

**GENESEO C.U.S.D. #228**

# **RISK MANAGEMENT PROGRAM**

**Revised: January 10, 2011**

The Geneseo C.U.S.D. #228 shall have in operation a comprehensive Risk Management Program, which shall reduce or prevent the District's exposure to liability. It is of the utmost importance for the district: (1) to ensure that statutory and common law, health and safety rights are extended to all visitors, employees, and students; (2) to make certain that the district's buildings and grounds are maintained in a safe condition; and (3) to provide careful supervision and protection of all the district's real and personal property, including vehicles.

The Illinois Local Government and Governmental Employees Tort Immunity Act (Ill. Rev. Stat. Ch. 85, 10101 et seq.) provides for a school district to levy a tax which when collected will pay the cost of risk care management (Ill. Rev. Stat. Ch. 85, 9-107). In addition, this section (9-107) provides for funds raised pursuant to this section to be used:

... to pay the operating and administrative costs and expenses, including the costs of legal services and the wages and salaries of employees in connection with defending or otherwise protecting itself against any liability or loss described herein above and under Federal or State common or statutory law, the Worker's Compensation Act, and the Unemployment Insurance Act, to purchase insurance, to purchase claim services, to pay for judgments or settlements, or to otherwise provide protection to the local public entity or its employees or, pursuant to an intergovernmental contract, other public entities or their employees.

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

The general, overall responsibility for the development and maintenance of the district's Risk Management Program rests with the **Superintendent** of the district. The Superintendent shall be responsible for the development of the program identifying the various components of the program, and delegating responsibilities for these components to the appropriate personnel. It is expected that the superintendent will continually evaluate the effectiveness of the program and be apprised of the needed revisions, additions or deletions to the components and assigned responsibilities. The Superintendent, or his/her designee, will be responsible for monitoring all staff evaluations to assure that risk care responsibilities are being evaluated. It will also be the Superintendent's responsibility to provide for the protection of students, personnel and the general public and freedom from exposure to tort-producing situations which arise from incidents at all school functions and activities. Five percent (5%) of his/her time will be spent fulfilling these obligations.

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

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

1. Premiums for the various necessary insurances, including liability insurance, building and fleet insurance, workers' compensation, unemployment compensation, etc.
2. Pay judgments or settlements arising against the district.
3. Pay for all legal fees connected with protecting or defending the district against liability, including unfair labor practice charges and employee collective bargaining.

4. Allowance for the time expended by assigned personnel concerning the previously delineated assignments.
5. Pay of architectural, engineering, and consulting services connected with protecting the district against liability involving Life/Safety issues, ADA issues, asbestos issues, and environmental issues.
6. Securing maintenance and service agreements for security cameras and other security equipment, as well as the subscription and licensing of emergency messaging services as per the Preparedness Plan.

The district's **Director of Operations** is assigned the responsibility for the administration of this component to the Risk Management Program, and shall serve as the district's liaison to the various consulting services, claim and adjustment services, and insurance companies. In addition, he/she shall be responsible for all communications concerning claims against, or on behalf of, the district. He/she shall also be responsible for the bidding of supplies and contractual services in such a manner that the district meets all the requirements for freedom from tort situations, which include meeting the requirement for toxic materials, Equal Opportunity Employment, prevailing wage rates, comparable name equipment, responsible bidders, etc. The Director of Operations will also serve as the Integrated Pest Management Coordinator. His/her responsibilities for this duty will include the scheduling of inspections and treatments with the contracted Pest Management Company. Mandated notification to parents and community members will also be this person's responsibility. It is expected that he/she will devote an additional (10%) of his/her time toward the fulfillment of these duties.

