

RISK MANAGEMENT MATTERS

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

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NEW POLICIES AND COVERAGE FOR THE RISK COOPERATIVE

The 2003-2004 school year has brought about several changes to the Southwest Washington Risk Management Insurance Cooperative in the coverage provided to its membership. In the 2002-2003 policy year, the Cooperative purchased excess insurance coverage from the Washington Schools Risk Management Insurance Pool. However, due to cost issues, the Risk Cooperative returned to the open insurance market for this current year to obtain its excess liability and property coverages.

In August 2003, the Risk Cooperative was notified that the casualty insurance pools in Yakima and Olympia had ceased operation. Their membership had to search for coverage wherever they could find it. Several Yakima area school districts approached the Risk Cooperative for coverage, and we were able to accommodate four of the districts and the Washington Schools Information Processing Cooperative (see article on "New Risk Cooperative Members"). We note that the Washington Schools Risk Management Pool continues, as the Risk Cooperative does, to operate in financial health.

The decision to go to the open market for coverage for the current year was made in June as a result of cost issues associated with renewal of excess coverage with the Washington Schools Risk Management Pool. The Cooperative's renewal was completed by the end of July, at a substantial saving in premium. In early August, our renewal process had to begin again so that we could accommodate the five new members. This second renewal process was concluded by the end of August, in time for the new policy year. The new districts were added based on the same rates that had been negotiated for the July renewal.

Willis of Seattle, a branch of an international insurance brokerage firm, provides insurance brokerage services to the Risk Cooperative. This brokerage relationship was maintained during the year that we purchased excess coverage from the Washington Schools Risk Management Pool, so Willis could continue to market our program so we could offer a quality product at a competitive cost to the membership.

The coverage for the current year is provided through several excess insurance companies with the quality of coverage maintained. In the current year, because of the financial health of the Risk Cooperative, the Executive Committee has elected to accept a higher portion of liability insurance claims. The Self-Insured Retention (SIR) last year for liability and property was \$100,000. This year the Risk Cooperative has increased the SIR for liability to \$200,000, and maintains the SIR on property losses at \$100,000. By changing the SIR level, the Risk Cooperative was able to secure lower insurance premiums.

Coverages for this year include school liability, school board liability, property (including earthquake and flood), machinery breakdown, and crime. As mandated by statute, Public Official Bonds are provided for Superintendents of first class districts, and for district staff who act as auditing officers and who sign warrants.

If you have questions about insurance coverage, please call Jim Rochel (360) 750-7504.

Coming This Spring: Sharpening Your Personnel Skills

AN EMPLOYMENT LIABILITY
SEMINAR FOR SCHOOL MANAGERS

Each year the Risk Cooperative offers loss control training specifically tailored to our schools. This year's focus is on reducing employment liability claims.

For both classified and certificated managers, this four-hour seminar will aim at improving an experienced manager's skills.

This training will focus on the four most troublesome areas of employment practices for school districts:

- Hiring and Firing
- Leaves and Accommodations
- Evaluations and Corrective Action
- Preventing Workplace Harassment

Attendees will work on real-life problems, and will receive related materials.

We are pleased that attorneys Larry Ransom and Tracy Miller with Karr, Tuttle, Campbell in Seattle have agreed to present this training. Both Larry and Tracy are experienced in education law and employment relations, already working with many of our member schools.

THIS TRAINING WILL BE OFFERED AT FOUR LOCATIONS:

Vancouver	March 9 th
Yakima	March 11 th
Kelso	March 23 rd
White Salmon	April 13 th

Watch for registration
brochures coming soon

Insurance Programs Welcomes New Staff

Christi Stroyzk,
*Secretary II, School
Agency Operations*

The new voice answering our phones is Christi Stroyzk. Christi started full time in Insurance Programs in September of this year, although she worked for the ESD in other capacities since the summer of 2002.

Besides answering the phones, Christi enters new workers' compensation claims, handles the mail, and generally keeps the office flowing smoothly.

Before coming to the ESD, she worked for Olympia School District as a school secretary and librarian for 14 years. Her husband Ed worked for OSPI in Information Services for 25 years, and now is the Data Administrator at Vancouver School District.

Christi has two sons - Shannon (27 years old) and Eric (25 years old), but no grandchildren yet! She enjoys walking, cooking, and doing quick crafts. Since moving here, she and her husband have enjoyed exploring Southwest Washington.



Judi Ellison and Christi Stroyzk

Judi Ellison, Claims Adjuster, Workers' Compensation Trust

Judi Ellison joined us as a temporary part time employee in November 2001. Judi became permanent in 2003. Her primary duties include medical fee review connected with workers' compensation claims for appropriateness of payments. She answers questions regarding bills and reimbursements, as well as workers' compensation claims in general.

