



RISK MANAGEMENT MATTERS



PREVENTING SCHOOL BURGLARY AND VANDALISM

Burglary, vandalism, and arson are crimes that are often committed against school facilities. Many of these crimes occur during the nighttime hours or during the summer months when school is not in session. School districts suffer significant monetary losses as a result of these crimes. For example, for the 2005-2006 school year, the ESD 112 Risk Cooperative had 15 claims filed for a total loss of \$43,000. With school budgets being as limited as they are, any monetary loss as the result of burglary or vandalism is significant and warrants our attention.

There are many ways to prevent or reduce school crime. The reality is however, that limited budgets constrain the financial resources which can be earmarked for crime prevention. Every school district would love to install an exotic video surveillance system, utilizing highly detailed color cameras, with the ability to remotely monitor the system via the Internet; however the cost of such a system is beyond reach for most school districts. With this monetary limit in mind, this article will attempt to outline several preventive measures which are within the budgetary reach of most districts. Many of these measures will cost the district nothing at all, and in fact, may be the most effective. But before we discuss measures to prevent or reduce school crime, it is a good idea to get an idea of who it is that is causing these problems.

School crimes are committed by a diverse group of people for a variety of reasons; however, there are three prominent profiles which emerge when we look at school crimes such as burglary, vandalism, and arson.

The first profile to emerge can be called the "opportunistic thrill seekers", or in other words, "the kids who have nothing better to do, and it sounds like a good idea at the time", kids. These are the kids who, often as a group of two or more, find themselves on a school campus after hours and one or more of them comes up with the bright idea that it would be fun to cause some damage to the school. These kids often offend out of a combination of impulse and opportunity, not out of any deep-seated malicious intent. Often times the thrill seeking kids will commit acts of minor vandalism such as defacing the exterior walls, damaging playground equipment, pulling the fire alarms, or damaging school buses.

The "motivated and malicious offender" is the second profile to consider. This offender is often a kid who has displayed behavior problems in school, has received discipline for prior incidents, and may even be suspended or expelled at the time of the incident. In fact, this offender may act out years after attending school. The motivation for this offender is expressive. He is out to cause as much damage or property loss as possible in order to make a point to the school. Where the opportunistic thrill seekers normally cause minor damage, the motivated and malicious offender will cause a large amount of damage. They may destroy an entire classroom by spray painting the walls, overturning desks and furniture, emptying fire extinguishers, destroying equipment, or they may even light a fire with the intention of burning down the school.

The last profile is the "common criminal". The common criminal is usually an adult male who targets the school simply because it contains high value items such as computers and audio visual equipment. The common criminal seeks out vulnerable targets which do not pose a high risk of detection and apprehension. He would just as easily target a corner market, a business office, or any other building which would contain equipment which is easily sold for cash. The common criminal's goal is burglary, not vandalism. His crime is instrumental in nature, not expressive. The only damage normally caused

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Preventing School Burglary and Vandalism

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by this offender is the damage done upon entry into the building.

When considering what measures to take to prevent school crime, it is important to remember that there is not a single cure-all tactic which will render your school facility completely safe. The idea is to create layers of security which will act together to prevent the crime from taking place, or if that fails, to provide an opportunity to apprehend the violator. The following suggestions will provide some layers of security and hopefully will be easy to accomplish, and keeping with the intent of this article, can be done at little or no expense.

Maintain the security you already have. It is important that whatever security measures you already have are properly maintained. If your school facility uses video surveillance, it is important that all of the cameras are working and that whatever recording media you use is also maintained. Nothing is more frustrating and embarrassing, than telling the police officer that you "have it on tape"; only to find out that no one put a tape in the recorder. You should also review the placement of your video cameras to make sure that the images they capture will be useful to the police. Many video cameras do a great job of recording the tops of people's heads because they are placed high and point downwards. In order to be useful, cameras should be positioned to capture images of people's faces and license plate numbers of vehicles. Also, it is very important that if you have an alarm, it is properly maintained to avoid false activations. Many police agencies are adopting policies in which they will not respond to alarms which have a history of false activations. You want your local police department to react quickly if your alarm is activated and that will not occur if the police lack confidence in your alarm system. Other security measures, such as fences and locks, should be checked on a regular basis to ensure that they are still intact.

Post warning signs. A primary layer of security is the posting of warning signs at strategic locations around your facility. Signs should clearly indicate that the premises are alarmed and under video surveillance. Large metal signs are useful

near main entry ways and on cyclone fencing, while smaller stickers can be applied to windows and doors. Warning stickers can also be placed on roof hatch openings or in areas which allow roof access.

Lighting and landscaping. Lighting and appropriate landscaping can be effective deterrents to criminal activity. Although reducing lighting overnight can save some money, it can also allow motivated individuals the opportunity to break windows or force open doors without fear of being seen. Your facility should be evaluated to determine likely entry points during evening hours, and then if possible, a lighting plan should be developed that will provide some overnight illumination to these areas. Landscaping can also be an effective deterrent. Landscaping should be well maintained so that it does not provide concealment to someone who is attempting to enter through a door or window. Again, it is a good idea to evaluate your facility to determine likely entry points and how the landscaping assists or deters criminal activity.

Secure high value items. High value items, such as computers and audio visual equipment are very attractive targets for thieves. It is very important that a complete and accurate inventory is maintained so that the make, model, and serial number of stolen items can be entered into police databases. It is also very important that high value items be properly stored, especially over the summer. If possible, these items should be removed from classrooms over the summer and stored in a locked room. If moving high value items is not possible, then these items should be placed somewhere in the classroom where they are not visible from the windows. The idea is to make your facility appear from the outside as if high value items are not within easy reach.

Get to know your local police or sheriff's department. It is very important that you establish a good working relationship with your local law enforcement agency. Police administrators and supervisors need to know that you are concerned about the security of your school, that you have done your part in making your facility as secure as possible, and that their patrol officers are welcome on campus at any time. One way to invite officers on to your campus during the evening hours is to make your parking lots available for officers to write their reports. Many officers complete their police reports

in their patrol cars and are always looking for quiet, out of the way places to park and write without being disturbed. Using a school parking lot at 2 a.m. to write reports will not only give the officer a good place to write, but will also provide a visible deterrent to criminal activity.

