

At Issue

A RISK MANAGEMENT NEWSLETTER FOR
ELEMENTARY AND SECONDARY SCHOOLS



Cyber-Liability

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Reducing Cyber-Liability and Other Personally Identifiable Information Exposures

Cyber liability is an issue that's confronting K-12 administrators more frequently than in the past. This article identifies some ways to help ensure sensitive and private information is secure whether it's electronically distributed or stored as traditional paper documents.

So your school's IT Department has a firewall, virus protection/malware protection¹, anti-spam, intrusion prevention and network access control. You should be protected, right? Well, that depends on a variety of things. It depends on if they have current intrusion detection software/protocol, if electronic devices are encrypted, how long records are maintained, if they outsource any computer network, or data or network management operations, or share data with vendors or contractors, use a shared server, and a variety of other potential risk avenues. Cyber-Liability is not only an IT Department exposure. The misuse, theft or loss of sensitive information can occur just about anywhere within your organization.

Although we will only touch a little bit on the exposures that the IT Department should be concerned

about here, you can go to our online webinar to view a complementary presentation on data privacy and liability: <http://www.wrightspecialty.com/news-page/81-cyber-liability-webinar.html>

According to the **Poneman Institute's 2013 Cost of Data Breach Study**, the average per capita cost of data breaches in the U.S. is \$188 (for educational organizations it is \$111). On average, in the U.S., 28,765 records were exposed or compromised in 2012. The average cost to a U.S. organization was over \$5.4 million! Human error (aka: negligent insiders) resulted in one-third of the causes of data breach. Obviously, the costs are high; we don't want you to be part of these statistics.

This article will focus more on some other cyber-liability risks that are common mostly outside of the IT Department functions — namely, those exposures that exist at your workstation, in your office with your mobile devices and in your trash containers and dumpsters.

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LAPTOPS/DESKTOP PCS

Exposure for laptops, desktop personal computers:

Such devices can contain a lot of Personally Identifiable Information (aka: PII¹). PII is information that can be used on its own or with other information to identify, contact, or locate a single person, or to identify an individual in context. In effect, laptops and desktops are a gateway to your school's servers.

Liability Reduction Measures: We recommend that all laptops and desktops should have password protection with changes in passwords every 90 days. All data should be encrypted. Employees should not leave their program(s) open if they leave their workstation. A policy should be communicated that explains what type of information is allowed to be stored, how to handle unsolicited e-mails, what shouldn't be accessed, and to remove unnecessary data before taking laptops out of the building.

¹ Malware types: computer viruses, ransomware, worms, trojan horses, rootkits, keyloggers, dialers, botnets, scareware, spyware, adware, malicious BHOs, rogue security software, govtware, and other malicious software programs.

² NIST Special Publication 800-122 defines PII as "any information about an individual maintained by an agency, including (1) any information that can be used to distinguish or trace an individual's identity, such as name, social security number, date and place of birth, mother's maiden name, or biometric records; and (2) any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information."

DESKS AND WORKSPACES

Exposure: Paper documents, files and even notes that are piled up or are sitting on your desk or tacked onto your wall or in your workspace are also a liability exposure. Additionally, documents and papers kept in unlocked file cabinets and drawers are a common exposure. Finally, be aware that departing employees tend to take information with them.

Liability Reduction Measures: Do you have a policy that states that no sensitive and personally identifiable information is allowed to be on desks or in workspaces when employees are not there? Do you conduct periodic inspections to see that staff is following this policy? Employees that have "messy" desks and workspaces likely have some sensitive information sitting out in the open. Note that documents from the administration or created by the employee are still school property and cannot be removed when the employee leaves the school.

FILING CABINETS AND DESK DRAWERS

Exposure: Cabinets and desk drawers are most commonly used to store employee, student, vendor and contractor records. We encourage you to lock these cabinets and drawers even when the room door is locked. You want to, as much as possible, reduce the chance that this information is taken by unauthorized persons and/or those with criminal intent.

Liability Reduction Measures: Good locks and key control are important. Employees following good locking procedures and PII security are equally necessary. Repair of damaged doors and drawers and replacement of broken locks and keys should be done promptly. Encourage employees to complete a work order or report these conditions as quickly as possible. Any file information that is not needed or not required to be maintained any longer should be removed. The practice of securing file cabinets and drawers is a good way to notify employees that the data and information have value and should be protected.