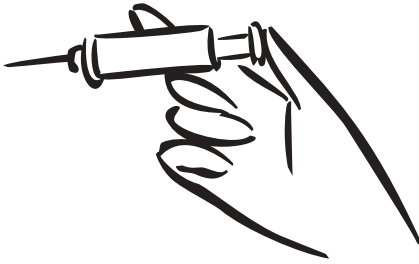
Judi also processes and adjusts workers' compensation claims. She is an experienced workers' compensation claims adjuster, having worked for 17 years for insurance companies or third party administrators, and most recently for Weyerhaeuser.

Judi came from a family of 8, and has 36 nieces and nephews. She was born and raised in Astoria, OR. She and most of her family have lived in Astoria, Portland or Vancouver all of their lives.

Judi and her husband Rick have two children - Jacob (7 years old) and Taylor (2-1/2 years old). Although most of her activities now revolve around the children, she likes to garden and spend time at her favorite beach - Cannon Beach.

Insurance Programs is pleased to have both of these ladies on its staff!

EPIPENS ON SCHOOL BUSES?



THE NEED

Even before the requirement for parents to inform schools of their child's life-threatening conditions (RCW 28A.210.320), school staff were aware of, and had to plan to react appropriately to, potentially life-threatening situations. This is accomplished via an individual emergency care plan.

The district, in conjunction with parents, the student's licensed healthcare provider, and other health care professionals (including the school nurse), develops the individual emergency care plan. This plan is updated at least annually and when changes in the student's health condition warrant it. The plan is then distributed to all appropriate staff.

THE EPIPEN

Special life saving medications may be necessary as part of the emergency care plan. EpiPens are often prescribed for persons with severe and potentially life-threatening allergic reactions to bee stings or food allergies.

The EpiPen auto-injector is a disposable drug delivery system featuring spring activation and a

concealed needle. It is designed for self-administration of epinephrine in acute allergic emergencies (anaphylaxis).

Important facts about EpiPens:

- EpiPens are intended for emergency use only, and further medical help should be sought immediately after administration.
- The effects of epinephrine (the drug in the EpiPen) usually last 10-20 minutes. In severe cases, repeat injections may be needed.
- Epinephrine deteriorates rapidly on exposure to light or air, turning pink or brown. If the EpiPen's solution is not clear and colorless, it should be replaced.
- EpiPens should be kept at room temperature (59-86 degrees F) and stored in the tube provided. EpiPens should not be refrigerated or exposed to extreme heat or sunlight.
- EpiPens have expiration dates printed on the unit, and should be replaced when expired.
- EpiPens have two sizes (related to the weight of the child and the dosage needed) - the EpiPen (0.3 mg dose) and the EpiPen Jr (0.15 mg dose).
- EpiPens should be injected only into the thigh, and can be administered through clothing. Overdosage or injection into a vein could cause death.

(The above was taken from the manufacturer's brochure "Questions & Answers about the EpiPen & EpiPen Jr. Auto-Injectors for Acute Allergic Emergencies [Anaphylaxis]" from DEY/Meridian Medical Technologies).

THE EVALUATION

If the team that develops the student's emergency care plan determines that, due to the student's life-threatening condition, an EpiPen is needed at the school, then providing it during the student's transportation may need also to be considered. (Other offsite locations, such as field trips, also need to be addressed.)

The team conducts an assessment of the need for the student to have an EpiPen on the bus. Relevant factors include:

- The medical condition of the student,
- The amount of time the student spends on the bus, and
- The proximity to emergency medical

response on the bus route.

The district may want the student's licensed healthcare provider to provide an opinion on this issue.

If it is determined that an EpiPen is needed on the bus, the best way to provide this may be for the student to carry it in his/her own backpack. An additional evaluation by the emergency care plan team needs to determine:

- a. If the student is old enough and responsible enough to carry his/her own EpiPen, and
- b. If the student can and will self-administer when needed.

Older elementary students may meet one or both of these criteria.

Make sure to follow related district policy and procedure in this matter. If the policy doesn't allow students to carry their own medications, the policy may need to be amended to conform with the law.

There is concern that an EpiPen carried by a child could be misused. However, since a shot from an EpiPen would be similar to a shot of adrenaline, serious adverse effects to another student receiving the shot would be highly unlikely (unless injected into a vein).

CARRYING AN EPIPEN ON A SCHOOL BUS

If the student is not able to carry the EpiPen him/herself, or this is not allowed by district policy, and it is medically needed, the school district (transportation specifically) has a few challenges:

1. *Willingness and ability of the bus driver(s) to administer the EpiPens when needed*

- Are the bus drivers willing to administer the EpiPen?
- Have they been properly trained to do so?
- Are they also trained to respond to breathing or cardiac emergencies?
- Who will ensure that the EpiPen is provided to transportation and not expired or compromised?
- Is the student's bus driver(s) aware of the student's emergency care plan?