Get to know your neighbors. Perhaps one of the most important preventive measures you can take is to get to know your neighbors. After all, your neighbors are the closet people to your facility during the overnight hours and are in a perfect position to alert police to trespassers or intruders. Your neighbors will be much more willing to be attentive to your facility if you have taken the time to get to know them and to ask them to help by alerting the police to suspicious activity. This is a primary concept taught in Neighborhood Watch programs and is easily applicable to school neighbors as well.

Get to know your students. Getting to know your students can be an extremely effective method of solving crimes against schools. Many kids, if not most, will brag about having done something to the school. Many of these cases are solved as the result of a teacher, or some other adult, simply asking the kids they know, if they have heard anything about who committed the crime. Kids are often aware of who did the crime but are reluctant to bring it up to an adult; however they will often tell an adult if they are approached and directly asked.

Schools will never be immune to acts of burglary, vandalism, or arson. Schools can however take steps to reduce their chances of being victimized. The steps outlined in this article should be a good first step in adding security layers to your facility. And remember, school security is everyone's responsibility so be sure to inform all staff members on what the school is doing to prevent school crime.

Our thanks go to Sgt. Mike Cooke of the Clark County Sheriff's Office for this article. Sgt. Cooke has 18 years of experience as a police officer and has earned a Master of Criminal Justice from Boston University. For questions or comments, he can be reached at: mike.cooke@clark.wa.gov.

DISTRICTS RECEIVE \$1 MILLION REFUND

On January 30, 2007 the Southwest Washington Workers' Compensation Trust's Executive Committee, authorized a \$1 million refund of funds to the Trust's 30 member districts. The Trust has issued refunds totaling over \$6.8 million spread over seven of the past eight years. In addition to the refunds, for the past five years the Workers' Compensation Trust at ESD 112 has posted the lowest worker's compensation insurance rates of the eight



ESD Workers' Compensation Trusts, according to an independent actuary. Executive Committee members include, (left to right) Diana Gilsinger, Battle Ground School District, Doug Dearden, Trout Lake School District, Dale Palmer, White Salmon School District, Chairperson Mike Merlino, Evergreen School District, and John Vencill, Longview School District. Presenting the refund is (far right) Dr. Twyla Barnes, Superintendent ESD 112.

DEATH BY PAINKILLER AN INCREASING CONCERN FOR INJURED WORKERS

Injured employees are exceptionally vulnerable to the possibility of opioid addiction and even death by overdose.

Drugs called "opioids" are frequently prescribed to relieve pain, but if misused or abused they can kill. Over the past 15 years sales of opioid painkillers, including oxycodone, hydrocodone, methadone and fentanyl, have increased, and deaths from these drugs have increased in parallel.

Leonard Paulozzi, MD, of the Centers for Disease Control and Prevention reported that nationally, unintended deaths from opioid painkillers rose 62.5% from 1999-2004. The largest increases were among females (103%), whites (76%), and persons aged 15-24 years (113%).

Washington Department of Labor & Industries data shows that between 1996 and 2002 there were 32 deaths among injured workers where an accidental overdose of prescription opioids, or narcotics, was confirmed. This is part of a larger trend of increasing deaths related to prescription opioids. A 2/5/07 article in The Olympian reported that, in the state of Washington, deaths due to prescription painkillers-sometimes used illegally- have increased by more than 800 percent in a ten-year period. The number of deaths in Washington State due to unintended drug overdose is nearly equal to the number of deaths due to motor vehicle accidents - about 650/year.

In Washington state health officials have published new guidelines to help doctors

evaluate and monitor dosage levels of narcotics prescribed to treat patients with chronic pain. The guidelines are part of a yearlong educational campaign sponsored by a panel of Washington state medical directors from six state agencies. The guidelines do not apply to the treatment of acute pain, cancer pain or end-of-life (hospice) care.

In treating an on-the-job injury, a physician's first concern is for his/her patient. It is a natural response to want to relieve the pain. Unfortunately, opioids such as Vicodin or OxyContin are the most likely to cause addiction, and in a very short time span. These medications were developed to assist with the acute phase of an injury or illness, and were never designed to be used on a long-term basis.

Painkillers may also interfere with job performance, so accommodations may need to be made for employees returning to a safety-sensitive job after an injury.

Steps need to be taken to prevent painkiller abuse:

- All employees should be aware of the alarming increase in opioid addiction and misuse.
- Workers' compensation adjusters look carefully at the prescription drug use of injured workers during their recovery.
- The CDC is working with the medical community to raise their awareness.

SAFETY COMMITTEE MEETINGS - PURPOSE AND PRIVACY ISSUES

Washington Administrative Code (WAC) 296-800-130 requires employers to "establish a safety committee or hold safety meetings to create and maintain a safe and healthy workplace for all employees." Safety Committees are designed to have both employee-elected and employer-selected members and an elected chairperson. Meetings should be one hour or less and scheduled at least quarterly. The intention is to bring employees and management together in a non-adversarial, cooperative effort to promote safety and health. The goal of a safety committee is to help create and promote safe work through maintaining employee active interest and involvement in safety.

WAC 296-800-13020(2) requires safety committees to cover these topics:

- Review safety and health inspection reports to help correct safety hazards
- Evaluate accident investigations to determine if the cause(s) of the unsafe situation was identified and corrected
- Evaluate your workplace accident prevention program and discuss recommendations for improvement, if needed

Notice that the second requirement asks the safety committee to evaluate the accident investigation causes and corrective actions. This involves more than just reading the Employee Incident Report.

It is also required that attendance and subjects discussed be documented. Prepare minutes for each meeting and make those minutes available to all employees. Keep minutes of your safety committee meetings for one year.

Safety committees may also:

- Evaluate employee suggestions
- Assist in accident and near miss investigations
- Conduct in-house safety inspections
- Promote and publicize safety
- Set a good example for others

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Safety Committee Meetings - Purpose and Privacy Issues

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It is important that safety committee members protect the privacy of employees when reviewing incidents and accident investigations. Names of individuals and other personal information should not be shared. Job titles, accident facts and investigation information only, should be shared with other employees.