EMAILS

Exposure: PII sent through your email system is vulnerable to compromise. Once you have sent it, you no longer have control over it. Data in transit can easily be intercepted. Emails still up on your screen can be viewed and accessed when you leave your desk or workspace or when you print them out and leave a copy on your desk. Those copies can also be picked up by anyone walking by.

Liability Reduction Measures: All employees should know what can and cannot be sent out via email. Use password protection for documents containing sensitive data. All email correspondence should have a confidentiality clause. All employees should know that information contained within emails is legally discoverable.

FAXES

Exposure: The exposure for data loss is most evident when faxes are left on the machine or in an In-Box in the fax machine area. Again, these faxes are available for anybody to take if no one is attending to them.

Liability Reduction Measures: Employees should attend to their faxes when sending or when they know sensitive information is about to be sent. The Fax In-Box should be checked often if you are anticipating a fax from sometime within the hour. In some cases, access to the fax machine can be restricted behind secure doors.

PRINTERS AND COPIERS

Exposure: Printers have the same issue as fax machines with the exception that in most cases you know when a document is about to be printed. Some offices also have an In-Box for items printed, like we've seen for fax machines. These printed items are usually removed by other employees who have printed their own documents before or after you've printed yours or when they need to copy documents. The result may be that a pile can stack up in the In-Box or on an adjacent shelf or counter — and nothing prevents someone from taking your copy with them whether it's on purpose or by accident.

In addition, printer settings and controls may not be secure allowing the chance that someone may, by accident or by intention, change and reroute print jobs, open saved copies of documents or reset the printer to the manufacturer's default settings (wiping out all of your settings).

Printers or copiers with internal drives can store print jobs, copies, scans and faxes. Hackers can eavesdrop on your network and capture documents that you send from your computer to the printer especially if you have an older model that lacks the security and password protections of newer models.

Is your printer accessible from the internet? If so, the number of potential hackers is almost without limit. What could they do? They could change its settings, change LCD readouts, retrieve saved copies of documents, install malware and launch denial-of-service attacks which effectively lock the machine up.



Liability Reduction Measures: Printers and copiers should be located in an open space, not in a hidden room. This discourages employees from tampering with the settings. When printing, you will need to go over to the printer as you print it and retrieve your copies. This procedure should be an office standard and employees should be reminded of the need to not leave printed or copied materials unattended. Management and departments that handle sensitive material should have separate printers in a secure area. Using printers and copiers that require a PIN is another excellent security method. When using printers through the internet, connect using a secure address that contains https://, not just http://. Also, make sure the printer's firmware and drivers are up-to-date. Updates do a variety of tasks that make the printer's system more secure.

Before recycling or discarding printers and copiers, make sure that the data on them is properly erased.

MAIL ROOMS

Exposure: Mail rooms handle a lot of PII which can be compromised internally or externally.

Liability Reduction Measures: Primarily, access should be restricted, and only employees who need to have access should be allowed there. Electronic security could include card access, sign-in and/or security camera monitoring. Delivered items should be dropped off in a secure and restricted area as well.

TRASH CONTAINERS

Exposure: Data can also be removed by anyone from the trash, from unshredded papers and from computers, laptops, printers, copiers and any device that has the capability to retain PII.

Liability Reduction Measures: The use of shredders and/or the use of a secure disposal process (i.e., locked disposal containers) are key. Shredders and/or secure disposal should be readily available to help ensure that employees will use them. Training is required so that everyone knows what constitutes sensitive information and how they can and should dispose of it. As mentioned previously, all machines containing hard drives should have data erased prior to disposal to remove stored information.

SMARTPHONES, TABLETS AND NETBOOKS

Exposure: The issue with smartphones, tablets and netbooks and other portable devices with server accessibility (such as laptops) is that they are small and easily lost or stolen. All have accessibility into your organization's e-mail network and/or into other portions of your school's system or network.

Liability Reduction Measures: As with laptops, we recommend that these devices should have password protection. A policy should be communicated that explains what type of information is allowed to be stored, how to handle unsolicited e-mails, and what shouldn't be accessed. A policy addressing social media use should also be implemented.