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EXECUTIVE COMMITTEE HIGHLIGHTS

SOUTHWEST WASHINGTON RISK MANAGEMENT INSURANCE COOPERATIVE

Executive Committee Meeting of December 11, 2003

Loy Dale reviewed the PricewaterhouseCoopers's actuary report for FY 2002-2003. Jim Rochel reported on the status of current claims. The committee ratified the 2002-2003 Financial Statements. Shaun Mettler reviewed with the committee the current budget compared to actual expenditures for year to date expenditures as of 11/30/03. Orlando Cerrillo and Peggy Sandberg gave an overview of the four new Yakima area districts (East Valley, West Valley, Mabton and Bickleton). Mike Croke from Willis of Seattle discussed the prospects for the 2004-2005 renewal. The Committee approved paying an increased broker fee for additional work in the Yakima School District applications.

The next meeting date was set for May 6, 2004.

SOUTHWEST WASHINGTON WORKERS' COMPENSATION TRUST

The next Executive Committee meeting is scheduled for January 29, 2004

SOUTHWEST WASHINGTON UNEMPLOYMENT COMPENSATION POOL

The next Executive Committee meeting will be in spring 2004.

NEW RISK COOPERATIVE MEMBERS

The Southwest Washington Risk Management Cooperative has added five new members as of September 1, 2003. The new members consist of four school districts from the central Washington area, and the Washington School Information Processing Cooperative (WSIPC).

Bickleton School District No. 203 is located in Klickitat County, and has a student FTE of 112. The district covers a 500 square mile area, with Roosevelt School District feeding into its high school. Bickleton has the distinction of being the bluebird capital of the world.

East Valley School District No. 90 is in Yakima County has a student FTE of 2,250. It is located five miles east of Yakima. East Valley is proud to have two sports with recent back to back championships - the girl's basketball team, and the girl's cross county team.

Mabton School District No. 120 is in Yakima County and is located in an agricultural area. They have a student FTE of 907, with a 40% migrant population.

West Valley School District No. 208 is the third largest district in the Yakima Valley, serving 4,500 students. The district covers 250 square miles and is the thirteenth largest employer in the Yakima Valley.

WSIPC - the Washington School Information Processing Cooperative started in 1967 with ten Washington school districts forming a cooperative to share software development, hardware costs and technical support. Today approximately 280 school districts use WSIPC software applications.

EpiPens on School Buses, continued from page 3

- Is the student's bus driver(s) aware of any related allergy precautions (such as food or bees the student is severely allergic to)?

2. Where to store the EpiPen on the bus

The EpiPen could be carried by the bus driver in a fanny pack. It has been suggested that it be stored in the bus' first aid kit, but there may be problems with the temperature extremes inside the bus. The EpiPen probably needs to be carried with the driver rather than stored on the bus.

3. Making the EpiPen available when alternate transportation is used

How will the EpiPen stay with the student if the student takes a different bus or a sub bus driver is used? (This appears to be a procedural issue for Transportation.)

OTHER OPTIONS

It has been suggested that a buddy system (another student with a similar medical condition who will alert the bus driver in an emergency) be used. Perhaps assigned seating for closer monitoring should be considered.

FURTHER ALLERGY INFORMATION CAN BE FOUND ON THE FOLLOWING WEBSITES:

- Spokane School District's website, www.spokaneschools.org/NutritionServices/Allergies/
- Food Allergy & Anaphylaxis (FAAN) website, www.foodallergy.org
- OSPI website, www.k12.wa.us/HealthServices/

Your school nurse and the ESD's School Nurse Corp Supervisor are good resources on this issue as well.

Thanks to Gloria Hilsinger, School Nurse Coop Supervisor, ESD 105, and Kathy Tomei, School Nurse Coop Supervisor, ESD 112, for providing much of the information used in this article.

Still Have Asbestos in Your School? Keep Current With Compliance!

Schools built in the 1970s or before probably contain asbestos containing building materials (if it has not been removed), and the district maintains responsibilities associated with this potential hazard.

AHERA, or the Asbestos Hazard Emergency Response Act (found in 40 CFR Part 763, Subpart E), was passed by Congress in 1986. AHERA requires public school districts and non-profit private schools to inspect their schools for asbestos containing building material (ACBM). Those schools with ACBM must prepare and maintain management plans which recommend the best way to reduce the hazard from any asbestos that may be present. The Environmental Protection Agency (EPA) is the primary governmental agency responsible for enforcing the regulations promulgated under AHERA.

Options for reducing the hazard from asbestos include repairing damaged asbestos containing material, spraying it with sealants, enclosing it, removing it, or keeping it in good condition so that it does not release fibers. It has been EPA's long-standing policy that undamaged non-friable asbestos is best left undisturbed and managed in place as removing asbestos often has the potential to create a greater health risk than leaving it undisturbed. AHERA only requires testing following an asbestos repair or removal activity to determine whether the activity has been properly completed.

AHERA regulations require each local education agency with ACBM to take the following asbestos-related actions:

1. Designate and train a person to oversee asbestos-related activities in the school district (the AHERA designated person).
2. Inspect every school building for "friable" and "non-friable" asbestos-containing building materials.