The district's Risk Management Program in relation to the safe conditions of buildings and grounds, protection of the district's real and personal property shall be the responsibility of

the **Maintenance Director**. His/her responsibilities and duties shall include, but not be limited to:

1. Development and identification of the various components and responsibilities concerning inspection of buildings, grounds, and equipment to provide protection to the local district, its employees and the public, daily inspection of buildings and grounds and operation of the district's building security system.
2. The maintenance of the legal and safe conditions of the buildings and grounds. He is responsible for the district's compliance with state and federal laws regarding employee and student health and safety, asbestos, radon, lead, etc.
3. The supervision of all personnel performing maintenance/custodial duties within the Risk Management Program. It is his/her responsibility to make sure these employees are conducting daily inspections of the buildings and grounds to ensure safe and risk-free environments.
4. The ordering, procuring, and bidding of supplies and outsourced services in such a manner that the district meets all requirements for freedom from tort liability situations, which would include meeting the requirements for toxic materials, comparable name-brand equipment and/or supplies, lowest responsible bidders (as appropriate), etc.
5. It is expected that the Maintenance Director will be responsible for the maintenance and regular inspection of the legal and safe conditions of the district's vehicles. Vehicles must be kept safe, not only for student and employee safety, but also for the safety of the district property.

It is expected that the Maintenance Director will expend twenty-five (25%) of his/her time directly related to fulfilling the responsibilities of his/her position in the district's Risk Management/Tort Avoidance Program.

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

1. Incidents in parking lots and on the campus.
2. Incidents in the lunchroom.
3. Incidents occurring during school athletic activities and other school-sponsored events.
4. Incidents occurring during P.E. classes.
5. Incidents occurring during industrial education and/or vocational education classes.
6. Incidents occurring in connection with the transportation of students (a) before boarding (b) during, and (c) after exiting the school bus.
7. Incidents in connection with safety of students from traffic hazards and exposure to risk.
8. Incidents due to acts of fellow students committed both in and out of the classroom.

9. Incidents due to lack or insufficiency of supervisors (a) at bus loading/unloading, (b) during or between class periods, (c) during lunch hours, and (d) miscellaneous undetermined times.

It is expected that the building **Principals** shall devote approximately **ten** percent (**10%**) of their time to the above tasks. It is expected that the **Athletic Director** will expend fifteen percent (15%) of his/her time, the **Guidance Counselors** **five** percent (**5%**) of their time, and the **Security Officer** **fifty** percent (**50%**) of his/her time devoted to these tasks and an additional **five** percent (**5%**) of his/her time handling most TORT situations that are inherent in the activities listed above. He/she is also responsible for the management of the supervision and protection of elementary, middle school, and high school students and the discipline of such. In this capacity, he/she is responsible for guaranteeing the protection of the constitutional and statutory rights of students.

## **OTHER TASKS/RESPONSIBILITIES PERFORMED BY DIFFERENT MEMBERS OF DISTRICT'S FACULTY/STAFF**

1. **Student Transportation:** The District will request from the contracted bus/transportation company a list of expenses occurred by their company to provide services that fulfill the responsibilities of the District's Risk Management/Tort Avoidance Program as it relates to student transportation. One hundred percent (100%) of these fees will be paid through TORT funds. Included in these services is the maintenance and regular inspection of the legal and safe conditions of the school buses, and insuring that all drivers are trained in the legal and safe operation of buses, and supervising transportation personnel in the safe operation of their duties and responsibilities. The contracted bus provider is also responsible for the inspection of vehicles, both for legally required state inspections and for provision for maintaining risk free student and employee operating conditions.
2. **Night Custodian:** It is expected that all night custodians would devote ten percent (10%) of their time in daily inspection of their respective areas of assignment for a risk free environment.
3. **Day Custodian:** It is expected that day custodians would devote **ten** percent (**10%**) of their time in daily inspections of their respective areas of assignment for a risk free environment.



