

729 Risk Management

729.1 Risk Management Policy Statement

The District is committed to effectively manage all risks of accidental loss by:

- a. Protecting the District against the financial consequences of catastrophic losses.
- b. Preserving the District's assets, and educational system from loss, destruction or depletion.
- c. Establishing a Loss Control Plan to identify, prevent and control accidental losses and their consequences.
- d. Creating a system to continually evaluate and assess the District's capacity and financial resources to provide protection from loss.
- e. Striving to establish an exposure-free work and educational environment in which District personnel, students, and the public can enjoy safety and security in the course of their pursuits.

729.2 Property and Casualty Insurance

- a. Risk Management Department is responsible to:
 - (1) Review annually the risks that face the District.
 - (2) Eliminate or reduce as far as possible the conditions, hazards or risks that could cause loss.
- b. With regard to risks of accidental loss, the District shall self-insure all losses:
 - (1) Which occur with predictable frequency;

- (2) Which will not imperil the District's ability to continue providing education for the students of the District; or
 - (3) Which will not have a significant impact on the District's fiscal position.
- c. If the risks cannot be reduced, eliminated, or self-insured, the District shall:
 - (1) Obtain insurance;
 - (2) Assume the risk of loss in areas where the maximum possible loss is small or assume portions of the losses in other areas where insurance premium savings can be advantageous to the District; or
 - (3) Assume other risks where the cost of insurance is prohibitive.
- d. The District will prepare a statement of property values that will take into consideration the inflation factor associated with replacement costs of facilities and equipment.

729.3 Safety, Health and Loss Control

- a. The District is committed to effectively manage known risks of safety, health and property by:
 - (1) Recognizing that no operation is so important that it cannot be done with appropriate safeguards.
 - (2) Complying with all applicable laws and regulations.
 - (3) Providing appropriate guidance where controlling laws or regulations do not exist.
 - (4) Designing and operating our facilities and equipment in a way that eliminates unacceptable safety, health and loss risks, and providing an environment free of recognized hazards that could lead to death, injury, illness or other losses.

- (5) Providing a professional loss control staff.
 - (6) Creating a system that continually evaluates the District's capacity to provide a safe, healthful and loss free workplace.
- b. The District has adopted the following safety and health principles to provide direction and focus to our operations:
- (1) All injuries are preventable.
 - (2) Management at all levels is accountable for managing safety, health and property as set forth in paragraph "a" above.
 - (3) All accidents and injuries should be investigated.
 - (4) All operating exposures should be reasonably safeguarded.
 - (5) Training employees to work safely is essential.
 - (6) Working safely is a condition of employment.
 - (7) Develop a positive process for the sharing of safety and health related information.

729.4 Liability Protection

- a. Board/Employee Liability Protection
- (1) The District shall indemnify, protect and defend the Board, its individual members, the Superintendent, and employees against claims, demands, and/or suits for alleged violations of civil rights or constitutional rights, wrongful death, bodily injury, personal injury, and property damage when negligence or other wrongful acts are alleged to have been committed in the scope of employment, service, or under direction of the District.

- (2) No protection shall be provided under this section unless the person seeking protection was a member of the Board, the Superintendent, or employee of the District acting within the scope of his/her authority at the time of the incident from which the claim arises. Additionally, no protection shall be provided unless the individual or individuals seeking protection provide the District with timely notice of the claim and provide full cooperation in the preparation of the defense of the claim.
- (3) Contracts or agreements entered into by the District prior to the effective date of this Policy may contain provisions relating to liability coverage and indemnity/defense obligations. This Policy shall not alter those contracts or agreements.
- (4) The District may maintain liability insurance or provide such other protection as appears sufficient to accomplish the purposes set out in Board Policy 729.4.a(1).
- (5) Nothing in these policies is intended to establish liability where it would not otherwise exist or to indicate the consent of the District or any of its employees, officers, or agents to be sued or otherwise held liable in any form for any claim for which insurance or indemnity would be provided by this section.
- (6) Nothing in this policy shall prohibit the District and/or its insurer from exercising a right of subrogation against any individual or organization otherwise covered by this policy if liability has been created through the willful or malicious conduct of such individuals or organization.

b. Volunteer Workers' Liability/Medical Protection

- (1) The District shall provide liability protection for duly authorized volunteer workers as written in Board Policy 729.4. Such protection shall be excess to any

insurance coverage which a volunteer or volunteer organization might otherwise possess.

- (2) Medical costs resulting directly from injuries to volunteer workers incurred in the scope of the volunteer's reasonable performance of the duties which he/she has been authorized to perform on behalf of the District by the District will be covered by the District to the extent that these costs are not covered by other medical or accident insurance covering the volunteer and are not otherwise recoverable from a third party who may be responsible for such injuries. Such medical payments will be made to the injured volunteer worker, but no indemnification or reimbursement shall be made nor may the volunteer file any further claim against the District or any of its officers, agents, employees or insurers for lost time from any occupation or any other economic or non-economic injury or damage unless the injury is the result of gross negligence on the part of the District.
- (3) Nothing in this policy prevents the District from entering into written agreements with individuals or organizations (including but not limited to PTA's) providing volunteer services to the District which agreements contain provisions defining the scope of the volunteer's activities and responsibilities and the level and nature of the District's responsibilities as well as the allocation of such responsibilities between the District and the volunteer.

729.5 Resolution Of Claims and Lawsuits

The Superintendent is responsible for overseeing claims, employment lawsuits, student lawsuits, other lawsuits, administrative actions, and workers' compensation compromise and release settlements brought by parties against the District. The Superintendent shall make at least semi-annual reports to the Board on the status of such claims, lawsuits, administrative actions and settlements. The Superintendent shall recommend to the Board how to resolve such claims, lawsuits, administrative actions, and settlements except for those under 729.51. The Board must

authorize such resolutions. Risk analysis reports shall be prepared by appropriate District counsel, at the direction of the Superintendent, before settlement recommendations are presented to the Board.

729.51 Settlements Less Than \$50,000

Claims, employment lawsuits, student lawsuits, other lawsuits, administrative actions, and workers' compensation compromise and release settlements less than fifty thousand dollars (\$50,000) may be settled at the discretion of the Superintendent or his/her designee. The District shall maintain records of all such settlements.

729.6 Recovery From Third Parties or Insurance Companies

The Superintendent or his/her designee is authorized to recover bodily injury or property damage losses to the District from third parties or for insured property losses from insurance companies. Recovery of damages from third parties in the amount of fifty thousand dollars (\$50,000) and above or recovery of insured property losses in excess of property insurance deductible will be reported to the Board.