3. Prepare a management plan (called the Asbestos Management Plan) for managing asbestos and controlling exposure in each school. An asbestos management plan is required to provide documentation of the recommended asbestos response actions, the location of asbestos within the school, and any action taken to repair or remove the material.
4. Notify the public about the asbestos inspection and the availability of the asbestos management plan for review. At least once each school year, the district must provide written notification to parent, teacher, and employee organizations regarding the availability of the Asbestos Management Plan and any response actions that have been taken or planned. Parents, teachers, and school employees, or their representatives, have the right to inspect the school's asbestos management plan.
5. Use only properly accredited persons to conduct inspections, to develop the asbestos management plan, and to carry out the appropriate response actions. These actions must be documented in the management plan.
6. Post warning labels in routine maintenance areas (boiler rooms, pipe tunnels, air handling rooms, etc.) to identify any asbestos containing materials.
7. Conduct visual surveillance in each building at least once every six months. The purpose of the surveillance is to look at all known or suspect ACBM and note any changes in the condition of the material. Periodic surveillance does not need to be conducted by a licensed consultant.
8. Every three years hire an accredited inspector to evaluate

the condition of the asbestos materials identified in the initial inspection. These inspections must include an inspection of each area of every building that is used as a school building.

9. Provide all maintenance and custodial staff who may work in a building that contains ACBM at least two hours of asbestos awareness training whether or not they work with the ACBM. Maintenance and custodial staff conducting any activities that will result in disturbance to ACBM must receive additional training.
10. Maintain records required by the regulations to be included in the Asbestos Management Plan:
 - A copy of prior inspection and/or re-inspection reports
 - Documentation related to the training provided to custodial and maintenance employees
 - Periodic surveillance forms
 - Dated statements regarding operations and maintenance activities
 - A copy of the annual notice of management plan availability
 - A copy of all reports on response actions taken
 - A copy of the updated management plan in each school

Information about asbestos management can be found at these websites:

http://www.epa.gov/asbestos/asbestos_in_schools.html

<http://cfpub.epa.gov/schools/index.cfm>

<http://www.ini.wa.gov/wisha/p-ts/asbestos/asbestos.htm>

You can also contact Scott La Bar, Loss Control Specialist, at (360) 750-7504 with specific questions or concerns.

WOODLAND PTSA RAISES \$65,000 FOR NEW ACCESSIBLE PLAYGROUND



Before and after photos of the new main playground area at Woodland Primary School



When the 80-member district-wide Woodland Parent Teacher Student Association was looking for a large scale, long-term project in September 2001, none of them knew what was involved in replacing the old playground. But with hard work and determination, the new handicapped accessible playground was completed at Woodland Primary School in August 2003.

Woodland Primary School (WPS) is a K-3 public school located in southern Cowlitz County serving 600 of the district's 1,950 students. There are three early learning facilities on their campus. Two students attending WPS are confined to wheelchairs. Prior to the construction of the new playground, there was no handicapped accessible playground within 20 miles. WPS has two playgrounds, including one solely for preschoolers. In 2001, the playgrounds were comprised primarily of older, well-used wooden play structures (see photo above), parts of which were in deteriorating condition.

WPS Principal Mark Houk made a formal request to the Woodland School Board in fall 2002 for the district's contribution to the Rainbow Playground Project. The school board agreed to match PTSA raised funds up to \$50,000. The PTSA began their fundraising efforts in winter 2002.

School staff and PTSA members decided to purchase the playground

equipment from Northwest Recreation in Olympia at a cost of \$73,000 for play equipment, and \$27,000 for protective surfacing. Both the equipment and surfacing had to meet accessibility guidelines.

Eight PTSA members served as the core playground committee, leading most of the preplanning. As a part of marketing the project, the PTSA developed a professional Power Point presentation. Four committee members gave over 150 presentations to businesses and civic organizations in Woodland and surrounding communities. Donations were solicited in the form of cash, materials, and/or services. The PTSA and school formed many community partnerships in the process.

The school's students were also involved in raising funds for their new playground. Student fundraising efforts included catalog and popcorn sales (which raised \$3,000), a walk-a-thon (netted \$7,000), an auction (earned \$8,000), and voting on the play equipment's colors via a coin drive (raised \$600).

The PTSA also received several grants, including a \$10,000 grant from the Community Foundation for Southwest Washington. The PTSA itself gave \$3,000. Individuals also donated to their new community playground.

By April 2003, the Woodland PTSA had reached 80% of the funding goal, which was fully met by June.

In July 2003, the old equipment was demolished and the site prepared. This took two weeks, and Bill Hanson, Woodland School

District's Maintenance Director was key to this process. Volunteers using their own equipment removed existing playground equipment and pea gravel, and prepared the sites by grading and leveling, removing dirt, hauling and placing gravel & rock, and pouring underlay asphalt (for the rubber tile surfacing).

