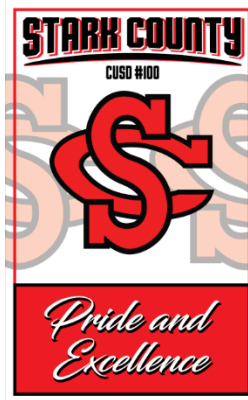


STARK COUNTY COMMUNITY UNIT SCHOOL
DISTRICT #100



TORT
RISK MANAGEMENT PROGRAM
2025-2026

ADOPTED BY THE BOARD OF EDUCATION OF STARK COUNTY COMMUNITY
SCHOOL DISTRICT #100:

December 16, 2024

Superintendent: Brett M. Elliott

RISK MANAGEMENT PROGRAM

I. STATEMENT OF PURPOSE AND POLICY

It is the policy of the Stark County Community Unit School District #100 Board of Education to provide insurance to cover losses and liability under Federal or State common or statutory law, the Worker's Compensation Act, the Worker's Occupational Diseases Act and the Unemployment Insurance Act. It is further the policy of the Board to reduce its exposure to liability or loss by systematically identifying and minimizing or preventing the District's exposure to the conditions which lead to loss or 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. Therefore, in accordance with these policies and 745 ILCS 10/9-107, the Board of Education of Stark County Community Unit School District #100 has adopted this Risk Management Program ("Program"). This Program is designed to achieve the purpose of minimizing risk and to provide a means of defraying the cost associated with its implementation.

Only through the involvement of all employees and officers of the District will this Program be effective. Therefore, it is the duty of all employees and offices of the district to be aware of what is necessary to maintain a safe environment for students, employees, and visitors. Specific areas and programs of the District have been identified as likely areas for loss reduction and prevention.

II. PROCESS OF MANAGING RISK

The Program shall include the following components in order to achieve the purpose of minimizing exposure to liability or loss:

1. **Identification and analysis of loss exposures.** The process of managing risks begins with the identification and analysis of circumstances that could give rise to the imposition of liability or loss upon the District or its employees for tortious conduct. Tortious conduct occurs when a person or entity commits a wrongful act which results in physical and/or emotional harm to a person, violation of a person's civil rights and/or physical harm to the person's property. The law typically provides money damages as a remedy for tortious conduct. All officers, administrators, and employees of the District are charged with the responsibility of implementing this Program and must be prepared on a daily basis to identify persons and property that are at risk of loss caused by the operations of the District and to identify the conditions that create the potential for such loss. Those charged with the responsibility for administration of this program shall also attempt to analyze and measure the potential frequency and severity of the conditions which may cause loss to the District by making regular risk assessments of all District property and activities.

2. **Selection of techniques for treating exposures to loss.** After potential sources of risk and loss have been recognized and analyzed, those responsible for administration of this program must identify techniques to manage significant exposures and select those techniques best suited for each exposure. The primary, but not exclusive, techniques for managing exposure to loss are:

- a. Avoidance of exposure to loss by eliminating the circumstances and conditions which create the potential for loss and replaces them with lower risk solutions.
- b. Transfer risk of loss to another, such as through the purchase of insurance.
- c. By their very nature, certain activities deemed desirable or indispensable by the Board unavoidably create a potential for loss. Such activities may be conducted in a manner which reduces the likelihood that loss will occur.
- d. Assumption of risk by acknowledging the existence of a particular exposure while making a conscious decision to accept the level of loss associated with that exposure without engaging in a special effort to control that loss.

A combination of one or more of the foregoing techniques may be utilized. The appropriate technique or combination of techniques utilized to address a given exposure will typically be determined based upon the following criteria:

- e. Feasibility of the technique.
- f. Anticipated effectiveness of the technique.
- g. Cost of the technique.
- h. Effect of the technique on the ability of the District to fulfill its core mission

3. **Implementation of Selected Techniques.** Any technique selected for the purpose of managing a particular risk will be implemented through utilization of the District's physical and human resources. Those personnel charged with implementing the technique(s) will perform or delegate the performance of the technique(s), monitor the progress of the technique(s) and provide necessary educational and supervisory services to insure proper implementation of the selected technique(s).

