an accident related to the equipment. Good texts usually give general safety rules and power equipment safety rules too.

Safety Testing

As recommended above, there should be both general and specific shop safety testing for students. Successfully completed written tests demonstrate that knowledge was passed on to the student; hands-on tests show that skills were learned. These safety tests should include all skill areas, and students should be required to score 100% (or correct their tests to 100%).

Color Coding for Safety

Color coding of power equipment is used to warn students of the equipment hazards in an eye-catching, tangible way. One district used yellow tape on the floor around certain equipment to remind students to ask for teacher's approval each time before the piece of equipment is to be used.

5. Proper Student Behavior

Horseplay in the shop is dangerous. When students violate any shop safety rule, this should be handled with the school's system of discipline. Some shops have developed additional systems to reinforce the need for safety in the shop. They use a "safety violation notice" with warnings, with the consequences to the student from sitting out a particular shop operation to expulsion from shop class. This discipline system should be clearly explained to the students at the beginning of the year, and ***used throughout the year when necessary.***

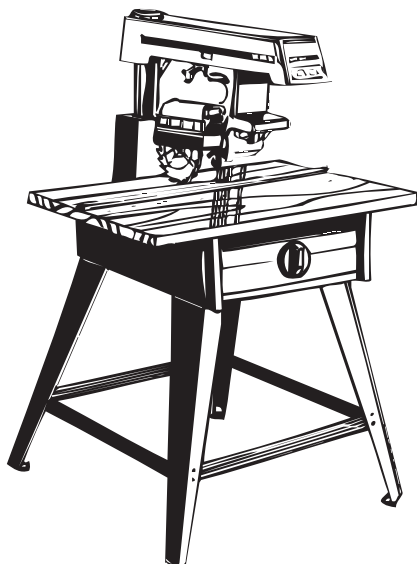
Parental Assistance

Because of the potential for danger associated with shop equipment, many districts are using a parental permission slip with shop students. Permission slips ask the parents' help in teaching the student the safety rules (a copy of which is attached to the permission slip), invite them to visit the shop facility, and have them give their child permission to participate in the shop program. This is done at the beginning of the school year.

As a reminder, shop students who start the program at times other than the beginning of the year should be required to follow the same systems as outlined here and above.

6. Good Supervision

A Loss Control Specialist walked into a high school auto shop and observed the following. The teacher was seated at his desk talking to a student. The radio was playing music loudly. One student was up in a car on the car lift, working on the dash of the car on the lift. Another student was dumping acid from a car's battery into the sink without any protective clothing (gloves, goggles, or an apron). Further down the shop, a green liquid was draining from a car into the floor drain. Was the shop teacher supervising this class? If the student on the lift were injured, would a jury have found this to be adequate supervision?



Good supervision is more than just being present, although being present is a necessary ingredient. Good supervision includes being aware of the potential for danger, and taking action to prevent accidents from happening. Good supervisors are observant and diligent.

Substitute teachers should be chosen carefully and need to be aware of and maintain the district's standards in shops, including supervision. Is the substitute familiar with the school's equipment, supplies and safety rules? Does the substitute know who in the class is skilled with what piece of equipment? Shop equipment should not be used unless the substitute is qualified for the subject.

7. Safe Products

Often schools sell products or services in conjunction with shops and industrial arts programs. These products can include birdhouses, picnic tables, canoes, portable buildings, and the like. Schools need to be aware that the products they sell or the services they render can cause liability problems after the sale. If the product the school sells causes or contributes to damage or injury, the school district could be judged liable. For instance, if a repair made to a car belonging to a member of the public fails and contributes to an accident, the district could be held responsible. Constructed items need to meet accepted product standards. Districts should consider product liability issues before selling shop products.

Conclusion - What Can You Do?

This article may have addressed several areas where your district shop program needs to improve. Perhaps your record keeping could be better, and a documentation system established. Maybe not every piece of powered equipment in your program has skills and safety tests. Perhaps your students don't wear protective equipment like they should. It could be that students entering mid-semester don't receive the same basic skills and safety foundation as do the students starting at the beginning of the year. Maybe not all the saws in the wood shop are guarded. You've discovered areas where your program could improve - begin to address them! Everything that can be done to prevent a student from getting hurt is worth the effort.