

PEOTONE COMMUNITY UNIT SCHOOL DISTRICT 207U
RISK MANAGEMENT PROGRAM

_____ **2021**

Peotone Community Unit School District 207U shall have in operation a comprehensive Risk Management Program, which shall attempt to reduce or prevent the District's exposure to liability. It is important for the District: 1) to ensure that constitutional, statutory, regulatory 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; 3) to provide careful supervision and protection of all the District's real and personal property, including vehicles; and 4) to control and manage costs relating to injuries.

The Illinois Local Government and Governmental Employees Tort Immunity Act, (745 ILCS 10/9-101 et seq.) (the "Act"), provides for a school district to levy a tax which, when collected, will pay the costs of risk care management. In addition, in pertinent part, it provides for funds raised pursuant to this section to be used:

- (i) to pay the cost of insurance, individual or joint self-insurance, (including reserves thereon), including all operating and administrative costs and expenses directly associated therewith, claims services and risk management directly attributable to loss prevention and loss reduction, legal services directly attributable to the insurance, self-insurance, or joint self-insurance program, and educational, inspectional, and supervisory services directly relating to loss prevention and loss reduction, participation in a reciprocal insurer as provided in Sections 72, 76 and 81, of the Illinois Insurer Code, or participation in a reciprocal insurer, all as provided in settlements or judgments defined under Section 9-102, including all costs and reserves directly attributable to being a member of an insurance pool, under Section 9-103;
- (ii) pay the costs of and principal and interest on bonds issued under Section 9-105;
- (iii) pay judgments and settlements under Section 9-104;

Funds raised pursuant to this Section shall only be used for the purposes specified in the Act, including protection against and reduction of any liability or loss described hereinabove and under Federal or State common or statutory law, the Workers' Compensation Act, the Workers' Occupational Diseases Act and the Unemployment Insurance Act.

As further and independent authority, Section 17-2.5 of the School Code (105 ILCS 5/17-2.5) provides that a school district may levy a tax, which when collected, may be used for the following purposes related to risk management:

To pay the cost of settlements or judgments under Section 9-102 of the Act, to pay the costs of protecting itself or its employees against liability, property damage or loss, including all costs and reserves of being a member of an insurance pool, under Section 9-103 of that Act, to pay the costs of and principal and interest on bonds issued under Section 9-105 of that Act, to pay tort judgments or settlements under Section 9-104 of that Act, to the extent necessary to discharge such obligations and to pay the cost of risk care management programs in accordance with Section 9-107 of that Act.

As additional and independent authority for the School District's Risk Management Program, the District cites: In re Objections to Tax Levies of Freeport School District 145, Freeport Park District, Pearl City School District No. 200 and Highland Community College District No. 519, for the year 2000, Appellate Court at Illinois, 2nd Dist. No. 01-TX-29 (2007), wherein the Court approved the use of the Tort Fund levy to fund Risk Management Programs.

The District's Risk Management Program shall provide for:

- 1) Identification of various components of risk management.
- 2) Adequate insurance against liability exposure.
- 3) Identified and allowable costs for the maintenance of the Risk Management Program.
- 4) Ongoing review of the Risk Management Program and its implementation.

DEFINITIONS

Liability Legal responsibility for claims for injury to persons, property, reputation, character, estate or privilege to the fullest extent comprehended by the Act. This excludes liability based exclusively on contract or criminal penalties, but includes liability based, actually or potentially, in whole or in part, on common law tort, statute, constitution, or regulations of the United States or the State of Illinois or any other state, or any of their subdivisions.

Risk Management The intentional effort to avoid the incursion of liability or property damage by the School District, its Board of Education, and its agents to the fullest extent comprehended by the Act. It is the Board's intention that Risk Management shall be defined and applied as broadly as permissible under the law. Risk Management includes, but is not limited to, the following School District functions:

- 1) avoidance of injury on District premises, at District-sponsored activities, or resulting from the condition of District real or personal property or the actions or omissions of District agents
- 2) liability insurance, including commercial insurance, self-insurance and insurance through cooperative means
- 3) workers compensation and unemployment insurance
- 4) property damage insurance
- 5) tort judgments and settlements
- 6) tort bond costs
- 7) legal fees and costs related to civil rights and tort actions
- 8) security measures for students, staff and property
- 9) inspection and repair costs to maintain school facilities in, or return school facilities to a safe and usable condition
- 10) asbestos abatement
- 11) blood-borne pathogen controls
- 12) school safety and crisis management plans
- 13) compliance with safety and health regulations, including but not limited to those relating to student health and safety, hazardous materials, radon, lead, occupational safety and health, science and industrial/vocational educational safety, underground storage tanks, and vehicles
- 14) reactions or responses to accidents or threatened injuries to the extent such reactions or responses are designed to avoid aggravating the extent of injuries
- 15) harassment and discrimination response policies and procedures

COMPONENTS

The Program shall consist of the following:

- 1) the School Safety Plan;
- 2) the Crisis Intervention Plan;
- 3) the Hazardous and Infectious Materials Board Policy, and the Blood Borne Pathogens Plan, incorporated herein by reference;
- 4) the Asbestos Abatement Program, incorporated herein by reference;
- 5) the District Safety Manual, incorporated herein by reference;
- 6) the Insurance/Compensation Program, incorporated herein by reference;
- 7) all other Risk Management functions provided for or described herein;
- 8) such other Risk Management functions as may be specifically identified; and
- 9) coordination, direction and review of the Plan by the Administration and staff.