4. **Monitoring and Modification of the Selected Techniques.** All techniques implemented for the purpose of controlling risks must be monitored to determine the effectiveness of the implemented technique. Both supervisory and non-supervisory personnel are responsible for evaluating the success of techniques employed to control losses. If deficiencies or inefficiencies are identified, the process of identification, selection, and implementation previously described will be repeated.

III. RESPONSIBILITY FOR ADMINISTRATION AND IMPLEMENTATION OF THIS PLAN

1. **The Superintendent.** The Superintendent is responsible for overseeing the development of the Program, identifying the various components of the program, and implementing the Program by delegating responsibilities for these components to the appropriate personnel. The Superintendent's responsibilities under this Program shall include, but not be limited to, the following:

- a. Make all employees aware of their obligations to assist in the management of risk through the implementation of the risk management process identified at Section 2 of this Program.
- b. Provide for training of employees to assist them in the implementation and monitoring of risk management techniques.
- c. Make regular risk assessments of District property and activities.
- d. Continually evaluate the effectiveness of the Program and make revisions, additions, or deletions to the components and delegated responsibilities, where necessary.
- e. Report to the Board of Education, as necessary or at the Board's request, issues related to risk management or implementation of this Program.

2. **Responsibilities of all District Employees.** Every employee of the District is responsible under this Program for understanding the nature of the risks confronting the District and for performing the special duties required in his or her role to prevent or control potential losses. Employees at every level have a duty to implement the risk management process identified in Section II of this Program and to report their findings and recommendations to the Superintendent. Implementation of the risk management process is a special responsibility of each employee in addition to the duties and responsibilities typically associated with their position.

IV. SELECTED TECHNIQUES TO CONTROL RISK

The Superintendent is authorized and directed to use any technique which he or she deems appropriate to manage risks through the process described in Section II of this Program. These techniques include, without limitation, those described in this section.

1. **Insurance.** The Superintendent shall, when appropriate, recommend to the Board the use of insurance to manage risks confronting the District. The Superintendent is responsible for the administration of insurance under this Program. The Superintendent shall serve as the District's liaison to the various consulting services, claim and adjustment services, and insurance companies. In addition he or she shall be responsible for all communications concerning a claim against or on behalf of the District. The Superintendent should recommend, where appropriate and without limitation, the following forms of insurance:

- a. **Comprehensive General Liability Insurance.** The Superintendent will generally recommend comprehensive general liability insurance designed to provide coverage for the broadest possible range of tortuous conduct which

might be alleged against the District or its employees. Such insurance should fully cover the obligations of the District under the provisions of the School Code found at 105 ILCS 5/10-20.20 to indemnify and protect the District, the members of the Board, the employees of the District, certain volunteer personnel and student teachers against civil rights damage claims and suits, constitutional rights damage claims and suits, death and bodily injury and property damage claims and suits including defense thereof when damages are sought for negligent or wrongful acts alleged to have been committed in the scope of employment or under the direction of the Board. For purposes of this program, civil rights claims include any claims against the District or its employees for violations of any statute protecting the rights of students with disabilities, for violation of the Americans with Disabilities Act or violation of any other similar statute now in effect or which may in the future be enacted. Such insurance shall generally provide indemnification and protection to persons who were members of the Board or employees of the District, authorized volunteer personnel or student teachers at the time of the incident from which a claim arises even though such persons were not affiliated with the District at the time the claim is made.

b. Workers Compensation Insurance. The District shall purchase or provide for insurance to cover the obligations of the District under any workers compensation act, workers occupational diseases act or other similar enactment which may from time to time be applicable to the District.

c. Unemployment Insurance. The District shall fulfill its obligations under the Unemployment Insurance Act or any similar legislation which may from time to time apply to the District.

d. Self-Insurance. The Superintendent may recommend that the Board consider self-insurance for a particular class of loss if he or she concludes that self-insurance is both lawful and financially beneficial to the District

2. **Personnel Costs.** The Superintendent shall develop job descriptions for all significant positions or categories of positions which will be filled by employees of the District. All such job descriptions shall specifically identify those special duties and responsibilities which are designed to assist the District in its effort to control and manage risk and loss. The Superintendent, through his or her own efforts or in conjunction with the efforts of other committees and District personnel, shall perform a time allocation study to determine the portion of each employee's time spent for the purpose of implementing this Program. An employee's salary may be apportioned so that compensation for the amount of time devoted to risk management activities as determined by the time study is paid from revenue generated by the Tort Levy as outlined in Section V. The current descriptions of these risk management functions are attached to this Program as Schedule A – Special Risk Management Duties and Apportionment. The Superintendent shall review, add to, and revise Schedule A from time to time

