



# News and Views

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## ***Student Safety Considerations***

*By: Gordon Templeton, Property & Liability Claims Manager*

Members have raised questions regarding their legal obligations to protect students from harm before, during, and after school hours while students are on member owned property, when students are coming to/leaving school property, or when they are not actually on member owned property. This summary provides basic rules for analyzing members' obligations.



In 1982 the 'Right to Safe Schools' provision was added to the State Constitution stating: "All students and staff of primary, elementary, junior high and senior high schools have the inalienable right to attend campuses which are safe, secure and peaceful." Accordingly, to comply with the law members are required to prepare comprehensive school safety plans that identify appropriate strategies and programs to provide for the proper level of school safety; to engage in programs promoting school safety; and to affirmatively take steps to combat racism, sexism and other forms of bias against students. These constitutional and statutory requirements, however, do not mean that members are guarantors of their students' physical or emotional safety. While members must adopt, teach and promote safety and anti-discrimination programs and procedures, ultimately they need only take reasonable steps to supervise and protect students while on school grounds. When students are not on school grounds, there is generally no duty to protect them from harm (Ed Code 44808) unless: a) the member placed them at risk for offsite injury due to a negligent act committed while the student was under the member's supervision or control, or b) the member was or should have been supervising the student during a member-sponsored offsite activity, with an exception regarding authorized field trips under Ed Code 35330 (d).

**Members may also unintentionally create liability exposures or enhanced legal obligations.** A member representing that it will provide supplemental or special protective services with respect to a particular site or circumstance beyond what is legally required, must be careful to do so competently.

### ***On Campus Obligations***

While the level of student supervision may vary based on age and grade level considerations, members must adequately supervise students while they are on school grounds during school hours, and with exceptions before and after school hours. After school, this duty extends to students participating in member sponsored after school or extracurricular activities for a reasonable time before students are expected or intended to leave campus for home.

Members have a duty to timely and properly intervene in circumstances where a student may potentially be exposed to a physical altercation or emotional injury such as bullying.

Members must ensure and document that students are properly trained in safe practices and

procedures regarding the use of school property such as weight lifting equipment, laboratory equipment, and shop class equipment.

Generally, the standard or duty of care owed students is that which a reasonable and prudent school staff would provide under similar circumstances.

### ***Offsite Liability***

Member liability exposures are essentially limited to three primary circumstances.

#### **1. General Rules on Coming/Going of Students**

Members generally have no duty to protect students while they travel to and from school (Ed Code 44808). This rule of non-liability extends to risks immediately surrounding the school, with members only obligated to take precautionary measures when a specific known and unusual risk of harm is apparent.

#### **2. Provided Transportation**

A member providing bus (or similar) transportation to students to and from school, or as a part of field trips or other school related excursions, must do so reasonably and safely. Student injuries sustained during field trips trigger no civil liability due to statutory immunity (Ed Code 35330). However, the member must still provide for accounting for proper field trip paperwork, including medical care and expense information.

#### **3. School Sponsored Events**

If a member sponsors an offsite activity, meaning an event requiring attendance and for which attendance credit may be given, the member is responsible for the safety of students when they are, or should be, under a member's supervision, including transportation to and from the event if it is provided. Member sponsored events can include a variety of activities, including 'instructional work experience' programs.

### ***Assumption of Non-Legal Responsibilities***

In addition to their identified statutory obligations, members may create additional duties or liability exposures when they undertake additional or supplemental safety measures. Examples of these risks are when members engage employees or volunteers under their direction to patrol offsite areas or become involved in offsite incidents over which they have no legal authority. Intervening under such circumstances presents both practical and legal exposures to members and their employees.

### ***Conclusions***

It remains important for members to protect themselves, and the NBSIA pool, by ensuring that they meet their legal obligations to reasonably supervise students while they are on their property or under their supervision offsite. Consequently, members must consistently and carefully evaluate these exposures.

Please do not hesitate to contact Gordon Templeton, NBSIA Property/Liability Claims Manager at [gordont@nbsia.org](mailto:gordont@nbsia.org), 707/428-1830 ext 103 or Emily Kephart, NBSIA Prevention Services Manager at [emilyk@nbsia.org](mailto:emilyk@nbsia.org), 707/428-1830 ext 102 should you have any questions or concerns regarding these student safety matters.

