

RISKY STUFF

BEAVER SCHOOL DISTRICT
JANUARY 20, 2016



BUS USE

- Never “rent” buses to private entities
- May “rent” buses to other public schools for educational purposes
- “Renting” buses to other public entities may obviate governmental immunity protections
- Never transport students in vehicles with passenger/driver capacity of 11 or more, unless those vehicles are school buses or commercial carriers

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“OUT-OF-STATE TRIPS”

- “Out-of-state trip” means any trip, outing or activity outside the state of Utah involving students or members of the public other than:
 - School athletic teams and allied personnel (but not spectators)
 - Bona fide field trips of regularly scheduled classes (but not “classes” organized for the purpose of a tour or trip)
 - Regularly scheduled transportation which may incidentally involve travel outside the state
 - Travel by employees in the course of the regular and necessary functions of the named insured
- “Out-of-state trip” sub-limits:
 - Liability - \$703,000 per person/\$2,407,700 per occurrence
 - Property Damage - \$281,300

OUT-OF-STATE TRAVEL RISK TRANSFER

- Use charter buses to transport larger student groups out of state
 - American Fork Marching Band
- Use State Travel to rent vehicles to transport small student groups out of state
 - \$10K deductible applies for failure to utilize State Travel/Purchasing rental contracts unless no rental vehicle available
 - At the time needed
 - At the place needed
 - Of the type needed

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DCFS NOTICE

With regard to any interview of a child prior to removal of that child from the child's home:

(a) except as provided in Subsection (8)(b) or (c), the division shall inform a parent of the child prior to the interview of:

- (i) the specific allegations concerning the child; and
- (ii) the time and place of the interview;

(b) if a child's parent or stepparent, or a parent's paramour has been identified as the alleged perpetrator, the division is not required to comply with Subsection (8)(a);

* * *

(d) in all cases described in Subsection (8)(b) or (c), a parent of the child shall be notified as soon as practicable after the child has been interviewed, but in no case later than 24 hours after the interview has taken place;

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RECORD DISCLOSURE

- FERPA allows:
 - Disclosures of personally identifiable information in connection with a health and safety emergency if necessary to protect students or other individuals
 - Disclosures concerning disciplinary actions for conduct that poses a safety risk to the student or other members of the school community
 - Disclosures of appropriate information to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student

SLIPS, TRIPS, & FALLS



The high school has several defective carpet runners that have not been replaced due to budget concerns. The school has a significant trip and fall hazard. A grandmother attending the high school play trips on one of the raised edges and breaks her hip.

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HAZARDOUS CHEMICALS



The elementary school has an unwritten and unenforced policy prohibiting teachers from bringing cleaning chemicals from home into the schools. A kindergarten class has a squirt bottle marked “danger- causes irreversible eye damage” and “keep out of the reach of children” under the classroom sink. One of the children picks up the squirt bottle, and shoots the spray into another child’s eyes, causing blindness.

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SAFETY MEASURES



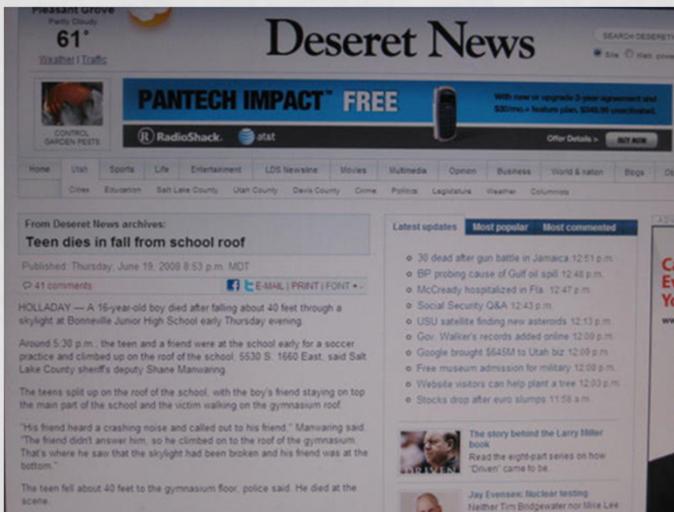
The boiler room uses a corrosive water treatment, pumped out of 5 gallon containers, to control scale buildup in the heating boiler. State and federal safety regulations require that a safety eyewash station be installed in any work area where corrosive chemicals are being used. Due to budget constraints, no emergency eyewash station was ever installed in the boiler room. One of the school maintenance employees accidentally splashes the acidic water treatment into his eyes and now only has 5% vision, largely because he did not have access to an eyewash station.

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ROOF ACCESS



During a risk management inspection, the administrator identified a pipe used by students to access the roof. Preventive measures were recommended, but no action was taken. One month later a student used the pipe to climb onto the school roof, fell through a gymnasium skylight, and died of his injuries.



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BOILERS/PRESSURE VESSELS

Because of the hazards involved, boilers and very large water heaters must be inspected by representatives of the Boiler Safety Division of the Utah Labor Commission once every two years. Because the school maintenance personnel weren't keeping track of the expiration dates, they failed to identify that one of the boiler certifications had expired in January 2004. The faulty boiler subsequently exploded, killing twelve children, two faculty members, and destroyed the school.

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GOOD FENCES



A neighboring homeowner cut a hole in the school fence and installed a gate. During recess, several younger students passed through the gate and drowned in the homeowner's swimming pool. School administrators had known about the "gate" for years, but took no action, in order to keep the neighbor happy.

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ADA CHALLENGES

Elementary school teacher with chemical sensitivities. One of the students in her classroom has parents that smoke. Child's clothing (and child) routinely has residual cigarette smoke smell which aggravates teacher's sensitivities. Teacher asks that child be removed from classroom.

FMLA NUANCES

High school teacher requests FMLA leave to care for an incapacitated parent. HCP of the parent refuses to complete the Certification, telling the District "it should just trust the employee."

MORE FMLA NUANCES

Employee with attendance and performance problems applies for and is granted Intermittent FMLA without any follow up on an incomplete and unclear medical certification. There is little if any supervisory follow up on accountability for performance problems or absences inconsistent with the certification. Employee has historically been enabled to miss work arbitrarily. Supervisor is now fed up and wants to terminate.

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DRUG TESTING

Bus driver fails a random drug test. MRO recommends removing him from driving. Employee provides treating doctor's explanation of medications taken, assurance that the employee is taking them as prescribed, and assurance that the medications should not affect the person's ability to drive. Employee also provides DOT medical clearance for his class of license, but you still have concerns because of the type of medication.

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MYTHS, FEARS, STEREOTYPES

Employee has a mental health condition that is treated with medication and controlled. Recently he told to co-workers that when he gets frustrated his anger gets the best of him. It is known that he carries a concealed weapon with a permit. Co-workers tell the supervisor that they have seen the outline of the gun under the person's shirt and they are afraid for their safety. The supervisor, aware of the mental health condition, panics after hearing the comments made and wants to send the person for a fitness-for-duty exam and require that he leave his gun at home. He also wants to have a team meeting to mediate a conversation between all parties about the concerns and issues.

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