3. **Educational, Inspection, and Supervisory Services Related to Risk Management.** The Superintendent shall identify services which are provided to the District solely or primarily for the purpose of managing risk or controlling loss, including without limitation:

- a. Safety training and inspections.
- b. Personnel security systems, keys, key boxes, key and card changes, computer, printer, and monitor for security, entrance systems, alarms and alarm systems.
- c. Snow and ice removal services.
- d. Asbestos and hazardous substance inspections.
- e. Medical and health related training and in-service, such as blood-borne Pathogens Plan/Disease training, Epi-Pen training, and AED/CPR training.
- f. Professional services including, without limitation, legal services rendered to the District for the purpose of managing risk or controlling loss.

Any such service determined by the Superintendent to be rendered to the District solely or primarily for the purpose of managing risk or controlling loss is eligible for payment from the Tort Levy as authorized by Section V of this Program

V. FINANCIAL SUPPORT OF THE RISK MANAGEMENT PROGRAM

1. **The Tort Levy.** The Tort Immunity Act was enacted to protect local public entities and public employees from liability arising from the operation of government by granting certain immunities and defenses. This Act authorizes the District to annually levy a tax on taxable real property within the boundaries of the District (the "Tort Levy") at a rate that will produce a sum sufficient to pay various costs including, without limitation, the following:

- a. Insurance to cover claims for injuries to persons or damage to or loss of property.
- b. Workers Compensation Insurance and Unemployment Insurance.
- c. Bonds issued to pay the cost of a self-insurance program.
- d. Bonds issued to pay judgments entered against or settlements entered into by the District.
- e. The cost of risk management programs.

The Board recognizes that revenue generated by the Tort Levy may be utilized only for those purposes expressly authorized by Section 9-107 of the Tort Immunity Act and that Section 9-107 will be strictly construed in a fashion to prohibit expenditure of revenue generated by the Tort Levy for purposes other than those expressly authorized by that section.

2. **Recommendations to the Board.** The Superintendent may recommend to the Board the payment of costs or expenses with revenue generated by the Tort Levy when the Superintendent determines that such payments may appropriately be made from the Tort Levy. The Board may, with or without such a recommendation, utilize revenue generated by the Tort Levy to pay expenses incurred in connection with this Program or any other expense lawfully paid from the Tort Levy under the Tort Immunity Act.

3. **Priority for Payments from the Tort Levy.** It is the policy of the District that all expenses authorized by this Program, or as otherwise provided by the Tort Immunity Act, shall be paid in the following order of priority:

- a. All costs of insurance and insurance related expenses as authorized by Section 9-107(b)(i) of the Tort Immunity Act.
- b. All costs of bonds issued under authority of Section 9-107(b)(ii) of the Tort Immunity Act.
- c. Judgments and settlements as authorized by Section 9-107(b)(iii) of the Tort Immunity Act.
- d. Judgments and settlements under the Federal Comprehensive Environmental Response Compensation Liability Act of 1980 and the Environmental Protection Act as authorized by Section 9-107(b)(v) of the Tort Immunity Act.
- e. All other costs authorized under the provisions of this Risk Management Program.

In particular, and by way of additional explanation, it is the policy of the District that all costs incurred by the District in connection with each of the above categories shall be paid from revenue generated by the Tort Levy in the above order before any cost from any subsequent category is paid from revenue generated by the Tort Levy. It is also the policy of the District that to the extent that any category of expenditure authorized by this Risk Management Program is found by a court of competent jurisdiction to be ineligible for payment from revenue generated by the Tort Levy, any such revenue used to pay such ineligible expense may be reallocated to pay any expense which is approved by the court but not previously paid from the Tort Levy.

4. **Summary of Costs.** The Superintendent shall maintain a summary of the expected costs of this Program in Schedule B – Expected Costs. The Superintendent shall review, add to, and revise Schedule B from time to time.