Installation of the playground equipment and protective surfacing was also done with volunteer labor. Community volunteers worked for nine days (sun up to sun down) to install the equipment. The PTSA recruited volunteers and fed them during the process.

The size of this project is hard to imagine, but here were two indicators: four semi truckloads of playground equipment parts were assembled, and six semi truckloads of soft fall wood chips were spread (which took two full days using a tractor!)

The playground equipment manufacturer's representative (who was the only paid person during the installation) estimated the value of the donated labor, equipment and supplies to be \$100,000.

The Rainbow Playground Project was the largest undertaking that the Woodland PTSA had ever done. The core playground committee put in thousands of hours over the two years. Their three biggest challenges were (1) staying focused for the two years, (2) fitting the time needed for this project into their

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Grounds Maintenance Safety

As we move into spring and warmer weather, many of us will be heading outside to work on the grounds around our schools and our homes. It feels good to be outside with the sun shining after winter, but don't forget to work safely. Following are some tips to help you work safely.

KNOW YOUR ENVIRONMENT

If poisonous plants (or those dreaded blackberry bushes) are present, keep a safe distance and let others know about the dangers. If venomous reptiles or dangerous insects are part of the surroundings, keep a diligent lookout. Being outdoors means exposure to pests such as mosquitoes, bees, wasps, yellow jackets, ants, ticks, spiders, snakes and rodents. Learn how to recognize and avoid potentially dangerous critters. Know what to do if a bite or sting occurs, and keep the appropriate first aid supplies handy.

WEAR THE RIGHT CLOTHING

Appropriate clothing and protective equipment can save you a lot of grief. If you're working with rose bushes, wear puncture resistant gloves. If you're working with power tools, padded anti-vibration gloves may be appropriate. If you're heading for thick brush, long thick pants are more appropriate than a light pair of shorts. To protect yourself from the sun, wear a long sleeve shirt and long pants. If you wear a short sleeve shirt, apply sunscreen to protect the exposed skin. Wear a hat with a visor for protection from the sun's heat and glare. Do not wear jewelry around powered equipment since it can get caught in moving parts.



OTHER PERSONAL PROTECTIVE EQUIPMENT

Always wear safety glasses to protect your eyes from debris propelled by power equipment. Wear a hard hat when working around low tree branches or potentially falling objects. If you are bothered by dust and pollen, consider wearing a disposable particulate mask to prevent inhaling airborne particles. When using powered equipment wear earplugs, earmuffs or both.

Many injuries are caused by workers slipping on wet grass and steep inclines or by their feet sliding under equipment blades. High-top, lace-up boots with traction soles and steel-reinforced toes are the best footwear to wear to protect you from blades and heavy objects.

TAKE CARE OF YOURSELF

Make sure you get a good night's sleep. Drink six ounces of fluid several times a day. Protect your back by using proper lifting techniques. Cuts and scrapes should be treated with an antiseptic covering as soon as possible, so keep first aid supplies handy.

INSPECT THE WORK AREA FIRST

Be sure no children or other bystanders are near you when you operate equipment. While doing grounds maintenance work, keep an eye out for pieces of glass, metal or wire and remove all hazards before they can cause damage or injury.

KNOW YOUR EQUIPMENT

Always read the operator's manual before using the equipment. Read and follow warning signs and labels on all equipment. Learn about your equipment's safety features and the location and function of controls and potential hazards.

Inspect your equipment before each use. Make sure safety devices and guards are in place. Look for defective or missing parts and never use equipment that needs repair. Checking tools before you use them helps protect you while you use them. A shovel with a rotting or cracked handle is just one example of an accident waiting to happen. If you can't replace the handle, buy a new shovel.

Only use your tools for the job they were made to perform. Don't use screwdrivers as hammers or chisels as screwdrivers. Misuse of tools is a common cause of injuries.

Keep tools in a safe place that protects them from damage. Rakes, shovels and hoes should be stored so blades won't be dented or bent. If a broken tool cannot be fixed, throw it away.

OTHER SAFETY CONSIDERATIONS

When using corded tools outside, always plug into a circuit protected by a ground fault circuit interrupter.

Use only approved safety cans for gasoline. Never fuel indoors. Keep gasoline away from ignition sources. Shut off the equipment's engine before fueling and always clean up fuel spills immediately.

Never leave equipment unattended. If you need to walk away from your equipment, turn the power off.

Know the hazards associated with fertilizer and pesticide application. Read the labels for explanations of safe use, proper application, proper storage, handling and disposal and for emergency procedures.

Follow these simple tips and you'll be safer both in your yard and at work.

Safety Through Supervision

By Dr. Richard P. Borkowski, Sport and Recreation Safety Consultant

A college professor of mine once said, "Be where your kids are!" It was good advice. Unfortunately, he never talked about where to stand, when to use one form of supervision over another, how to know when an individual isn't qualified to supervise an activity, and how to watch six different events at one time!