FLASHDRIVES

(Thumbdrives, Jumpdrives, Memory Sticks)

Exposure: These devices are very small and very portable. Some can hold up to a Terabyte of data. They are easily used, lost, misplaced or stolen. Visitors and others, who have their own flash drives, can quickly enter your system, extract data and other information or upload malicious software such as packet sniffers, worms, keyboard loggers and malware.

Liability Reduction Measures: We recommend that PII not be stored on flashdrives. Some organizations prohibit the use of flashdrives or disable the USB 2.0 port on computers. Some use encryption software so that even if a flashdrive is lost, misplaced or stolen it will be more difficult to access the stored information. Supervision of visitors will also help prevent any unauthorized transfers of data.

You can also help prevent data theft by training employees and student workers, performing periodic audits, using password protection, encrypting information, utilizing proper disposal techniques, emphasizing the need to know where your electronic devices are at all times, and securing papers and documents, vulnerable cabinets and mailrooms. Everyone should understand that your school is serious about data security, preventing data theft and reducing your exposure to cyber-liability.

We also recommend the following:

1. Development and implementation of a comprehensive Information Security & Privacy Policy.
2. Access to personal information restricted by job position.
3. A Chief Information Officer or Chief Security Officer (or equivalent).
4. Regular security training and information to all people who have access to personally identifying information, whether in paper or electronic format.
5. Anti-virus software installed on all computers and maintained via a central resource.
6. All users issued unique IDs and passwords when connecting to or accessing the school's internal network.
7. Keep hardcopy files containing personal information such as personnel data, payroll and academic and health records in a separate and secure area.
8. Posted document retention and destruction policy in place.
9. Payments for fees (team, band, field trip, etc.) kept in a secured location with limited access (e.g., lock box).

References:

- 1.) Your Organization's Data Theft Hot Spots Revealed - Kroll Fraud Solutions, 2011
- 2.) Ponemon Institute, 2013 Cost of Data Breach Study: Global Analysis.
https://www4.symantec.com/mktginfo/whitepaper/053013_GL_NA_WP_Ponemon-2013-Cost-of-a-Data-Breach-Report_daiNA_cta72382.pdf
- 3.) Wright Specialty Insurance, Cyber Liability webinar, Nov. 2013.
<http://www.wrightspecialty.com/news-page/81-cyber-liability-webinar.html>
- 4.) Wright Specialty Insurance – SJC, 2014



EEOC Settles First Lawsuit Under the Genetic Information Non-Discrimination Act of 2008

By: **Rona L. Platt, Esq.**, Senior Vice President and Chief Legal Officer, The Wright Insurance Group, LLC

In the summer of 2011, we provided an overview of Title II of the Genetic Information Non-Discrimination Act of 2008 (“GINA”), which bars employers from (1) discriminating against employees and job applicants because of genetic information; (2) limiting, segregating or classifying employees in a manner that adversely affects the employees’ status because of genetic information; (3) retaliating against employees who exercise their rights under GINA; and (4) acquiring, with limited exceptions, employees’ genetic information.

According to the EEOC, genetic information includes information about genetic tests taken by an individual (such as an employee or job applicant) and the genetic tests of an individual’s family members. Genetic information also includes information about the manifestation of a disease or disorder in an individual’s family members (i.e., family medical history). Employers could obtain genetic information by overhearing conversations in the workplace; being told directly by an individual; through a request for Family Medical Leave Act (FMLA) time; or inadvertently from stories about an individual in the media or through social media sites.

Since January 1, 2010, the EEOC has received over 1,000 complaints alleging GINA violations. The number of complaints has been steadily increasing year over year. Of the 333 complaints received in 2013, twenty-six were found to have a reasonable basis and over \$1 million was paid to complainants.¹ In addition, the EEOC brought the first lawsuits alleging GINA violations, one of which settled recently. As discussed below, the settlement reminds employers what can occur if they fail to be mindful of GINA and other similar statutes.

Commenced in the United States District Court for the Western District of New York, EEOC v. Founders Pavilion, Inc. (13-CV-01438) alleged that, among other things, Founders Pavilion, Inc. requested family medical histories from job applicants in violation of GINA as part of its post-offer, pre-employment medical examinations.² Founders Pavilion was a nursing and rehabilitation center located in Corning,



New York. After the suit was filed, the facility where the violations occurred was sold to Pavilion Operations, LLC, and Founders Pavilion ceased operations.