5. **Severability.** If any provision, section or other portion of this Program or its application to any person, entity or property is held to be invalid, such invalidity shall not affect the application or validity of any other provision or section of this Program (and to that end, any invalid provision or section of this Program is declared to be severable).

ADOPTED BY THE BOARD OF EDUCATION OF Stark County Community Unit School District #100. DATE: July 18, 2022: Reviewed December 16, 2024.

SAMPLE ONLY

SCHEDULE A

SPECIAL RISK MANAGEMENT DUTIES AND APPORTIONMENT

Section I. Risk Management Duties of the Superintendent

The Superintendent is primarily responsible for the administration of this Program. The safe condition of buildings and grounds, protection of the District's real and personal property, and all aspects of District's transportation program are primarily the responsibility of the Superintendent. The Superintendent shall, with the assistance of the Building Principal(s), and/or such other personnel as the Superintendent may designate:

1. Identify and analyze circumstances that could give rise to the imposition of liability or loss upon the District or its employees.
2. Select techniques for treating identified exposures to loss. This includes, but is not limited to:
 - a. Developing and identifying the various components and responsibilities concerning inspection of buildings, grounds, and equipment to provide protection to the District, its employees and the public. The Superintendent shall be responsible for the supervision of the operations services manager, maintenance workers, custodians, bus drivers, daily inspection of buildings and grounds, operation of the District's building security systems, and the District's food service program.
 - b. Overseeing the legal and safe operation of the District's buildings and grounds. The Superintendent is responsible for the District's compliance with State and Federal laws regarding employee and student health and safety, asbestos, radon, lead, etc.
 - c. Coordinating, supervising, and reviewing the performance of all personnel in accordance with the Program.
3. Implement selected techniques. This includes, but is not limited to:

- a. Making all employees aware of their obligations to assist in the management of risk as provided by this Program.
 - b. Providing for training of employees to assist them in the implementation and monitoring of risk management techniques.
4. Continued evaluation and modification of selected techniques. The Superintendent shall continually evaluate the effectiveness of the Program and make revisions, additions, or deletions where necessary, and shall report to the Board of Education, as necessary or at the Board's request, issues related to risk management or implementation of the Program.

The Superintendent also administers the District's Asbestos Management Plan and reporting. The Superintendent is also 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 requirements for Toxic Materials, Equal Opportunity Employment, Prevailing Wage Rates, Responsible Bidders, etc.). The Superintendent shall serve as the District's liaison to the various consulting services, claim and adjustment services, insurance companies, and legal counsel.

The special responsibilities of the Superintendent under this Program are no less than fifty percent (50%) of his or her total compensable time in service to the District.

Section II. Risk Management Responsibilities of the Building Principal & Assistant Principal

The Building Principal is responsible for assisting the Superintendent in the development and administration of the Program. In particular, the Building Principal shall be responsible for the management of risk with relation to protection of students and student discipline, including, but not limited to risks of loss associated with incidents in and around the school building and school grounds; on the playground; during school athletic events; in connection with the transportation of students and related traffic hazards; and acts of fellow students committed in or out of the classroom. The Building Principal shall:

1. Assist the Superintendent in identifying and analyzing circumstances related to the building he or she oversees that could give rise to the imposition of liability or loss upon the District or its employees. This includes identification of risks of loss related to student protection and discipline, as well as assisting the Superintendent in the identification and analysis of other types of risk, as may be delegated from time to time by the Superintendent.
2. Select techniques for treating identified exposures to loss related to student protection and discipline. This includes, but is not limited to, selecting techniques

to ensure proper supervision of students and identifying equipment or services to minimize risk of loss.

3. Implement selected techniques, including, but not limited to, employee supervision and training, and making recommendations to the Superintendent as to the purchase of equipment or services to implement the selected techniques.
4. Continued evaluation and modification of selected techniques. The Building Principal shall continually evaluate the effectiveness of the selected techniques and make revisions, additions, or deletions where necessary, and shall report to the Superintendent, as necessary or at the Superintendent's request, issues related to risk management or implementation of the techniques selected by the Building Principal in accordance with this Program.

In addition to the risk management responsibilities outlined above, the Building Principal shall assist the Superintendent in the overall administration of this Program, as may be delegated from time to time by the Superintendent.