4. **Student Driver Education:** All district behind the wheel (BTW) driver education teachers are responsible for the safety inspections of vehicles, both for student and employee's safety and protection of district property. Lights, horns, mirrors, brakes, right seat brakes, seat adjustments, seat belts, etc. are to be checked before any student operates the vehicles, periodically throughout the day and at the end of the day following the last student driver. It is expected that five percent (5%) of the teachers' time will be devoted to these task.
5. **Lab Teachers, Activity Teachers, and Coaches:** Since it is recognized that many of our teaching and coaching positions have inherent tort liability potential, the district will record a certain percentage of the time devoted to the duties in those positions to the Risk Management Program. It is expected that the Art teachers, Band teachers, P.E. teachers, Science lab teachers, Industrial Arts teachers, Home Economic teachers, and coaches will closely supervise their students and insure that all are protected from undue exposure to risk situations. It is expected that ten percent (10%) of the coaches' time and five percent (5%) of the other listed teachers' time will be devoted to these tasks.
6. **Playground/Lunchroom Supervisors:** The primary responsibility of the playground/ lunchroom supervisors is to ensure a safe and orderly environment when eating and participating in recess. It is expected that twenty-five percent (25%) of their time will be devoted to these tasks.
7. **Nurse:** One of the primary responsibilities of the School Nurse is the protection of the health and safety of students and personnel. This position is directly involved with the district's compliance with state and federal health regulations. He/she is responsible for ensuring that the students have been physically examined in a legal manner that ensures

that the student is in a risk-free physical condition, both in relation to him/herself and in relation to other students and district personnel. The school nurse has the additional risk management responsibility of reducing student/personnel exposure to communicable disease and other health and safety problems. Not only is he/she responsible for limiting exposure, but he/she is also responsible for the protection of students and specified health problems, health needs and safety needs. It is expected that no less than twenty-five percent (25%) of his/her time shall be devoted to limiting/avoiding tort situations arising from the health, safety, and physical conditions of students and personnel.

8. **Cafeteria Director:** The Cafeteria Director has the responsibility to supervise the protection of students from health problems due to contaminated supplies, improperly stored, cooked, and/or handled food and milk. He/she is responsible for the protection of students and employees from harm due to improper or unsafe mechanical devices such as dishwasher thermostats, cutting utensils, steam tables, stoves, etc. It is expected that the cafeteria director will expend twenty percent (20%) of his/her time devoted to these tasks.
9. **Cooks/Cafeteria Staff:** The cooks/ cafeteria staff will also be responsible for providing a sanitary and healthy cafeteria kitchen environment. Ten percent (10%) of their duties will be devoted to these tasks.
10. **Technology Director:** The District's Technology Director is responsible for the prevention of loss of assets (lawsuits). Ten percent (10%) of his/her time will be devoted to this task.
11. **Access Control System Clerk:** One of the District's Technology Aides will serve as the Access Control System Clerk (A.C.S.C.). He/she is responsible for programming the "pass keys" for the buildings in the district that have these systems installed. The

A.C.S.C. will issue keys to the approved people and monitor the proper use of them.

This person will be responsible for reporting improper access to any of the building to the Director or Operations. This will allow the district the opportunity to provide a safe environment. One hundred percent (100%) of his/her time will be devoted to these tasks.

**12. Hearing Officer:** The District's Hearing Officer is responsible for scheduling hearings as requested by parents. These hearings, as it pertains to this Risk Management Plan, relate to safety issues for both school and transportation. The Hearing Officer is responsible for preparing written reports of the findings to the Superintendent, School Board, and all participants. Fifty percent (50%) of his/her time will be devoted to these tasks.

**13. Special Education Services / Case Manager/ Special Education**

**Supervisor/Teachers:** The responsibilities for providing Special Education services are directly interwoven into the Risk Management Program. The responsibilities fall into four major areas:

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

Because of the wide range of potential tort exposure arising from providing these special education services, it is expected that one hundred percent (100%) of an itemized bill of the costs paid to the Henry-Stark Special Education Co-Op, labeled as "TORT," would be devoted to fulfilling these safety related obligations.

Since the district relies on the individual special education teacher to act as case load managers for individual special education students and to oversee the management of and compliance with the Individualized Education Plan (I.E.P.) of each special education student assigned to them, it is anticipated that each case manager/special education supervisor/special education teacher will spend no less than twenty percent (20%) of his/her time overseeing the district's compliance and special education issues.

Furthermore, the district relies on the principals to act as a contact for establishing I.E.P. and M.D.C. conferences, as a district representative in selected I.E.P. and M.D.C. meetings, and as a contact between parents and special education faculty /staff and students, a minimum of five percent (5%) of his/her time is spent dealing with special education issues.

