Risk Management Program

Program Administration

A. Risk Management
The superintendent shall designate the responsibility for the provision of risk management services.

B. Risk management responsibilities, which may be held by one or more persons, include:
   1. Reporting to the superintendent or designee situations where he/she feels the district faces the greatest potential liability or recommending changes to reduce the risk and providing the estimated cost of such changes;
   2. Conducting in-service education classes on topics that would provide staff the training to recognize risks and lessen their effect; and
   3. Assuming responsibility for the district’s insurance program, including serving as voting representative to the Washington Schools Risk Management Pool.

Loss Control, Loss Prevention and Insurance Programming

A. Responsibility for loss control, loss prevention and insurance programming shall be assigned by the superintendent. Such responsibilities include:
   1. Identifying risk exposure areas and making recommendations to the superintendent regarding changes in current district policy with respect to loss prevention, self-insurance and insurance coverages when appropriate.
   2. Annually preparing inventories and values of all district real property and equipment, including motor vehicles, for insurance purposes.
   3. Being informed of proposed changes in the liability status of the district and reviewing municipal and state ordinances and appropriate federal manuals to determine when insurance and bonds are required, permitted or desirable.
   4. Cooperating with the administration to encourage loss prevention activities.
   5. Chairing the District Safety Committee.
   6. Reporting to the superintendent or his/her designee with respect to the current status of the insurance and loss prevention programs.

B. Responsibilities of other personnel:
   1. All staff of the district shall cooperate in the investigation of loss exposures and claims.
   2. When the revision of existing district contract forms is necessary, the revised forms will be referred to Business Support Services, district legal counsel and the staff person responsible for management of the district’s insurance program for their review and recommendations in order to minimize risk.
3. The district legal counsel shall advise appropriate administrators and staff of changes in the state statutes and common law, which affect municipal liability.

4. Each administrator shall report the following changes in property under his/her supervision to the staff member responsible for coordinating the district’s property insurance:
   a. Changes in building use, including changes in the use of buildings other than for public educational purposes;
   b. Razed buildings;
   c. Changes in equipment, including the procurement and disposal of all such insurable equipment by the administrator in charge; and
   d. Property losses occurring from fire or other causes shall be immediately reported.

C. District Insurance Program
   1. The district shall maintain an insurance program specifically designed to meet the needs of the district. This program may include self insurance, pooling the purchase of insurance coverage or a combination thereof, including, but not limited to, the following:
      a. Fire and extended coverage on public buildings and contents on a blanket replacement cost basis.
      b. Public liability and property damage insurance on all motor vehicles.
      c. Comprehensive general liability coverage for bodily injury and property damage.
      d. Umbrella liability insurance to protect against any major catastrophe.
      e. Depending on cost and market, insurance such as directors’ and officers’ errors and omissions, workers’ compensation, or any type of coverage deemed necessary by the district, may be placed into effect.

Safety and Loss Prevention Procedures

A. The superintendent shall designate the responsibility to design and advise regarding the management of workable safety and loss prevention programs to reduce accidents causing injuries to students, employees and the public and to reduce the frequency and severity of all other losses. It shall include developing training programs for employees and communicating safety literature to staff.

Accident and Claim Reporting

A. Prompt reporting of losses helps expedite claims handling, reduces loss of time for personnel, and results in cost savings through settlement of justifiable claims. Therefore, all accidents resulting in bodily injury to any person, whether or not
employed by the district, including students, all incidents resulting in property
damage, destruction or illegal taking of district property, and any other losses
shall be reported immediately by the staff member to the person designated for
receipt of such reports.

B. Loss or incident reports shall include the following items:
   1. Time, date and place of accident or occurrence.
   2. Description of vehicle, equipment or property involved.
   3. Name(s) of injured parties.
   4. Nature of damage or loss and estimated cost.
   5. Description of circumstances.
   6. Name(s) and address(es) of witness(es).
   7. Diagrams when feasible.
   8. Appropriate signatures.