If districts would like to learn how to conduct an accident investigation, ESD 112 Loss Control Specialists are available to present a one hour training titled **"Accident Investigation for Supervisors"**. This training will teach supervisors how to investigate accidents thoroughly and provide safety committees with complete information about steps taken to eliminate hazardous conditions. This program can also be presented at safety committee meetings.

Call (360) 750-7504 for more information.

GUIDELINES FOR SCHOOLS TAKING A FIELD TRIP OUTSIDE THE U.S. USING THE SERVICES OF A TOUR COMPANY

Information related to safety and liability considerations for school field trips is available from the Risk Cooperative in our *School Field Trip Procedures*, available on line at <http://www.esd112.org/insurance/resources.html>.

Since its publication, questions specific to the use of a tour company have arisen. The insert, "Insurance/Safety Guidelines for Foreign Field Trips Using a Tour Company," addresses safety and liability considerations with the use of a tour company on a foreign field trip.

If you have specific questions, or would like further information, please call the Risk Cooperative at (360) 750-7504.

See Insert: *Insurance/Safety Guidelines for Foreign Field Trips Using A Tour Company*



SW WA RISK MANAGEMENT INSURANCE COOPERATIVE EXECUTIVE COMMITTEE MEETING OF FEBRUARY 02, 2007

Loy Dale gave an overview of the PricewaterhouseCoopers actuary report as of August 31, 2006. Shaun Mettler reviewed the current Administrative Budget expenditures through December 31, 2006. Jim Rochel reported on the status of open claims. The financial reports for year-end August 31, 2006 were ratified.

EXECUTIVE COMMITTEE MEETING OF MARCH 30, 2007

Representatives Dave Hayasaka and Bob Fulmer from Washington School Risk Management Pool presented another option available for the purchase of excess insurance. Shaun Mettler reviewed the current Administrative Budget expenditures through February 28, 2007 and presented the financial statements for month-end February 28, 2007. The FY 2007-2008 Administrative Budget was approved. Rates for Fiscal Year 2007-2008 were approved.

The next Risk Management Insurance Cooperative Executive Committee is tentatively scheduled for August 2007.

SW WA WORKERS' COMPENSATION TRUST EXECUTIVE COMMITTEE MEETING OF JANUARY 30, 2007

Loy Dale gave an overview of the PricewaterhouseCoopers actuary report as of August 31, 2006. Shaun Mettler reviewed the current Administrative Budget expenditures through December 31, 2006. Scott La Bar presented a summary report on the WISHA program compliance assessments done in Fiscal Year 2005-2006. The financial reports for year-end August 31, 2006 were ratified. The committee approved a \$1,000,000 refund to member districts in Fiscal Year 2006-2007.

EXECUTIVE COMMITTEE MEETING OF MARCH 29, 2007

Shaun Mettler reviewed the current Administrative Budget expenditures through February 28, 2007 and presented the financial statements for month-end February 28, 2007. The Fiscal Year 2007-2008 Administrative Budget was approved. The committee approved the Fiscal Year 2007-2008 rates staying flat.

The next Workers' Compensation Trust Executive Committee will be scheduled for December 2007 or January 2008.

SW WA UNEMPLOYMENT COMPENSATION POOL

There was not an Executive Committee meeting since the last report.

SENIOR GRADUATION PARTIES

Senior high school graduation parties are a unique exposure to risk and aren't usually covered by the school district's insurance. Any number of arrangements and contracts may need to be entered into in order to put on a high school graduation party. Issues to be considered when planning a graduation party may include:

- Clearly identifying the sponsor of the event
- Chartering buses to transport students and chaperones to and from the event
- Reserving buildings, restaurants, athletic clubs or cruise boats
- Hiring bands or disc jockeys
- Providing food or a caterer
- Renting party decorations and furnishings
- Providing security officers, off-duty police or parent chaperones
- Liability insurance or special events coverage

Very few school districts in Washington State actually sponsor the senior graduation party because most graduation parties occur after the graduation ceremony. Graduates are no longer students in the district, and therefore no longer under the district's control. Districts are leery of supporting senior parties given the history of past episodes involving drinking, driving and accidents.

Often a parent or booster group raises money for, makes arrangements for, and supervises the graduation party. In some cases parents arrange with an event organization to plan and put on the event. Parent groups pay a fee to the independent contractor who then makes all the arrangements for the party. Parents lending their names and financial support to the event need to understand that they may be liable if someone gets hurt at the party.

In the past there have been event organizers who presented parent groups with a contract that included an indemnity or protection clause obligating the parent to protect the event organizer from liability, even if the injury or damage is caused by the event organizer's own negligence. This type of contract is not recommended since parents could be held liable for an organization's negligent action that causes damage.

Instead, parents who choose to pay an event organizer to plan and put on a graduation party should require the organizer provide proof that it carries liability insurance in the event that someone is injured due to negligence on the part of that organizer. The parent group might request proof that the event organizer has endorsed its liability policy to add the parent group to the list of insured persons for that particular graduation party. Parents should have an attorney review and approve any contract with an event organizer before it is signed.

Parents should not expect the district to provide liability coverage for this event. The district needs to clearly communicate with parents that it will not be sponsoring the graduation party. Further, the district should not allow parents to use district photocopy machines and supplies, and require planning meetings on district premises be handled in the same manner as other outside facility users. The parent group should expressly communicate with participants that the district is not sponsoring the event.

Even if the district sponsors or co-sponsors the graduation party, the district's liability coverage will not protect the event organizer from liability and will not protect the parents from contractual liability claims by the event organizer against the parents.

The Southwest Washington Risk Management Insurance Cooperative, with the assistance of its broker, has separate insurance coverage available which allows parents to purchase special events liability coverage for many off-premises graduation parties. This coverage must be applied for at least one month in advance of the event. The insurance underwriter will review the application and determine whether it is an event they are willing to insure. If they have objections to particular activities, parents might choose to forgo that particular activity.

Special events liability insurance for graduation parties can cost as little as \$500 and as much as \$2,000 depending on the number of attendees and type of activities planned for the event. Parents should be mindful of the type of activities they want to include for their graduating seniors. Some events may not be insurable and place the parent group and possibly the school district at great risk. This policy will generally not protect the event organizer from its own negligence or protect parents from the contractual liability claim by the organizer against the parent.

If you have further questions about high school graduation party insurance coverage, or you need an application for special events liability insurance, contact Jim Rochel at (360)750-7504.

