

SMITHTON COMMUNITY CONSOLIDATED SCHOOL DISTRICT #130
Risk Management Program
2022-2023 School Year

Introduction

Policy & Purpose

The Board of Education of Smithton CCSD 130 recognizes its role of stewardship over the assets of the District, both human and financial. It interprets its responsibility in this area as requiring the highest possible concern for the safety of its students and employees, and the public. The Smithton Community Consolidated School District #130 shall have in operation a comprehensive Risk Management Program that shall reduce or prevent the District's exposure to liability. It is of the utmost importance for the district to:

- ensure that statutory and common law, health and safety rights are extended to all visitors, employees, and students;
- make certain that the district's buildings and grounds are maintained in a safe condition; and
- provide careful supervision and protection of all the district's real and personal property, including vehicles.

Legal Authority

The Illinois Local Government and Governmental Employees Tort Immunity Act (754 ILCS 10/1-101, et seq.) provide for a school district to levy a tax which when collected will pay the cost of risk care management. (754 ILCS 10/9-107). In addition, this section (9-107) provides for funds raised pursuant to this section to be used to pay the costs of insurance, including all operating and administrative costs and expenses directly associated therewith, claim service and risk management directly associated therewith, claim services and risk management directly attributable to loss prevention and loss reduction, education, inspectional and supervisory services directly relating to the loss prevention and loss reduction, to purchase claim services, to pay for judgments or settlements, or to otherwise pay the cost of risk management plans. The Illinois Appellate Court for the Second District has affirmed a school district's authority for such a levy and to pay such expenses in *In Re: Objections to Tax Levies of Freeport School Dist. No. 145 et al.*, 372 Ill. App.3d 562, 865 N.E.2d 361 (2nd Dist. 2007).

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

Program Summary

This Risk Management Program identifies and establishes an effective risk management process that uses the District's physical and human resources to effectuate the policy and achieve the purposes set forth herein. The steps in the risk management process accepted by the Second District Appellate Court in *In Re: Objections to Tax Levies of Freeport School Dist. No. 145 et al.* are incorporated herein as the basis of this Risk Management Program, namely: (1) identify and

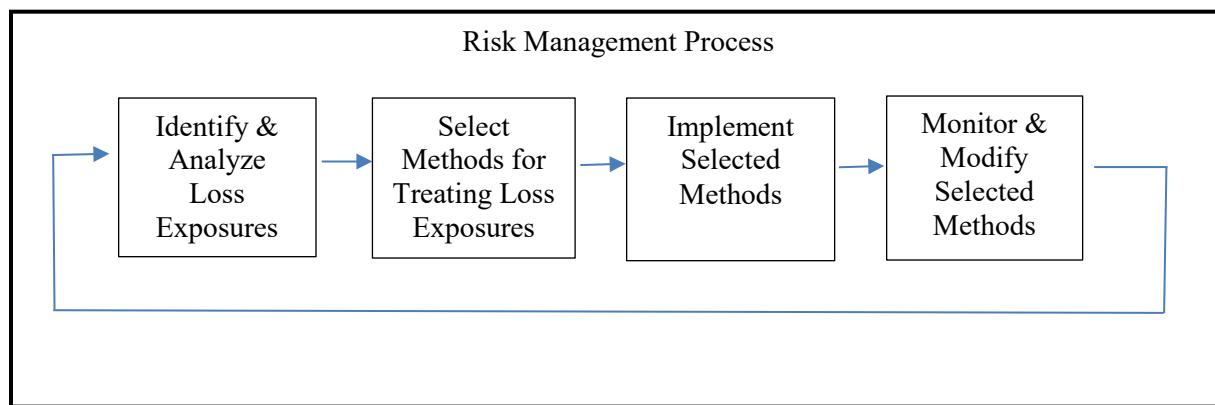
analyze loss exposures; (2) select techniques for treating loss exposures; (3) implement the selected techniques; and (4) monitor and modify the selected techniques. The District finds that the most effective manner in which to implement this Risk Management Program is to thoroughly integrate risk management into every level of the District's operations. All employees shall have the duty to apply all four steps of the risk management process for those areas over which they have responsibility and to report their findings and recommendations.

Risk Management Process

The policy, purpose, authority and program provided for in this Risk Management Program are not new to the District. Most, if not all, District employees already perform the risk management process pursuant to the District's policies, practices and procedures. This Risk Management Program is therefore intended to supplement, and to the extent necessary clarify and amend those policies, practices and procedures, in order to implement risk management activities in the manner stated in this Risk Management Program.

The District's Risk Management Program shall provide for:

1. identification of the various components of the Risk Management;
2. clearly delineated personnel responsibilities;
3. adequate insurance against liability exposure;
4. identified allowable costs for the maintenance of the Risk Management Program.



A loss exposure is a set of circumstances that presents a possibility of loss, whether or not a loss actually takes place. More specific in terms of this Risk Management Program, the loss exposures to be addressed are circumstances that would give rise to liability or loss which may be imposed upon the District or one of its employees for a tortious act. A tort is a wrong against another for which the law provides money damages as a remedy, such as a personal injury. A tort may include physical and/or emotional harm to a person, a violation of a person's legal rights, and/or physical harm to a person's property.