Claims for Damages

A. The standard tort claim form maintained by the Washington State office of
   financial management will be made available to claimants upon request made to
   the district’s office of legal services. Instructions on how the claim form is to be
   presented shall also be available.

B. Claimants must complete all sections of the standard tort claim form (#SF210),
   sign the form and submit it to the district’s general counsel at P.O. Box 1357, 601
   S. 8th Street, Tacoma, WA  98401 during business hours. Business hours are 7:30
   a.m. to 4:30 p.m., Monday through Friday during the school year, and 7:00 a.m. to
   5:30 p.m., Monday through Thursday during summer breaks, except for
   authorized holidays.

Procedures for Paying Claims

Claims will be investigated and resolved in accordance with the Washington Schools Risk
Management Pool and district procedures.

A. Incidences having potential liability against the district:
   1. Claim will be sent to Washington Schools Risk Management Pool.
   2. The Washington Schools Risk Management Pool claim representative will
      investigate in coordination with district personnel and determine district
      exposure.

B. Payment
   1. The district’s chief financial officer, voting representative to the
      Washington Schools Risk Management Pool, and district Legal Counsel,
      by agreement, shall have authority to settle claims, potential claims and
      litigation up to $300,000 in consultation with the Superintendent on
uninsured claims. Settlements in excess of $300,000 shall be approved by the board of directors.

2. All covered claims will be settled by the Washington Schools Risk Management Pool consistent with the coverage agreement.

Maintenance of an Insurance Reserve

A. The district has established an insurance reserve which shall be maintained at a level to assure payment of all claims, defense costs on those claims, any potential unexpected uninsured losses and defense costs, and an allowance for incurred but not reported claims.

B. Funds shall be budgeted annually at a level defined by Board resolution to provide for the payment of claims, uninsured claims, premium expenses, administrative costs, an estimated amount for known claims, and any defense costs.

Loss of or Damage to School Property

A. Any student who loses or willfully cuts, defaces or injures district property or who engages in an intentional act which results in damages to the district shall be responsible for payment for the loss or damage, and may have his or her grades, diploma and/or transcripts withheld until payment is made. Payment may be made in any of the following ways:

1. Payment for the damages by the student or the student’s parent(s)/guardian(s).

2. A voluntary work program for the student. The voluntary work program, if any, will be at the discretion and the direction of the principal of the school.

3. The district may seek recovery in court against the parent(s)/guardian(s)/adult student for the damage, pursuant to RCW 4.24.190, if the student fails to pay for the willful damage or fails to complete a voluntary work program.

B. Upon voluntary payment, completion of the voluntary work program or court-ordered payment, the grades, diploma and/or transcripts of the student will be released. Special education assessment documents needed for developing the special education placement of a student shall be released upon proper request prior to receiving full payment of completion of the voluntary work program.

C. Prior to withholding the grades or assessing the monetary damages, the principal shall notify the adult student or parent(s)/guardian(s) of the student in writing of the loss or injury, the specific item at issue and the amount of money to be paid for the damages. Within 14 calendar days of the issuance of the notice the parent(s)/guardian(s)/adult student may request a meeting with the principal to challenge the assessment of the damages. If the grievance is not resolved within seven calendar days after the meeting, the parent(s)/guardian(s)/adult student
may request a meeting with the assistant superintendent/elementary, middle or high schools, as appropriate. The decision of the assistant superintendent shall be final.

D. If the Department of Social and Health Services or a child-placing agency licensed by the department had been granted custody of a child, that child’s records, if requested by the department or agency, are not to be withheld for nonpayment of school fees or any other reason.

Legal Reference:   RCW 28A.635.060 Defacing or injuring school property – Liability of pupil, parent, or guardian – Withholding grades, diploma, or transcripts – Suspension and restitution – Voluntary work program as alternative – Rights protected.

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