ACCIDENT INVESTIGATION BENEFITS EMPLOYEES

You've had an injury on the job. You are hurt and questioning if it is serious enough to go to the doctor. You might be asking yourself why you did what you did, how the accident happened and why. Your supervisor finds out if you need medical care, then starts asking you questions about the accident. Your supervisor may ask these questions:

- Exactly what happened?
- Who was involved? Who saw what happened?
- Was any equipment involved? What equipment?
- How and where did it happen?
- What was going on in the area where it happened?
- What were you doing immediately before it happened?
- What were the environmental conditions (weather, chemicals, etc)?
- Were you wearing any special clothing or personal protective equipment?
- Have you received any training specific to the task being performed?
- Are there written procedures on how to perform that task?

Why does your supervisor ask so many questions? It is not to embarrass you or to find fault. The purpose of accident investigation is to determine the causes of the accident, correct those conditions and prevent reoccurrence. The more accurate the information you provide to your supervisor, the better he/she can determine why you were injured. And learn how to prevent future accidents.

Next, your supervisor will determine corrective actions to keep the same kind of accident from happening again. Corrective actions may involve more training, changing the way something is done, or getting different equipment. If you have ideas for corrective action, share them with your supervisor during the accident investigation discussion.

It's a Washington Industrial Safety and Health Act (WISHA) requirement that every serious on-the-job employee injury be investigated. Your supervisor is the best person to do this investigation, as he/she is familiar with you and your job duties. This process may save you or one of your fellow employees from being hurt in the same way later.

Remember: Accidents don't just happen; you can prevent future accidents by knowing how they occur.

STAYING OUT OF TROUBLE WITH COPYRIGHT LAW

The original Copyright Act of 1909 stood until the 1976 revision (Title 17 of the U.S. Code). The Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes were introduced in 1981, and the Fair Use Guidelines for Educational Multimedia were accepted in 1996. Since that time, there have been multiple revisions and additions to copyright law...with highlights including, but not limited to:

- 1998 The Sonny Bono Copyright Term Extension (amended Section 301)
- 1998 The Digital Millennium Copyright Act (DMCA) (H.R. 2281)
- 2002 The Technology Education and Copyright Harmonization Act (TEACH) (H.R. 2215)
- 2003 Individuals with Disabilities Education Improvement Act of 2004. Section 306 amends Section 121 of the Copyright Law. (P.L. 108-446)

WHY IS IT IMPORTANT TO HAVE A COPYRIGHT USER POLICY?

Policies help teachers, administrators, students and parents understand copyright law is good educational practice. Policies also assist in accomplishing the actual mission of a school district. Policies are deemed as the rules and regulations for governance and functions, with compliance often a condition of employment. Therefore, school district employees and administrators need to identify proper—and improper—uses of copyrighted works, especially music and films, on school and service agency equipment.

A copyright user policy is required by Federal Law in order to qualify for the benefits of the educational exemptions in the TEACH Act --public performance/public display exemption covering distance learning, Sec. 110 (2) (D) (i), and the DMCA --service provider limitation on liability, Sec. 512 (9) (A) and Sec. 512 (h) (1).

AN EFFECTIVE COPYRIGHT POLICY SHOULD:

- Demonstrate clear administrative support for the enforcement of the policy
- Explain specific things to do and not to do regarding performing, displaying, duplicating, and repurposing of materials
- Provide the name or position of a person in the school district to whom questions should be directed
- Be reviewed at least every three years

Training should be provided to explain the policy to faculty and staff so that they understand what is allowed and what is not. A copy of the policy and guidelines should be accessible to each affected school employee. Within each individual school district, a copyright resource person should be appointed. Usually this is the school media specialist, for the majority of copyright questions arise from the use of materials in the media center.

WHAT HAPPENS IF A COPYRIGHT POLICY IS NOT FOLLOWED?

Failure to provide proper instructions can result in contributory liability on the school's part. Copyright liability has three parts:

1. Direct liability (things one does oneself)
2. Contributory liability (helping someone else infringe a copyright by providing assistance in terms of direction, physical goods that aid, e.g. a computer) and
3. Vicarious liability (being legally responsible for the acts of another, e.g. employer-employee)

The school board may bear liability as a contributory infringer if illegal materials are used under its direction.

DMCA requires a library to include a copyright notice on copies made. A notice should include the word "copyright", abbreviation or symbol, the name of the copyright holder and the year of first publication. Many libraries have a rubber stamp or labels made, and simply fill in the unique information required under DMCA. A quick glance at a photocopied document with a colored ink stamp allows the viewer/reader to easily determine a legal copy. (Remember, it is illegal to make a copy of a copy!) Beware of requests for illegal copies and of the use of illegal copies. There are limits on multiple copying from print materials, and scanned materials for

electronic delivery are considered "copies." The Media Center, classrooms, band hall, and vocal/instrumental music rooms should hold only legally acquired programming, print materials and music.

IS IGNORANCE OF THE LAW AN EXCUSE?

Materials are copyrighted "when pen hits paper," meaning when an idea is written down, a photograph snapped, or a song recorded, the creation belongs to the author or artist. If it is a "work for hire," the contract for that work should specifically address intellectual property ownership. No registration is required, but is recommended for the protection of the creator's rights. In other words, always assume the copyright owner holds the rights to any article, book, photograph, cartoon, table, chart, video/DVD, or television program you are asked to copy or e-mail...and that permission should be obtained for use outside the exceptions covered in the various amendments to the law.

WHERE CAN YOU GO FOR ADDITIONAL SUPPORT AND INFORMATION?

The Association for Information Media and Equipment (AIME, www.AIME.org) provides membership-based access to legal counsel who specializes in copyright and intellectual property rights. The National Association of Media and Technology Centers (NAMTC, www.NAMTC.org) is another membership organization that provides more general services specifically for those involved in K-12 education.

Laws are often open to interpretation, and copyright law is no exception. With rapidly changing technologies that allow materials to be easily distributed electronically, adherence to copyright law is often overlooked. Review the guidelines for use and ask for permission to display, copy or publicly use, if you are in doubt. Stay out of copyright trouble!