All components incorporated herein by reference shall be subject to independent revision or modification by the Board of Education or Administration without the need for revision of this Plan.

ADMINISTRATION

GENERAL

The general, overall responsibility for the development and maintenance of the District's Risk Management Program rests with the Chief School Business Official (the "CSBO"), under the supervision, guidance and control of the Superintendent. The CSBO 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 as necessity indicates. It is expected that CSBO will continually evaluate the effectiveness of the Program and apprise the Superintendent and the Board of needed revisions, additions or deletions to the components and assigned responsibilities, sharing such information with the Board of Education and Superintendent annually.

INSURANCE/COMPENSATION

A 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 risk management component shall include, but not be limited to:

1. Purchase of insurance consultant services, as needed.

2. Premiums for various necessary insurance, including all liability insurance, building and fleet insurance, workers' compensation, unemployment compensation, property damage insurance, personnel bonds, etc.
3. Pay judgments or settlements arising against the District.
4. Pay for all legal fees connected with protecting or defending the District against liability.
5. Allowance for the time expended by assigned District personnel concerning the above delineated assignments.

HEALTH AND SAFETY

The District employs a **School Resource Officer** for the protection and welfare of its students and staff. The **School Resource Officer** performs many risk management duties in terms of responding to student conduct incidents, intervening when possible criminal conduct has occurred, and safeguarding staff and students. As a result of his/her job responsibilities, they expend **one hundred-percent (100%)** of their time meeting risk management objectives.

The District employs **Crossing Guards** for the protection and welfare of students who are required to walk across busy streets to enter and leave school grounds. This minimizes the chance that a student will be struck by a vehicle while approaching or leaving school property. As a result of their job responsibilities, they expend **one hundred-percent (100%)** of their time meeting risk management objectives.

While it is recognized that many other positions include assignments which lend themselves to avoidance of exposure to tort and risk management situations, no effort has currently been made by the District to allocate a portion of their time to the Risk Management Program, because the District does not intend to compensate said positions using Tort funds.

REVIEW AND REVISION

The CSBO shall regularly review the operation of the Program, provide for needed revisions and modifications, and recommend actions by the Board of Education as necessary. The review process consists of identifying and analyzing loss exposure; selecting a technique or combination of techniques to be used to handle each exposure; implementing the chosen technique; and monitoring the decisions made and implementing appropriate changes.

SUMMARY OF TORT FUND EXPENDITURES

INSURANCE:

Building, Workers' Compensation, Unemployment Insurance, Errors and Omissions, Liability, Fleet, Personnel Bonds, and other as deemed necessary.

SERVICES:

- Legal fees connected with protecting or defending the District against liability
- Insurance consultant
- Consultants or training of employees concerning HIV, Hepatitis B and communicable diseases
- Legal fees for defending against Constitutional and civil rights violations and tort suits
- Security Services

JUDGMENT:

Any and all judgments or settlements against the District for constitutional, civil rights and tort claims.

OTHER:

Other such expenses that the administration deems appropriate under the Tort Immunity Act.

TORT EXPENDITURES (Examples only)

Risk Management and/or Insurance Related:

- Risk Management Administrative Expenses

- Loss Prevention Program Expenses
- Treasurer's Bond
- Vehicle Insurance
- Comprehensive School Package Policy
- Unemployment Insurance
- Workers' Compensation Insurance
- School Board Legal Liability
- Umbrella Policies
- Malpractice Insurance (Nurses)
- Vandalism Expenses
- Insurance Deductible Costs

Buildings/Grounds Alterations:

- Surveys or Removal of Underground Storage Tanks
- Testing or Building Alterations Related to Sick Building Syndrome
- AHERA Compliance
- ADA Compliance
- Playground Equipment Repairs
- Replacement Playground Equipment (if determined unsafe)
- Testing for Radon
- Testing for Lead in Drinking Water
- Asphalt Repairs and Seal Coating (Playground areas determined unsafe)

Security:

- School Resource Officers/Police Liaisons

Blood Borne Pathogens:

- Purchase of Universal Precaution Kits (bandages, Bactine, Lysol, etc.)
- Costs Related to Personal Protective Equipment
- Costs Related to the Disposal of Bodily Fluids

Inclusionary Education Costs:

- Multidisciplinary Conference Costs (special consultants)
- Appeals, Hearings, Court Recorder Costs

Physical Education & Athletics

- Facility Inspections

Miscellaneous:

- Fees Associated with Attendance at Workshops pertaining to safety etc.
- Crossing Guards
- Fringe Benefit Costs Related to salaries for risk management personnel

Asbestos/Environment:

- Designated Person
- Samples
- Air Sampling Professional
- Project Manager