# Prevention Services

## **Pandemic Planning – Are You Ready?**

By: Emily Kephart, ARM, CPSI, Prevention Services Manager

On April 21, 2009, the Solano County Public Health Department hosted a pandemic planning tabletop exercise. There were approximately 250 people in attendance from different organizations: local businesses and employers, healthcare and emergency response, faith-based organizations, and government. In addition, a number of local school representatives, including NBSIA's Prevention Services Manager, Emily Kephart, were in attendance. Past pandemics, and how different approaches to managing the pandemics impacted their communities, were discussed.



Ted Selby, Senior Manager of Public Health Emergency Preparedness and Communicable Disease Control, led the group through a plausible scenario:

*“An airman in the U.S. Air Force returns to Travis AFB from his station in Korea, where he had been exposed to a new strain of Avian Flu. Before being properly diagnosed, he had embraced his wife and school-aged children, gone to banks and stores, met with friends, and gone to a local clinic where he was diagnosed with the flu and told to rest.*

*A week later, the airman and his daughter are seriously ill, and his wife is dead. Several hundreds of people have been infected. A State of Emergency is declared. Schools are shut down indefinitely, public gatherings are prohibited, and face masks must be worn when leaving the house. Hospitals are overcrowded and law enforcement is drained.”*

Groups discussed the impact of such an event on their organizations, and then shared with the crowd their challenges, plans, and how other businesses and organizations can work together for optimal results.

Throughout the course of the exercise, it became clear that if a pandemic does strike, many organizations are not ready for the level of impact it will have on daily operations. Schools may close, but school employees may be called upon as Disaster Service Workers for their communities. School sites may be used as medical triage centers or health care sites. Is your school ready?

What timing! The very next day, it was widely reported that a new strain of the H1N1 virus (aka Swine Flu) was spreading quickly throughout many countries, most predominately Mexico. While the confirmed cases in the United States have been relatively mild, it is important to remain informed. NBSIA will continue to be involved and share information with Members as the next flu season approaches. In the meantime, please contact me if you have any questions at (707) 428-1830 ext 102.



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## **Readiness 101 – Recommended Contents of a Classroom Disaster/Lockdown Kit**

*By: Emily Kephart, ARM, CPSI, Prevention Services Manager*

All classrooms should be equipped with a disaster/lockdown kit to provide for the time between when a disaster strikes and when emergency personnel arrive on site. The intent of the emergency backpack and individual student emergency kit is to have these supplies accompany the class whenever an evacuation or lockdown occurs.

All supplies should be securely stored in an accessible, central location. They should be labeled, protected, and maintained. Supplies that have expiration dates (such as batteries, food, and water) must be replenished over time.

Below is a list of recommended supplies for classrooms. School sites should assess their particular needs and hazards when planning such a kit. Please check with your District Office to see if they have specific requirements for your kit.

- First Aid Kit
  - 1 box of plastic bandages
  - 4 rolls of Gauze
  - 20 packages of sterile pads (4" x 4")
  - 1 16-oz. bottle Betadine disinfectant
  - 2 rolls of 1" tape
- Scissors
- Large plastic bags
- Marking pen
- Pad and pencil
- Flashlight and batteries
- Student roster and release information
- Snacks/Candy/Juice for diabetic students
- Portable toilet and toilet paper
- Disposable gloves
- Wet wipes
- Bottled water
- Work gloves
- 1 portable radio
- 4 ice packs
- Classroom roster
- Student release forms
- Copies of student emergency cards
- Copy of disaster plan

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## **May 2009 Board Briefs**

*By Jan DeGracia, CPCU, ARM, Executive Director*

The meeting opened with an introduction of two new members, Kelly Morgan from Fairfield-Suisun USD and Joshua Schultz representing the Napa County Office of Education, Calistoga Jt. USD, Howell Mountain Elementary, Pope Valley Elementary, and St. Helena USD.

### **Actuarial Report**

John Alltop, FCAS, MAAA, Bickmore Risk Services, reviewed the results of actuarial studies on both the workers' compensation and property/liability programs. He also discussed the financial impact that recent decisions from the Workers' Compensation Appeals Board may have on future funding requirements.

# When Heat Stress Strikes...

## Know How to Avoid, Recognize and Treat!

Prevention Services 707-428-1830 [www.nbsia.org](http://www.nbsia.org)

### Stay Cool...

- ✓ Wear light colored-lightweight clothing, a hat, and use sunscreen.
- ✓ Drink plenty of water before and during activity.
- ✓ Avoid alcohol and caffeine.
- ✓ Take breaks in cool, breezy areas.
- ✓ Work at a steady pace – don't overexert
- ✓ Reduce activity, especially between 11:00 am to 4:00 pm.
- ✓ Be alert to signs of heat exhaustion and heat stroke...*and get relief!*

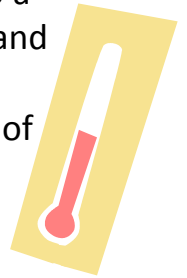


### Heat Exhaustion...

Act quickly if someone...