The special responsibilities of the Building Principal/s & Assistant Principal under this Program are no less than twenty-five (25%) of his or her total compensable time in service to the District.

Section III. Risk Management Responsibilities of the School Nurse

The School Nurse is responsible for assisting the Superintendent in the development and administration of the Program. In particular, the School Nurse shall be responsible for the management of risk with relation to the health and welfare of students, staff, and visitors, including, but not limited to risks of loss associated with medical emergencies and health-related incidents in and around the school building and school grounds; on the playground; during school athletic events; and in connection with the transportation of students. The School Nurse shall:

1. Assist the Superintendent in identifying and analyzing circumstances related to the health and welfare of students, staff, and visitors of the District that could give rise to the imposition of liability or loss upon the District or its employees. This includes identification of risks of loss related to student/staff/visitor health and welfare, as well as assisting the Superintendent in the identification and analysis of other types of risk, as may be delegated from time to time by the Superintendent.
2. Select techniques for treating identified exposures to loss related to student/staff/visitor health and welfare. This includes, but is not limited to, developing and recommending to the Board a District an emergency medical response plan; identifying medical supplies and equipment necessary to minimize risk and to comply with applicable laws; and selecting training programs

for staff and administration with regard to administration of medication to students, care of students with diabetes, and other student health matters.

3. Implement selected techniques, including, but not limited to, employee training as required and making recommendations to the Superintendent as to the purchase or acquisition of medical equipment and supplies.
4. Continued evaluation and modification of selected techniques. The School Nurse shall continually evaluate the effectiveness of the selected techniques and make revisions, additions, or deletions where necessary, and shall report to the Superintendent, as necessary or at the Superintendent's request, issues related to risk management or implementation of the techniques selected by the School Nurse in accordance with this Program.

In addition to the risk management responsibilities outlined above, the School Nurse shall serve as a member of the District's concussion oversight team and shall assist in establishing the District's return-to-play protocols, in accordance with 105 ILCS 5/22-80. The School Nurse shall also assist the Superintendent in the overall administration of this Program, as may be delegated from time to time by the Superintendent.

The special responsibilities of the School Nurse/s under this Program are no less than twenty (20%) of his or her total compensable time in service to the District.

Section IV. Risk Management Responsibilities of the Maintenance Director

The Maintenance Director is responsible for assisting the Superintendent in the development and administration of the Program. In particular, the Maintenance Director shall be responsible for the management of risk with relation to District buildings, grounds, facilities, and equipment, including, but not limited to risks of loss associated with repairs, improvements, and maintenance, facility security, and equipment safety in and around the school building and school grounds; and during school athletic events. The Maintenance Director shall:

1. Assist the Superintendent in identifying and analyzing circumstances related to District buildings, grounds, facilities, and equipment that could give rise to the imposition of liability or loss upon the District or its employees. This includes identification of risks of loss related to disrepair or deterioration of buildings, grounds, facilities, and equipment; security of buildings and facilities; and safe handling, storage, and clean-up of hazardous materials and biohazards; as well as assisting the Superintendent in the identification and analysis of other types of risk, as may be delegated from time to time by the Superintendent.
2. Select techniques for treating identified exposures to loss related to student/staff/visitor health and welfare. This includes, but is not limited to, developing and recommending to the Board a District a maintenance schedule for all buildings, grounds, facilities, and equipment; selecting training programs

and safety measures to minimize risk of injury from the operation of District equipment; developing protocols for handling, storage, and clean-up of hazardous materials (including laboratory chemicals) and biohazards (e.g. blood, vomit); and identifying repairs that need to be made, or improvements designed to minimize risk of loss and to comply with applicable workplace and facility safety laws.

3. Implement selected techniques, including, but not limited to, employee training as required and making recommendations to the Superintendent as to the purchase or acquisition maintenance equipment and supplies.
4. Continued evaluation and modification of selected techniques. The Maintenance Director shall continually evaluate the effectiveness of the selected techniques and make revisions, additions, or deletions where necessary, and shall report to the Superintendent, as necessary or at the Superintendent's request, issues related to risk management or implementation of the techniques selected by the Maintenance Director in accordance with this Program.

The special responsibilities of the Maintenance Director under this Program are no less than ten (10%) of his or her total compensable time in service to the District.