In 90 percent of the lawsuits that I have been asked to read over the past 28 years, the prosecution claimed that the coach, athletic director, principal, superintendent, and entire board of education were negligent because of a "failure to properly supervise." This column will, hopefully, serve as a primer on how to supervise active people.

TYPES OF SUPERVISION

First, one needs to understand the different types of supervision:

1. General – This is an observational duty as opposed to a hands-on teaching situation. It is watching people participating in activities with which they are familiar. An example might be a tennis coach watching his or her team practicing on eight courts. The coach should be accessible. He or she should be visible to the players. He or she should continually scan the area.
2. Specific – This is direct, and usually one-on-one instructional supervision. An example might be a gymnastics coach working on a new skill with one gymnast. The higher the risk of injury, the more specific the supervision should be.
3. Real Athletic Supervision – This is typical team supervision. Some call it rotational, alternating or "general-to-specific-and-back-again" supervision. It is when you are overseeing the team, then help one player while you continue to scan the entire area. This is the type of supervision coaches need to know and need to practice.
4. Absentee Landlord – This means no supervision. This leads to injuries and lawsuits. This is wrong and should never be practiced.
5. Unsatisfactory Supervision – Your body is present, but your mind is somewhere else. A qualified basketball coach was present during a practice. He was working the travel itinerary for a holiday tournament. Two players moved over to an unpadded backboard to play a little one-on-one. One player split his hand on the unpadded backboard. The coach was sued for failure to provide adequate supervision.

THE X'S AND O'S

Proper supervision also means knowing the X's and the O's. The following are techniques of supervision we seldom talk about:

- Place yourself in a position where you can see all of the players. A hard working wrestling coach placed himself in the middle of the mat. He observed the varsity at one end

and the J.V. at the other end. When he was watching one group, he could not see the other group. However, if the coach observed the teams with his back to the wall, he would have had a consistent view of all the participants. In another example, a football coach placed himself in the center of two lines of linesmen to observe blocking practice. A better site would have been at the end of the line. He could then see all the players without having to turn his head.

- When you offer specific supervision to one player, you do not abrogate your general supervisory duties. The biggest mistake I see is when a coach has his or her back to the other players when helping a single athlete. The coach needs to stand in such a way as to help one individual while being able to easily observe the other players. Avoid spending too much time with one or two individuals.
- Scan the entire area continually. This is the habit of constantly observing the area in a systematic manner, even when you are providing feedback to an individual. You scan the area from left to right, up and down, and continually. In the beginning it is a good idea for coaches to consciously scan a class; practice will make this automatic. The key is to be constantly vigilant.
- Rotate or move about the team. By rotating around the outside of the practice area, a coach can see more of the practice. Vary your movement patterns.

WHEN NOT TO SUPERVISE

Finally, remember that there are times when a person should not supervise.

1. When you don't know the activity.
2. When the activity is inherently dangerous. I supervised something called "Rambo Ball," a fun diversion from football practice. We started with 10 balls. The object was to get as many balls as possible into your end zone. There were no rules. It was fun to watch 20 against 20 on a field. It was also dangerous. Fortunately, I learned that before someone got hurt.
3. In case of an outdoor practice, when weather conditions such as hail or lightning occur.

Supervision is not watching every player at every moment in every situation. That is an impossibility. In general, the courts have said that you must provide adequate supervision. **Adequate supervision is that which prevents an unreasonable risk of harm to the participant.** By practicing the techniques of supervision you will lower the rate of injuries, and consequently reduce the risk of lawsuits.

The biggest mistake I see is when a coach has his or her back to the other players when helping a single athlete.

This article originally appeared in [Athletic Management](#) magazine. More information about [Athletic Management](#) can be found at www.athleticsearch.com. Preprinted with permission.

Why Student Injuries May Not Be Covered by the District's Liability Insurance



A student is injured at school, and medical attention is provided. The injured student's parents often look to the school to pay the bill because "it happened at school." It is a common misconception that a property owner owes for injuries occurring on his property. This is especially true when it comes to public property, including schools.

In reality, an injury that occurs to a student or patron while on the school district's property does not automatically make the school district responsible for that injury.

In order to determine if responsibility exists, the district must be liable. The basic test for liability includes the following questions:

- What was the duty (or duties) owed?
- Was there a breach of that duty?
- Were damages or injury caused by the breach of that duty?

This is often expressed as the four elements of liability: Duty, Breach, Causation and Damages. If any one of these elements is missing, there is no legal liability.

Negligence is defined in *Black's Law Dictionary* as "The omission to do something which a reasonable person, guided by those ordinary consideration which ordinarily regulate human affairs,

would do, or the doing of something which a reasonable and prudent person would not do. Negligence is the failure to use such care as a reasonable prudent and careful person would use under similar circumstances Conduct which falls below the standards established by law for the protection of others against unreasonable risk of harm."

Often liability results from a negligent act by staff, or as a result of a failure of the district to follow the law or its own policies and procedures.