Thanks to Betty Gorseigner Ehlinger for this article. Betty serves as Executive Director for the Association for Information Media and Equipment (AIME) and the National Association of Media and Technology Centers (NAMTC) and can be reached at bettyge@mchsi.com.

INSURANCE/SAFETY GUIDELINES FOR FOREIGN FIELD TRIPS USING A TOUR COMPANY

Note: These guidelines are *in addition* to the district's usual field trip procedures; general guidelines can be found in the *ESD 112 School Field Trip Procedures*.

1. Screen the tour company

- a. Reputable company - school references checked
- b. Adequate liability insurance
 - i. At least \$1 million limits liability insurance (minimum coverage)
 - ii. International coverage (at least countries being visited)
 - iii. From reputable insurance company
 - iv. No impairment of aggregate limit (no recent large losses)
- c. Good safety record
- d. Can offer protection for the district
 - i. Names district as additional insured on liability policy
 - ii. Indemnification (hold harmless) provision in contract protects district

Note: The district's general liability insurance covers claims for damages or suits brought in the U.S.A. (including its territories) and Canada only.
- e. Tour company screens vendors (subcontracted tours and land transportation) they use:
 - i. For current evidence of liability insurance, at least \$1 million limits
 - ii. For good safety record (loss history)
 - iii. For good performance
- f. Has written emergency procedures in place for all aspects of the tour

2. Ensure other insurance

- a. Medical/accident insurance coverage for students and staff coverage valid in countries to be visited

Note: Workers' compensation covers employees injured in the course of employment anywhere in the world. However, some medical providers may need to be paid for services at time of rendering.
- b. Consider other insurance
 - Baggage and property insurance
 - Tour Cancellation and Interruption Insurance

INSURANCE/SAFETY GUIDELINES FOR FOREIGN FIELD TRIPS USING A TOUR COMPANY

- 3. If district arranges any air or land transportation:**
 - a. Air transportation - Use a major U.S. air carrier
 - b. Land transportation - If renting vehicles outside of the U.S., take insurance offered in that country and know country's driving rules.

- 4. Review information from the U.S. Dept. of State about foreign countries to be visited** (found at <http://travel.state.gov/>)
 - a. "Tips for Traveling Abroad"
 - b. "Consular Information Sheet" for countries being visited, includes:
 - Safety risks
 - Immunizations and passports personal identification, visas needed
 - Laws related to drugs and prescription medications

- 5. Provide field trip information to students and their parents/guardians**

In both informational meetings with students and parents and in written materials, provide details of the trip, including locations to be visited, major activities including tours, travel arrangements, housing/sleeping arrangements, eating arrangements, suggested clothing and equipment, and insurance protection.

Clearly outline the activities that the district is controlling and those provided by the tour company. Be careful what types of representations the district is making.

- 6. Ensure school board approval of out-of-country trip**

For questions, please contact the Risk Cooperative at (360) 750-7504.

PREVENTING TEEN WORKERS FROM GETTING HURT ON THE JOB

Many school districts provide employment opportunities for their students during the summer months. Teen workers can be an asset for employers, as they are enthusiastic and eager to learn. However, the potential for serious injury and death must be recognized and addressed by everyone involved. Safety and health regulations alone cannot control or eliminate all the factors that may contribute to risk of injury for young workers. One or more of the following circumstances are commonly present when young workers are injured at work:

- Young workers may not be trained to perform assigned tasks safely.
- Young workers may be assigned to perform incidental tasks for which they have no training or experience, or they may take it upon themselves to perform these tasks.
- Young workers may not be adequately supervised.
- Young workers lack the experience and maturity needed to recognize and deal with injury hazards. More specifically, they may not yet have a sufficient understanding of work processes to recognize hazardous situations.
- Young workers may not have the training or experience to handle emergencies or injuries.
- Young workers, their employers, and parents may disregard or be unaware of child labor laws that specify the jobs and the hours that young workers may not work.

Here are ways employers can limit or prevent workplace injuries and make the workplace safer for teens and all workers.

Recognize the hazards:

- ✓ Reduce the potential for injury or illness in young workers by assessing and eliminating hazards in the workplace.
- ✓ Make sure equipment used by young workers is safe and legal.

Supervise young workers:

- ✓ Make sure that young workers are appropriately supervised.
- ✓ Make sure that supervisors and adult coworkers are aware of tasks young workers may or may not perform.



- ✓ Label equipment that young workers cannot use.

Provide training:

- ✓ Provide training in hazard recognition and safe work practices.
- ✓ Have young workers demonstrate that they can perform assigned tasks safely and correctly.
- ✓ Ask young workers for feedback about the training.

Know and comply with the laws:

Know and comply with child labor laws and occupational safety and health regulations. Washington rules dealing with teen employment are found at: <http://www.lni.wa.gov/WorkplaceRights/TeenWorkers/default.asp>

Develop an injury and illness prevention program:

Involve supervisors and experienced workers in developing a comprehensive safety program that includes an injury and illness prevention program and a process for identifying and solving safety and health problems.

For more information these websites provide valuable information: <http://www.osha.gov/SLTC/teenworkers/>
<http://www.cdc.gov/niosh/topics/youth/>
<http://www.uwworksafes.com/worksafe/>
<http://socrates.berkeley.edu/~safejobs/>

“Sexual Grooming” and “Boundary Invasions”

Children are too frequently the victims of sexual misconduct perpetrated by adults. Adults who victimize children find ways of being around children so that they are able to take advantage of them. To avoid situations where the perpetrator may be an educator, it is useful for school administrators to be aware of the concepts of “sexual grooming” and “student boundary invasions,” and to train staff to recognize and report boundary invasions.

Sexual Grooming Behaviors:

Psychologists and social workers who routinely treat sexual offenders describe how sexual abusers often train children to become victims of sexual abuse, using a process of successive approximation, which psychologists call sexual grooming. Sexual abusers will often find children who are suitably passive or needy and engage in personal boundary invasion behaviors which become increasingly invasive. This process of “sexual grooming” is much like flirting or attention seeking, but is directed towards an inappropriate target—a child. In grooming, a sexual offender tries to assess the child’s willingness to engage in sexual behaviors.