*Appears pale or flushed; is sweating and has moist, clammy skin; feels weak, dizzy, nauseous; has a headache.*

Move person immediately to a cool place. Loosen clothing and place cool compress on skin. Slowly drink large quantities of water. Elevate feet slightly.

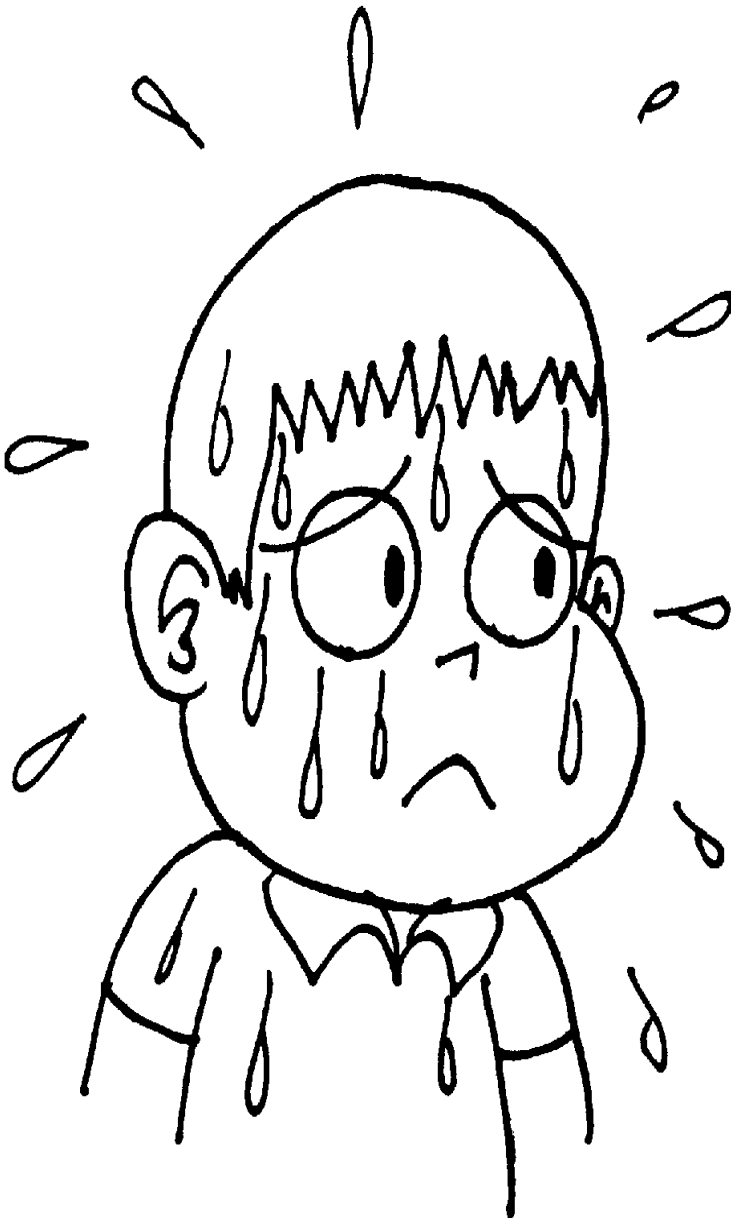


### Heat Stroke...

Call for medical help **immediately** if someone...

*Has a high body temperature and rapid pulse; has hot, dry, reddish skin; stops sweating; becomes confused or delirious.*

Move the victim immediately to a cool place until help comes. Fan the victim. Soak the victim's clothing with water to lower body temperature. Don't give fluids to someone who is unconscious.



## **The 2009-10 Renewal Season is Here**

NBSIA has been undergoing the renewal process in each of its programs since January 2009. While not all renewals are finalized, the Board of Directors was able to approve the following rates for 2009-10.

### Workers' Compensation Program:

The workers' compensation program manual rate remains flat (no increase) at \$1.90 per \$100 payroll. To this manual rate is applied an experience modifier (x-mod) that measures the claims activity and exposures over the past several years, which is unique to each member district. The x-mod is often used to identify and measure district safety efforts and commitment.

### Dental Program (Delta Dental):

The dental program pool-wide renewal rate was equal to a 6.2%. When experience rating was applied in accordance with our modified formula, the renewals ranged from a low of 4.27% to a high of 10% (increases are limited to 10%). New rates will apply effective with July 1, 2009 benefits and should be reflected on July eligibility reports issued by Keenan & Associates.