The school district, including its employees, has certain basic duties that can be summarized as follows. The school district has the duty to:

- Warn and inform
- Provide proper instruction
- Condition and equip participants properly
- Provide proper supervision
- Provide safe facilities
- Provide safe equipment
- Provide prompt and appropriate post-injury care.

When these duties are not fulfilled, the district could be held liable for resulting injury or damage.

AN EXAMPLE

Consider a student who broke her arm while playing on the school's playground equipment at recess. Is the school responsible for this injury? The kind of questions that need to be answered to determine if the school is or is not liable for this injury might include:

- Was supervision on the playground adequate?
- Were students instructed on how to use the equipment?
- Was the equipment being used properly?
- Is the equipment faulty in some way?
- Is there a routine scheduled inspection

of playground equipment with a written record of all of the equipment inspections and findings?

- Were any noted defects repaired in a timely manner?
- If the injury was caused by a defect in the equipment, did the district know about the defect, or should the district have known about the defect?
- Is the surfacing under the equipment up to standards?
- Was medical attention appropriate and timely?

Note that these above questions try to ascertain whether the district has met the duties owed on the playground.

Supervision is almost always an issue that is brought up by those pursuing a claim against a school district. Therefore, it is important for the district establish good policies and procedures for staffing and training those who supervise students, and to keep good records of the district's activities relative to their planning, hiring and training practices.

Just because an incident occurs on the school district's property does not necessarily make the school district liable. Injuries that occur on the school's property or during school activities need to be investigated to identify what duty is owed, if that duty was breached, and if because of a breach of duty the injury occurred.

If you have a question concerning an incident that occurred at school or during a school activity, or a question about liability, please call the Risk Cooperative.



Washington Voters Reject Ergonomics Rule

The November 4, 2003 vote on Initiative 841 resolves the long battle between labor and business about the ergonomics rule. Voters have said that a mandatory ergonomics rule is not needed. Passage of the measure means not only that the rule has been repealed, but also prohibits state regulators from enacting another ergonomics rule unless required to by the federal government.

The Department of Labor and Industries (L & I) created the rule to help prevent workplace injuries such as carpal tunnel syndrome, back strain and shoulder tendonitis. The rule required employers to identify jobs likely to cause work-related musculoskeletal disorders (WMSDs) and to reduce employee exposure to those hazards. L & I claims that more than 50,000 ergonomics-related injuries occur in Washington state each year, costing employers and workers nearly \$1 billion annually in medical expenses, lost wages and reduced productivity.

Labor leaders contended the rule was needed because employers are not doing enough to prevent ergonomic injuries. Business leaders, meanwhile, said the rule was vague, would cost the state jobs, and gave government regulators too much power.

At the very least, the initiative heightened awareness of ergonomics and generated a broader discussion of this safety issue. Both sides of the debate have said that the use of proper ergonomic techniques belongs in the workplace, and benefits employers as well as workers. Association of Washington Businesses President Dan Brunell said "We want to encourage employers to develop safety programs which will work in their particular work settings. Our (business) effort is to find collaborative ways employers and workers can address ergonomic issues, to develop best practices which can be shared between employers,

and to put together additional training programs to help our state's very small employers further address ergonomics."

Gov. Gary Locke issued the following statement on the outcome of Initiative 841:

"I am very disappointed that this important safety rule has been repealed. Ergonomics-related injuries, such as carpal tunnel and lower back strain, are debilitating to workers and their families, costly to employers in lost productivity, and significantly contribute to our state's rising workers' compensation rates. Though the voters have repealed this rule, we plan to step up our education efforts with employers, informing them of no- and low-cost best practices that can help reduce these workplace injuries."

MAINTAINING PREVENTION EFFORTS WITHOUT THE ERGONOMICS LAW

While Labor and Industries rules are repealed, ergonomic injuries still do occur to school district employees. The safety and health of each employee remains of primary importance to the district, and each district need still ensure that all potential ergonomic hazards are evaluated and controlled. Much to their credit, most districts have already evaluated jobs, identified those that have ergonomic risk factors, and provided ergonomics awareness education.

The Southwest Washington Workers' Compensation Trust recommends all districts evaluate jobs for ergonomics risk factors and explore possible solutions to reduce or eliminate those hazards as follows:

- Provide ergonomics awareness education to those employees whose jobs are identified as having ergonomic risk factors. This education should include: information on work-related causes of musculoskeletal

disorders; the types, symptoms and consequences of WMSDs and the importance of early reporting; and information on identifying WMSD hazards and common measures to reduce them.

- Provide for and encourage employee participation in the ergonomic process.
- Solicit job improvement ideas from affected employees. This is essential because employees constitute the best determination of ergonomic hazards and solutions to ergonomic problems.
- Encourage employees to report ergonomic risks in the workplace.
- Respond promptly to reports of WMSDs.
- Ensure the workplace ergonomic practices and procedures are clearly communicated and understood by employees.
- Assist in the selection of control measures to reduce employee exposure to ergonomic risk factors.