This sexual grooming process has been described as a process where the adult selects a child, gives the student attention and rewards, provides the student with support and understanding, all the while slowly increasing the amount of touch or other sexual behavior. The initial grooming tests the child’s ability to keep a secret and to desensitize the child to inappropriate boundary invasions which eventually become sexual, resulting in the sexual abuse. The grooming can also cause the children to feel responsible for their own abuse because they never asked for it to stop.

Nomenclature:

Whether particular behavior was, in fact, sexual grooming can only be determined in hindsight after sexual abuse has occurred. It is therefore a useful term for psychologists and law enforcement, but less helpful for educators in preventing sexual abuse. To avoid this problem, OSPI’s

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KEEPING “BAG” LUNCHES SAFE

Whether it's off to school or work we go, millions of Americans carry “bag” lunches. Food brought from home can be kept safe if it is first handled and cooked safely. Then perishable food must be kept cold while commuting. After arriving at school or work, perishable food must be kept cold until lunchtime.

Why keep food cold? Harmful bacteria multiply rapidly in the “Danger Zone” — the temperatures between 40 and 140 °F. So, perishable food transported without an ice source won't stay safe long. Here are safe handling recommendations to prevent foodborne illness from “bag” lunches as provided by the U.S Dept. of Agriculture.

BEGIN WITH SAFE FOOD

Perishable food, such as raw or cooked meat and poultry, must be kept cold or frozen at the store and at home. Eggs should be purchased cold at the store and kept cold at home. In between, transport perishable food as fast as possible when no ice source is available. At the destination, it must be kept cold. Food should not be left out at room temperature more than 2 hours (1 hour if the temperature is above 90 °F).

Prepackaged combos that contain luncheon meats along with crackers, cheese, and condiments must also be kept refrigerated. This includes luncheon meats and smoked ham which are cured or contain preservatives.

KEEP EVERYTHING CLEAN

Wash your hands before you prepare or eat food. Wash cutting boards, dishes, utensils, and countertops with hot, soapy water after preparing each food item and before you go on to the next item. A solution of 1 tablespoon of unscented, liquid chlorine bleach in 1 gallon of water may be used to sanitize surfaces and utensils. Keep family pets away from kitchen counters.

DON'T CROSS-CONTAMINATE

Harmful bacteria can spread throughout the kitchen and get onto cutting boards, utensils, and countertops. Always use a clean cutting board. When using a cutting board for food that will not be cooked, such as bread, lettuce, and tomatoes, be sure to wash the board after using it to cut raw meat and poultry. Use one cutting board for fresh produce and a separate one for meat and poultry.

At lunchtime, discard all used food packaging and paper bags. Do not reuse

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“Sexual Grooming and Boundary Invasions”

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Office of Professional Practices deals with what it calls “boundary invasion” behaviors. For consistency and clarity, “boundary invasion behaviors” is a more appropriate term for educators to use in preventing sexual abuse.

Boundary Invasion Behavior:

Grooming involves the progressive breaking down of normal boundaries, such as physical contact that seems innocuous or verbal comments that are designed to flatter and ingratiate the child. The following behaviors may be indicative of sexual grooming behavior:

- Working with an individual student behind a closed door.
- Touching children when there is no educational reason to do so.
- Flirting with students.
- Off color remarks to students.
- Giving a student rides alone.
- Personal emails or phone calls to the student.
- Frequent socializing with a student at school.
- Getting a student out of other classes to see the teacher without educational reason.
- Socializing with a student away from school.
- Inviting students to the teacher's home.
- Having a “special” relationship with a particular student.
- More than normal individual attention given to a particular student without educational reason.
- A combination of any of the above.

If a school employee engages in any of these behaviors, there may be a plausible and valid explanation which does not involve sexual exploitation of a child. If the employee engages in such behaviors repeatedly, there may be cause for concern based on the profiles of individuals who have become sexual abusers.

Reporting Duties:

If other educators are aware of boundary invasion behaviors, they should report the matter to the appropriate administrator. If there is reasonable cause to believe that child abuse has occurred, then RCW 26.44 mandatory child abuse reporting procedures must be followed. RCW 28A.400.317 mandates that school employees report any sexual misconduct by other employees to administrators. The child's parents must also be informed by administration at the first opportunity, but no longer than 48 hours, if their child has been the “victim, target, or recipient of the misconduct.” (RCW 28A.320.160.) The parents must also be informed of their rights to request records regarding school employee discipline under the Washington Public Records Act, chapter 42.56 RCW.

Public Records Act:

School employee disciplinary records may be the subject of a Public Records Act request when there has been a finding of wrongdoing, or where the employee has not been cleared of the particular allegations being made. (Chp. 42.56, RCW.)

Administrative Process:

Upon receipt of such a report, administration needs to (a) investigate the conduct; (b) document remedial action; (c) maintain institutional memory of the incident. It is useful to have comprehensive written guidelines in Board Policy and Procedure to spell out how this would be accomplished.

Training:

All employees are required to receive training in their mandatory child abuse reporting duties under RCW chapter 26.44 as well as sexual misconduct reporting duties under RCW 28A.400.317 at initial orientation and every three years thereafter.

Thanks to Michael A. Patterson and Donald F. Austin, attorneys with the firm Lee Smart Cook Martin & Patterson in Seattle, Washington for providing this article. They have extensive experience in all areas of school law, including special education, litigation, personnel, school construction, contracts, student and teacher rights, curriculum, board governance, and governmental complaints.

AND THE WINNER (LOSER?) IS...

Each year the Occupational Safety and Health Administration (OSHA) publishes a list of the "Top 10" most cited safety and health violations. Here in Washington, the Division of Occupational Safety and Health (DOSH- formerly WISHA) has jurisdiction over most workplaces and conducts inspections and issues citations based on state laws. Although the following list is compiled from data collected in those areas of the country where OSHA has jurisdiction, data specific to Washington State is very similar.

As you look through this list it should be evident that violations have been issued for failing to protect workers against hazards that may cause injuries and illnesses. Take a moment and see if any of these areas apply to your workplace. Most likely you will discover some do.

1. Scaffolding

This standard covers general safety requirements for scaffolding. Employers are bound to protect workers from falls and falling objects while working on or near scaffolding. The rules for scaffolds are found in WAC 296-874.