### Vision Program (VSP):

NBSIA partners with another pool for the provision of vision benefits through VSP. As with the dental program, this program employs a modified experience rating to all renewals for participating districts in excess of 250 lives. Renewals range from a low of a 5% decrease to a 10% increase, effective July 1, 2009.

### Property/Liability Program:

In the Property/Liability program renewals remain in progress. Initial indications are a flat renewal for liability, but a likely property increase as a result of significant carrier losses and exposure potential for California schools. An update will be provided following the June Board meeting.

## **Fiscal Strategies Plan**

As part of its Strategic Planning goals, the Board has been considering ways in which NBSIA can offer flexibility and savings to members in this coming year. One option that will be offered is the ability to make contribution payments in the property/liability program in two installments, as opposed to the single payment due in July. Invoices for 2009-10 contributions will reflect that new option.

Another item identified by the board addresses safety credit funding. The final outcome of this discussion is the opportunity for members to access a limited portion of their existing safety credit fund balances for refund. Additional details and final board action on this item are scheduled for the June meeting.

Finally, the board discussed the idea of members assuming additional liability by adding or increasing deductibles. Members were reminded that an increase in deductibles would make them responsible for making any claims payments up to that value, and so do not represent a direct savings, however, the members do have the opportunity to consider such an option. Those that were interested in pursuing this option were directed to contact the NBSIA Executive Director no later than May 15.

The Board closed with a “Lessons Learned” discussion about the importance of risk management with regard to coaches and the outcome of a particular case in the Northern California area that resulted in heavy losses. This agenda item was recently added to provide expanded risk management tools and suggestions to Board members at each meeting with a goal of learning from the experience of others and avoiding similar claims.

The next meeting is scheduled for **June 10, 2009** at **NBSIA**.

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# BY THE NUMBERS

## Clean-up/Set-up Injuries

# 72%

*...the percentage of injuries related to the moving of boxes or equipment to set up or pack up classrooms at the beginning or end of the school year during June-August for the past three years. The number of clean-up/set-up injuries almost tripled in 2008 from 2006 & 2007 totaling over \$260K in losses for all three years.*

NBSIA offers training and tips on proper lifting and carrying. For more information you can contact Emily Kephart, Prevention Services Manager at (707) 428-1830x102 or [EmilyK@nbsia.org](mailto:EmilyK@nbsia.org)

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## **VSP Vision Care launches online wellness program**



VSP Vision Care has launched a free online wellness program to help members adopt a healthy lifestyle and control health care costs, the company said.

The GetFit program is available to VSP members and clients as well as other visitors to the company’s Eyecare Discovery Center section of [www.vsp.com](http://www.vsp.com).

The online program features a variety of tools and resources including an interactive diet and nutrition catalog, a calorie calculator, exercise logs and other health and fitness information. In addition, benefit managers can access a specially tailored program that can be implemented in their workplace.



## 2008-2009 NBSIA SUPERVISORS ACADEMY *Congratulations Graduates!*



*Front row from left: Chester Owens, Ken Johnson, Theresa Stout, Jane Sinkewiz, Felecia Lawson, Michelle Ashlock, Kelly Hatcher, Jose Maanao, Jan DeGracia – Executive Director – NBSIA, Back row from left: Dr. Paul Porter – Instructor, Roy Owens, Roger Loken, Dina Wullenweber, Steve Gunther, Michael Harrington, Robert Mattos, John Niederkorn – Vice President – NBSIA Board of Directors, Not Pictured: Jennifer Taylor*

Enrollment is currently open for Supervisors Academy beginning October 2009  
 Contact Suzanne Dillman at [suzanned@nbsia.org](mailto:suzanned@nbsia.org) for more information

### Center for Staff Development

**Instructions:** Check the box with an “X” next to the workshop you will attend, complete the registration information, and fax this form to Veronica Hudley at (707) 428-1848 or register online at: [www.nbsia.org](http://www.nbsia.org) and click on “CSD Training Classes”.