**14. Special Education Individual Aides:** It is expected that the primary role of individual aides is to ensure the safety and security of the student to whom they are assigned. This involves those who need assistance navigating hallways and classrooms; and continues into feeding, hygiene, and other basic personal needs. It is expected that at least fifty percent (50%) of his/her time is spent dealing with individual special education student risk management issues.

**SUMMARY OF PERSONNEL TIME EXPENDITURES**  
**MANDATED BY THE RISK MANAGEMENT PROGRAM FOR**  
**GENESEO C.U.S.D. #228**

**Superintendent**        **(5%)**

- **Develop and maintain the Risk Management Program.**
- **Evaluate the effectiveness of the Risk Management Program.**

**Director of Operations**        **(10%)**

- **Monitor staff evaluations to assure that the risk care responsibilities are being evaluated.**
- **Serve as the district liaison to insurance consulting services.**
- **Communicate claims concerns to insurance carriers.**
- **Provide for the protection of students, personnel, and the general public and freedom from exposure to tort-producing situations that arise from incidents at all school functions and activities.**
- **Serve as the District's Integrated Pest Management Coordinator**

**Maintenance Director**        **(25%)**

- **Responsible for the safe conditions of building and grounds and for the protection of the districts' real and personal property. This will include but is not limited to: inspecting buildings, grounds and equipment for safety and ensuring compliance with State and Federal laws regarding employee and student health and safety (this includes asbestos, radon, lead, etc.).**
- **Responsible for the maintenance of district owned vehicles to insure their ability to transport students and adults in a safe manner.**

**Building Principals**        **(10%)**

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

due to acts of fellow students committed both inside and outside of classrooms.

**Athletic Director**      (15%)

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

**Guidance Counselors**      (5%)

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

**Security Officer**      (50%)

- Provide for the protection of students and to ensure that safeguards are in place to provide freedom from exposure to tort-producing situations that could arise from incidents in lunchrooms and hallways.
- Management of the supervision and protection of middle school and high school students, and the discipline of such.
- Guaranteeing the protection of the constitutional and statutory rights of students.

**Contracted Bus/Transportation Provider**      (100% of Safety Related Items)

- Provides trained bus drivers in the area of safety.
- Provides safe vehicles.

**Night Custodians**      (10%)

- Daily inspect building for risks and /or hazards.

**Day Custodians**      (10%)

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

**Driver Education Teachers (5%)**

- Safety inspection of vehicles.

**Lab and Activity Teachers (5%)**

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

**Coaches (10%)**

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

**Playground/Lunchroom Supervisors (25%)**

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

**Nurse (25%)**

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

**Cafeteria Director (20%)**

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

**Cooks/Cafeteria Staff (10%)**

- Supervise the protection of students from health problems stemming from unsanitary conditions.

**Technology Director** (10%)

- Responsible for the prevention of loss of assets (lawsuits).

**Access Control System Clerk** (100%)

- Maintains pass key system in the district.

**Hearing Officer** (50%)

- Schedules hearings as requested by parents.
- Prepares written reports of findings for Superintendent, Board, and all other parties.
- Performs all other duties as assigned by the Superintendent related to risk management and safety issues.

**Henry-Stark Special Education Co-Op** (Itemized bill received from H/S Sp. Ed. Co-Op)

- Guarantee the protection of the constitutional and statutory rights of students.
- Reduction of exposure to tort situations involving the legal and proper student testing, evaluation, identification, and placement of special education students.
- Provide for the confidentiality of students psychological profiles and records.
- Discipline of special education students

**Special Education Faculty** (10%)

- Overseeing the district's compliance with special education issues.

**Case Manager/Special Education Supervisor/Special Education Teacher** (20%)

- Guarantee the protection of the constitutional and statutory rights of students.
- Provide for the confidentiality of student psychological profiles and records.
- Reduction of exposure to tort situations involving the legal and proper student testing, evaluation, identification, and placement of special education students.



**Special Education Individual Aide** (50%)

- Responsible for monitoring student movement, as well as feeding and hygiene issues.

**Insurance Coverage** (100%)

- Liability, building, fleet, workers' compensation, unemployment, and bonds.

**Attorney, Architect, and Engineer** (100%)

- Legal and architectural services only pertaining to safety and environmental safety.