Risk Management Organization

Organization

The general, overall responsibility for the development and maintenance of the district's Risk Management Program rests with the Superintendent of Schools. The Superintendent shall be responsible for development of the Program, identifying the various components of the program, and delegating responsibilities for these components to the appropriate personnel, as necessity indicates.

The District finds that the most effective manner in which to implement this Risk Management Program is to thoroughly integrate risk management into every level of the District's operations. Every District employee, from top to bottom, should understand the District's risks and his or her role in preventing and controlling potential losses. All levels of employees have a duty to perform the four steps of the Risk Management Process for those area over which they have responsibility and to report their findings and recommendations. Accordingly, all District employees shall be expected to perform their additional duties in accordance with this Risk Management Program, and the job descriptions will include the duties and responsibilities required to fully implement and evaluate the risk management components of this Program.

Implementation

The Superintendent, Executive Administrative Assistant, and other designated administrators/directors should prioritize the risks identified, selected techniques, and implement and monitor the methods selected. They should work closely together with other appropriate District employees, particularly within the areas of operation that will implement the methods selected. The Risk Management Plan does not have to identify the results of each step in the Process for each loss exposure identified. The Plan is intended to provide a general description of the manner in which the Plan is implemented by maintaining, modifying, adding, deleting, or otherwise changing the policies practices and procedures of the District and/or the training, responsibilities and job descriptions of District employees. Such changes may include requiring District employees to perform certain tasks, as well as inspecting and supervising others.

Communication

The Superintendent, Executive Administrative Assistant, and other designated administrators/directors should communicate the Risk Management Plan to the District employees, and explain the modification, addition, deletion or other changes to the District's policies, practices and procedures and/or the training, responsibilities and job descriptions of District employees in a manner deemed most effective and efficient. It will then be the responsibility of all District employees to implement the Risk Management Plan.

Allocation of Salaries

For the purposes of properly levying for the expenses of this Risk Management Plan pursuant to the Illinois Local Government and Governmental Employees Tort Immunity Act (754 ILCS 10/1-101, et seq.) and *In Re: Objections to Tax Levies of Freeport School Dist. No. 145 et al.*, 372 Ill. App.3d 562, 865 N.E.2d 361 (2nd Dist. 2007), it is necessary to determine what portion of each District employee's salary is attributed to his/her responsibilities under this Risk Management Plan. The Superintendent, Executive Administrative Assistant, and other designated administrators/directors, should estimate the portion of each District employee's position spent on this Risk Management Plan. The Superintendent shall report to the board the allocations

determined for the purposes of allocating a particular portion of an employee's compensation to the Tort Immunity levy. Performing ordinary duties with due care shall not be allocated and chargeable to the Tort Immunity levy.

The Board shall review the Superintendent's allocations of salaries and recommendations for the additional safety related expenditures for assignment to the tort levy. The Board may adopt the Tort Immunity Levy based on the Superintendent's report and in accordance with the Illinois Local Government and Governmental Employees Tort Immunity Act (754 ILCS 10/1-101, et seq.) and *In Re: Objections to Tax Levies of Freeport School Dist. No. 145 et al.*, 372 Ill. App.3d 562, 865 N.E.2d 361 (2nd Dist. 2007).

Related Expenditures and Salary Allocations Pursuant for the Tort Immunity Levy

A. Safety Related Expenditures (Non-Salary)

The following items are recommended to be charged to, and payable with, Tort Immunity Levy Funds:

ITEM

1. The purchase of insurance, individual or joint self-insurance (including reserves thereon) including all operating and administrative costs and expenses directly associated therewith, claims and 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 related to loss prevention and loss reduction, participation in a reciprocal insurer, or participation in a reciprocal insurer, all as provided in settlements or judgments, including all costs and reserves directly attributable to being a member of an insurance pool.
2. The payment of the costs of and principal and interest on bonds issued under Section 9-105.
3. The payment of judgments and settlements under 9-104.
4. Maintaining a designated attorney to be consulted on legal matters of the school district.
5. Maintain a designated architect to be consulted on safety issues and to perform regular inspections.
6. The payment of the costs of the Risk Management Program.
7. The establishment of Risk Management responsibilities of staff and students.
8. The training of staff.
9. The preparation of uniform reporting documents.
10. The payment of the costs associated with a comprehensive school surveillance system.
11. The payment of the costs associated with school and community emergency communication systems.
12. Repairs or replacement of safety or safety-related equipment.

B. Salary Allocations

The following Salary Allocations will be charged to and payable with Tort Immunity Levy Funds during future years. Specific duties for each included employee are described in the Risk Management Plan, District policies and procedures, and employee job descriptions.

Salaries

| JOB TITLE | MAXIMUM SALARY ALLOCATION % |
|---------------------------------|------------------------------------|
| Superintendent | 15% |
| Business Director | 10% |
| Transportation Director | 100% |
| Facilities/Maintenance Director | 50% |
| Technology Director | 10% |
| Building Principal | 20% |
| Social Worker | 50% |
| School Nurse | 20% |
| School Resource Officer | 100% |
| Extra-Curricular Supervision | 100% |
| Recess/Lunch Monitors | 100% |
| Drop Off/Pick-Up Monitors | 100% |
| Bus Drivers | 100% |
| Bus Monitors | 100% |
| Custodial Staff | 50% |