2. Hazard Communication

This standard addresses chemical hazards found in the workplace. Common violations include:

- Failure to develop and maintain a written program
- Failure to have material safety data sheets (MSDS) for each chemical
- Failure to inform and train employees about hazardous chemicals
- Failure to label each container with the identity of the hazardous chemical within (usually secondary containers)

The rules for Hazard Communication are found in WAC 296-800-170.

3. Fall Protection

The rules governing workers exposed to falls of greater than 10 feet are found in WAC 296-155 Part C-1 (fall restraint and fall arrest in construction). This rule outlines where fall protection is required; which systems are appropriate for given situations; the proper supervision of employees to prevent falls; and the development of a fall protection work

plan. Additional rules that apply to fall hazards are found in WAC 296-24-735 (walking-working surfaces) and 296-800-260 (floor openings, floor holes, and open-sided floors).

4. Respiratory Protection

This standard directs employers in establishing and maintaining a respiratory protection program when respiratory hazards exist in the workplace. It includes requirements for program administration; worksite-specific procedures; respirator selection; employee training; fit testing; medical evaluation; respirator use; and respirator cleaning, maintenance and repair. WAC 296-842 contains Washington State requirements for respirator programs.

5. Lockout/Tagout

The "Control of Hazardous Energy" rule outlines the minimum performance requirements for controlling hazardous energy during the service and maintenance of machines and equipment, if employees could be injured by the unexpected energization, or start up of a the machine or equipment or release of stored energy. Lockout/tagout procedures must be followed to ensure power sources are locked in the "off" position and clearly marked with a tag so other workers do not turn on a machine by accident. Violations included:

- Failure to develop, document and utilize procedures for the control of hazardous energy
- Failure to establish and implement a written program
- Failure to conduct periodic inspection of the energy control procedure(s)
- Failure to provide training

Rules for lockout/tagout are found in WAC 296-803.

6. Powered Industrial Trucks (Forklifts)

This standard, found in WAC 296-863, covers the maintenance and operation of powered industrial trucks. The most common violations were:

- Failure to ensure forklift operator is competent to operate forklift safely
- Failure to certify that each operator has been trained and evaluated
- Failure to inspect forklifts daily before

being put into service

- Failure to take damaged trucks out of service
- Failure to use seat belt during operation

7. Electrical – Wiring

This standard covers the grounding of electrical equipment, wiring and insulation and the use of extension cords. Washington rules are found in WAC 296-800-280 and 296-24 Part L. Violations with the highest frequency were:

- Failure to effectively close conductors entering boxes, cabinets or fittings and protect from abrasion
- Failure to provide all boxes with covers
- Extension cords used as a substitute for fixed wiring or used in areas where they are strung through holes in walls, ceilings, or floors; through doorways, windows, or similar openings; where attached to building surfaces; or where concealed behind building walls, ceilings, or floors.

8. Machine Guarding

This standard specifies safety requirements for the provision and use of safeguards on machinery where there is the potential for injury from moving parts. Rules are found in WAC 296-806 for fixed machines and 296-807 for hand-held power tools. Common violations included:

- Failure to provide or affix functioning machine guards
- Failure to adjust tool rest and tongue guard on abrasive grinding wheels
- Failure to anchor machinery
- Failure to guard blades

9. Ladders

The standard (WAC 296-876) covers general requirements for portable and fixed ladders. Citations were issued for:

- Failure to extend ladder side rails at least three feet above the upper landing surface to which the ladder is used to gain access
- Using ladders for the purpose other than for which they were designed
- Using the top or top step of a stepladder as a step

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Keeping “Bag” Lunches Safe

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packaging because it could contaminate other food and cause foodborne illness.

PACKING LUNCHES

Pack just the amount of perishable food that can be eaten at lunch. That way, there won’t be a problem about the storage or safety of leftovers.

It’s fine to prepare the food the night before and store the packed lunch in the refrigerator. Freezing sandwiches helps them stay cold. However, for best quality, don’t freeze sandwiches containing mayonnaise, lettuce, or tomatoes. Add these later.

Insulated, soft-sided lunch boxes or bags are best for keeping food cold, but metal or plastic lunch boxes and paper bags can also be used. If using paper lunch bags, create layers by double bagging to help insulate the food. An ice source should be packed with perishable food in any type of lunch bag or box.

KEEPING COLD LUNCHES COLD

Prepare cooked food, such as turkey, ham, chicken, and vegetable or pasta salads, ahead of time to allow for thorough chilling in the refrigerator. Divide large amounts of food into shallow containers for fast chilling and easier use. Keep cooked food refrigerated until time to leave home.

To keep lunches cold away from home, include a small frozen gel pack or frozen juice box. Of course, if there’s a refrigerator available, store perishable items there upon arrival.

Some food is safe without a cold source. Items that don’t require refrigeration include whole fruits and vegetables, hard cheese, canned meat and fish, chips, breads, crackers, peanut butter, jelly, mustard, and pickles.

KEEPING HOT LUNCHES HOT

Use an insulated container to keep food like soup, chili, and stew hot. Fill the container with boiling water, let stand for a few minutes, empty, and then put in the piping hot food. Keep the insulated container closed until lunchtime to keep the food hot — 140 °F or above.

MICROWAVE COOKING/REHEATING

When using the microwave oven to reheat lunches, cover food to hold in moisture and promote safe, even heating. Reheat leftovers to at least 165 °F. Food should be steaming hot. Cook frozen convenience meals according to package instructions.

For more information on food safety check the U.S. Department of Agriculture’s Food Safety and Inspection Service web site at: www.fsis.usda.gov.

And The Winner (Loser?) Is...

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- Failure to inspect ladders and remove from service those ladders with structural defects
- Failure to use ladders on stable and level surfaces
- Failure to provide training to employees on the safe use of ladders

10. Electrical – General Requirements

General safety requirements for electrical systems are found in WAC 296-800-280 and 296-24 Part L. Rules most frequently cited include:

- Failure to guard electrical equipment
- Failure to identify disconnecting means and circuits
- Failure to keep work spaces clear around electrical panels

In addition to these top ten categories, the following rules made the most frequently cited list:

- Failure to develop a formal, written accident prevention program (WAC 296-800-14005)
- Failure of employees to use appropriate eye and face protection (WAC 296-800-16050)
- Failure to store materials safely (WAC 296-800-22035)
- Failure to protect open-sided floors and platforms (WAC 296-800-26010)
- Failure to provide unobstructed access to exit routes (WAC 296-800-31025)

The district is required to provide employees with a safe and healthy workplace, comply with applicable rules that address hazards specific to your workplace, provide training to employees that address those hazards and involve employees in the safety program. To assist your district accomplish these tasks there is help available from the Loss Control Specialists at ESD 112. Contact them at 360-750-7504.