Employees share in the responsibility of creating and maintaining an ergonomically safe workplace.

Employees should:

- Know the signs and symptoms of WMSDs.
- Know how to report WMSDs and the importance of doing so promptly.
- Identify WMSDs in their workplace.
- Participate in measures to control WMSD hazards and evaluate the effectiveness of those controls.
- Adhere to proper ergonomic practices in the workplace.
- Participate in ergonomic training programs, as required.

Have all employees report suspected, potential, or known WMSD hazards to their supervisors. supervisor. The Workers' Compensation Trust, working with the district, will facilitate the medical management process including:

Continued on next page

Ergonomics Rule Rejected, continued from previous page

- Access to a health care professional for medical evaluation/treatment.
- Coordination of any necessary work restrictions, including recovery time off.
- Post-treatment follow-up.

Once a suspected, potential, or known WMSD hazard or an injury has been reported, the employee's supervisor will conduct an investigation to determine what can be done to reduce symptoms or eliminate the hazard.

If a job activity is determined as having a WMSD hazard, the hazardous condition will be reduced to the degree technologically and economically feasible. The following types of controls will be evaluated and considered for possible implementation.

- Engineering Controls - examples are the redesigning of the workstation or tools.
- Work Practice Controls - proper work technique including correct lifting techniques.
- Administrative Controls - used to reduce the duration, frequency and severity of exposure. Examples are job rotation, rest breaks and a stretching program.

Personal protective equipment will be used to supplement engineering, work practice, and administrative controls, but only where other controls are not feasible.

Understanding the basic principles behind ergonomics, knowing the signal risk factors that may lead to repetitive injuries, and implementing ergonomic changes, workplaces can be transformed into a more safe work environment.

If you have questions about ergonomics, please contact Scott LaBar, Loss Control Specialist, at (360) 750-7504.

Workers' Compensation Coverage for School Volunteers

Are school volunteers "covered" by worker's compensation if they are injured while volunteering at school? The answer is probably no, but districts can elect to partially cover them.

Volunteers are people who perform duties of their own free choice while under the direction and supervision of a district employee. They are accepted as volunteers by the employer and receive no wage. Volunteers are used in schools as aides in classrooms, kitchen/cafeteria, office and gym.

Washington Admin. Code 296-17-930 has steps that an employer electing to insure volunteers with workers' compensation must follow prior to coverage being in place:

1. The employer must give notice in writing of its election of this coverage on a form prescribed by the Dept. of Labor and Industries.

2. The employer must maintain records of ALL hours of work performed by ALL school volunteers.
3. Records must include written notice of each person who has volunteered and has been accepted by the employer to perform work as a volunteer.
4. A report of the hours worked by ALL volunteers must be included with the employer's regular quarterly report of payroll.
5. Payment for the premium based on ALL volunteer hours and at such rates per hour (classification codes) assigned by the Department of Labor and Industries must be made.

In addition, volunteers may be covered for workers' compensation medical aid benefits only if injured in the course of performing the volunteer work they were assigned. (As the volunteer is not receiving a wage from the district, no lost wage benefits can apply.)

In summary, the school district can elect to insure volunteers if the district registers its volunteer program, maintains records of service, and pays the premiums for coverage.

Please contact Tracey Usher, Workers' Compensation Claims Adjuster at (360) 750-7504 for questions.

New accessible playground equipment, continued from page 4

lives, and (3) working with all the different volunteers. What would they do differently the next time? Their answer came quickly - have the equipment supporting poles and rubber tiles installed professionally!

Woodland Primary School now has the largest play area in Woodland, with safe, accessible, innovative, fun, and engaging play opportunities. The core team of the PTSA said that all their efforts paid off on the first day of school when they watched the children play on the new playgrounds. "Our kids deserve the best," they reiterated. This playground is well used by both students and neighborhood children, and has enhanced the community.

Contact Mark Houk, Woodland Primary Principal, at (360) 225-9472 or by email at houkm@woodland.wednet.edu for further information on this project.



Woodland PTSA Dynamos, Mary Casey, (President 2001-02); Cindy Moss, and Beth Woodard, (President 2002-03). Not pictured, Pam Keck and Tammy Ludwigs

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Christi Strozyk, Secretary

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Tracey Usher, WC Claims Adjuster

Judi Ellison, WC Claims Adjuster

Marla Bouma, WC Claims Assistant

Peggy Sandberg, Loss Control Specialist

Scott LaBar, WISHA Loss Control Specialist



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.

Contact Insurance Programs

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.

Contact us on line at:
www.esd112.org/insurance_programs

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.

ESD 112 Risk Insurance Programs
2500 NE 65th Ave.
Vancouver, WA 98661-6812
PH (360) 750-7504
FAX (360) 750-9836

ESD 112

Educational Service District 112

Educational Service District 112
2500 NE 65th Ave.
Vancouver, WA 98661-6812

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