Attend	Date	Course	Location
_____	Tuesday, June 2, 2009 <b>½ DAY SESSION</b> 9:00 a.m. to Noon	Business Etiquette Instructor: Chance Massaro	Multi Purpose Room, 1 <sup>st</sup> Floor, Solano County Administration Center 675 Texas Street, Fairfield, CA 94533
	OR		
_____	Tuesday, June 2, 2009 <b>½ DAY SESSION</b> 1:00 p.m. to 4:00 p.m.	Business Etiquette Instructor: Chance Massaro	Multi Purpose Room, 1 <sup>st</sup> Floor, Solano County Administration Center 675 Texas Street, Fairfield, CA 94533

#### Registration Information:

Name:	
District:	
District Address:	
Email Address:	Daytime Phone:

**New Classes begin Fall 2009**

## Employee Assistance Program



## Member Matters

Helping Members Balance Their Health, Work and Life

- » [Succeeding at Work](#)
- » [Healing Family Conflicts](#)
- » [How to Beat Fatigue](#)
- » [Just in Case: Planning for Caregivers](#)
- » [Feeling the Pinch?](#)

Please note: To use Member Matters, you'll need to enter your company access code.  
When you are prompted for the access code type in: **WISE**

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## ***EAP Client Services Training & Skill Development Brown Bag Sessions***

In an effort to mitigate the strain of the current economic conditions, NBSIA has arranged a series of brown bag sessions. These sessions can be a useful tool and are offered in a casual atmosphere. Here is a list of covered topics:

### **Conducting Layoff Notifications**

*(For Supervisors/Managers)*

### **Safeguarding the Workplace during Downsizing**

### **Managing after Layoffs**

*(For Supervisors/Managers)*

### **Surviving Layoffs**

*(For Employees)*

### **Job Search Strategies during Tough Economic Times**

### **Coping with the Stress of Economic Uncertainty**

For more information about these workshops or any other services offered as part of the NBSIA Employee Assistance Program, please contact NBSIA Program Services Manager, Suzanne Dillman, direct: 707-399-4206 or [SuzanneD@nbsia.org](mailto:SuzanneD@nbsia.org).

# CALENDAR OF EVENTS

<u>Date</u>	<u>Event</u>	<u>Location</u>
<b>June</b>		
1	BASIC Board of Directors Meeting	NBSIA Conference Room
3	NBSIA Executive Committee Meeting	NBSIA Conference Room
10	NBSIA Board of Directors Meeting	NBSIA Conference Room
<b>July</b>		
3	Independence Day Observed	<b>NBSIA Offices CLOSED</b>

## NBSIA Staffing Update:

The NBSIA Workers Compensation Department has two new members of staff:

**DORIS MANUZON** has joined the department as a Senior Claims Examiner. Doris is responsible for Fairfield-Suisun USD and Solano County Office of Education. She comes to NBSIA with over 18 years experience in workers' compensation and holds her State of California Self Insured Certificate as well as an Associate's Degree in Arts and General Education. We are very pleased to have Doris as a part of our team.

Please welcome back **CHRISTI MCMAHON** who took three years off following the birth of her twin girls, Kaitlyn and Madison. Christi is a part-time Claims Examiner and is responsible for handling all of our Medical Only claims as well as a small fraction of our Future Medical claims. We are thrilled to have Christi back on board!

## CONTACT US

**Address:** 380A Chadbourne Road  
Fairfield, CA 94534-9636  
**Web Site:** [www.nbsia.org](http://www.nbsia.org)  
**E-mail:** (first name, last initial)@NBSIA.org

**After Hours Emergency Pager:** 428-0824, option 5  
**Automated Voice Mail:** 428-0824 or 428-1830  
**WeTip Hotline** 1-800-78-CRIME (27463)

**General Administration:** 707/428-1830 707/428-1848 (fax)

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Suzanne Dillman	Program Services Manager	Ext. 106
Gordon Templeton	P/L Claims Manager	Ext. 103
Emily Kephart	Prevention Services Mgr.	Ext. 102
Lateisha Plascencia	Prevention Services Coord.	Ext. 123
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Lyn Fortaleza	Accounting Technician	Ext. 115
Maria Cantera	Data/Fiscal Analyst	Ext. 116
Heather Eichen	Administrative Assistant	Ext. 104
Veronica Hudley	Office Assistant	Ext. 101

**Workers' Compensation:** 707/428-0824 707/428-1848 (fax)

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Felecia Lawson	W/C Claims Supervisor	Ext. 124
Doris Manuzon	Claims Examiner	Ext. 111
Anna Socarras	Claims Examiner	Ext. 122
Lily Chin	Claims Examiner	Ext. 109
Christi McMahon	Claims Examiner	Ext. 108
Allison Spirlock	Claims Assistant	Ext. 119
Shirley Steck	Claims Assistant	Ext. 112
Gwen Samuels	Claims Assistant	Ext. 107
Christine Trockey	Return to Work Coord.	Ext. 121