QUESTIONS TO ASK TO ASSESS YOUR DISTRICT’S COMPLIANCE

1. Does the district have a written accident prevention program?
2. Has the district developed, implemented, and maintained a written Hazard Communication Program?
3. Have employees received training about hazardous chemicals in the work area?
4. Are MSDS’s available and easily accessible for all chemicals on site?
5. Are all chemical containers properly labeled?
6. Do you have a written lockout-tagout program?
7. Do you have machine specific lockout-tagout procedures?
8. Have affected employees received lockout-tagout training?
9. Are all machine parts, functions, or processes properly guarded?
10. Are machine guards properly installed, maintained, and/or adjusted?
11. Are tool rests installed and properly adjusted on all grinders?
12. Are all electrical conductors protected and are all openings in electrical boxes effectively closed?
13. Do all electrical junction boxes have a cover? Are metal junction boxes grounded?
14. Does a standard railing or equivalent protect all open sided work platforms 4 feet or more above the ground?
15. Have all power industrial truck (forklift) operators received formal documented training?
16. Do you inspect your forklift daily?
17. Do you have a documented PPE hazard assessment?
18. Have you selected and provided PPE that addresses hazards identified in the assessment?
19. Are ladders used safely and have employees been trained in their use and inspection?
20. Do you store materials safely so they don’t create a hazard?

PERSONAL SAFETY WHEN OUTDOORS

Hot summer months pose special hazards for those who work and play outdoors. We all should learn to recognize and protect ourselves from hazards such as heat, sun exposure, and insects, whether we are at work or at play.

PREVENTING HEAT STRESS

When heat is combined with physical activity, loss of fluids, fatigue, and high humidity, our body's cooling system has to work very hard and may begin to fail leading to a serious health threat from heat-related illness. There are several heat disorders including sunburn, heat rash, heat cramps, heat exhaustion and heat stroke.

Heat stress is preventable with a few simple precautions:

- Drink plenty of water or electrolyte drinks, even when not thirsty.
- Try to do the heaviest work during the cooler parts of the day.
- Wear light, loose-fitting, light colored breathable clothing such as cotton, and a hat.
- Learn the signs and symptoms of heat-related illness.
- Take regular breaks from the sun.
- Avoid caffeine when possible since it dehydrates the body.
- Wear UV absorbent sunglasses. Sunglasses don't have to be expensive, but they should block UV rays.
- Avoid using salt tablets unless directed to do so by a physician.
- Use sunscreen. A sun protection factor (SPF) of at least 15 blocks 93 percent of UV rays. Be sure to follow application directions on the bottle or tube.
- Find out from your health care provider if any medications you may be taking affect your health when you are working in the heat.
- Be aware that equipment such as respirators or work suits can increase heat stress.

RIDING MOWER SAFETY

Hazards most often associated with riding equipment are blade contact and loss of stability. Fatal accidents have several

common patterns: the machine tips over, the victim falls under or is run over by the machine (accidents involving young children fall in this category), or the victim is thrown from or falls off the machine. Safe operating procedures include:

- Follow the safety and operating instructions that are in the equipment manual and on the unit.
- Allow only trained and experienced personnel to operate the machine.
- Clear the mowing area of objects such as rocks, toys, wire, etc., which could be picked up and thrown by the blade.
- Ensure the area is clear of others before mowing. Stop the mower if anyone enters the area.
- Never carry passengers.
- Do not mow in reverse unless absolutely necessary. Bring the machine to a full stop before shifting to reverse. Always look behind before and while operating in reverse.
- Mow up and down slopes, not across.
- Be aware of the discharge direction and do not point it at anyone.
- Slow down before turning.
- Never leave a running machine unattended. Always turn off the blades, set the parking brake, stop the engine, and remove the keys before dismounting.
- Turn off blades and attachments when not mowing.
- Stop the engine before removing the grass catcher or unclogging the chute.
- Mow only in daylight or good artificial light.
- Watch for traffic when operating near or crossing roadways.
- Wear hearing protection at all times when operating a mower.

INSECT BITES AND STINGS

Each year, many people encounter wasps/bees, spiders, ants or other insects while working outdoors. Prevention strategies to avoid being stung by an insect include:

- Avoid areas where insects nest. Spiders are typically found in dark and damp areas such as bushes or underneath a stationary object that is outdoors. Wasps and bees can typically be found higher in areas such as a roof or tree.
- Make sure to keep as much skin covered with clothing as possible, including a long sleeve shirt, long pants, socks, and a hat.

- Wear light-colored clothing.
- Avoid using any scented soaps or other products, since the fragrances can also attract insects.
- Apply insect repellents to clothing instead of to skin so that it won't be absorbed.

GRILLING SAFETY

Outdoor cooking is a great part of summer and it is estimated that Americans enjoy more than three billion barbecues each year. But barbecuing can be dangerous if you are not careful. The following tips can make your grilling experience safer:

- Keep kids and pets well away from the hot grill. Only let adults handle the cooking. Don't leave the grill unattended.
- Position your grill at least 3 feet away from other objects, including the house and any shrubs or bushes. Make sure the grill is level and steady.
- With gas grills, make sure the cylinder is always stored outside and away from the house. Make sure the valves are turned off when the grill is not in use. Check the connection between the propane tank and the fuel line to be sure that it is not leaking. Never use a match to check for leaks!
- For charcoal grills, only use a starter fluid made for barbecue grills. Never use gasoline.
- Make sure coals are cold before disposing of them.
- Never barbecue indoors. This is both a fire and carbon monoxide poisoning hazard.

Become familiar with potential hazards associated with working outdoors during the summer months. Take a short amount of time to follow a few simple guidelines that can save you time and pain when dealing with an injury that was preventable.



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CONTACT INSURANCE PROGRAMS

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

Contact us via the internet at:

www.esd112.org/insurance/staff.html

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) 408-1000.

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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