The cessation of operations did not result in dismissal of the lawsuit. It proceeded and resulted in a settlement that includes both damages and a consent decree. First, Founders Pavilion agreed to pay a total of \$110,400 to 138 individuals who were asked for their family medical histories as part of the post-offer, pre-employment physicals.³ The decree also requires Founders Pavilion to post notices and send a memo to employees about the lawsuit and consent decree if it ever resumes operations. In addition, any resumption of operations will require the adoption of a new anti-discrimination policy, training for all employees and periodic reporting to the EEOC. Pavilion Operations, a non-party to the litigation, agreed to revise its anti-discrimination policies to specifically reference genetic information discrimination, to institute complaint and investigation procedures and to provide antidiscrimination training for all employees. In announcing the settlement, the EEOC publicly stated that it intends to vigorously pursue instances of GINA violations.⁴

¹ Genetic Information Non-Discrimination Act Charges FY 2010-2013 (www1.eeoc.gov/statistics/enforcement/genetic.cfm)

² The suit also alleged two violations of the Americans with Disabilities Act of 1990, as amended, and three violations of Title VII.

³ An additional \$259,000 was paid to the five individuals who had been discriminated against in violation of the ADA and Title VII.

⁴ www1.eeoc.gov/eeoc/newsroom/release/1-13-14.cfm

We remind you that taking the following steps will assist your educational institution in its efforts to comply with GINA:

1. Post the latest “Equal Employment Opportunity is the Law” poster throughout the facilities. The latest version was issued in November 2009 and was revised to add information about both GINA and the Americans with Disabilities Act Amendments Act of 2008. It can be accessed at <http://www1.eeoc.gov/employers/poster.cfm> and is available in English, Spanish, Arabic and Chinese.
2. Review your employee handbooks and policies relating to employment opportunities and discrimination, harassment and retaliation to ensure they all state discrimination on the basis of genetic information will not be tolerated.
3. Review the record keeping procedures for personnel records. Make certain that any and all medical information, as well as specifically genetic information, is maintained in a confidential medical file that is (1) separate from the employee’s other personnel information and (2) properly secured, preferably under lock and key, so as to prevent unauthorized access to the information.

4. Review all the employment-related forms used by your educational institution, particularly with respect to those dealing with leaves of absence, work and non-work related injuries and illnesses, to ensure that they do not request “genetic information” and that they limit the risk of employee’s voluntarily providing “genetic information”.
5. Wellness Programs – review any wellness programs to ensure they comply with GINA.
6. Training – provide training to all personnel regarding not only GINA but also any changes made in the institution’s policies, procedures and forms as a result of complying with GINA. Supervisory personnel in particular should be trained on how to limit “self-disclosure” by employees and how to respond to inadvertent disclosure in order to minimize legal exposure.
7. If medical and/or physical examinations are a condition of employment, ensure that such examinations are (1) job related and (2) required for all employees in the same job category. Ensure that the persons or facilities performing the examinations do not inquire about family medical history or require individuals to undergo genetic testing, except as authorized under GINA.



To ensure compliance, we recommend that you confer with your educational institution’s attorney. This article does not constitute legal advice.

Spring Youth Sports

PREVENTING SPORTS RELATED INJURIES

By: **Elaine Horne**, Senior Risk Control Specialist, Wright Specialty Insurance

Because young athletes are still growing, they are at a greater risk for injury than adults. The consequences of overdoing a sport can include injuries that impair growth and may lead to long-term health problems. This is not a suggestion that kids should stop playing team sports. Team sports are important for activity and exercise, and they can help with the obesity epidemic. However, school administrators must make youth sports safety a top priority as spring arrives and student athletes return to the fields, greens, tracks and courts.

According to the National Athletic Trainers Association, more than 46.5 million children



participate in sports each year in the United States. Statistics tell us that without proper training and proper rest, young athletes can suffer serious injuries that could last a lifetime. There are three times as many catastrophic football injuries among high school athletes as college athletes; still one-third of high schools have no access to athletic training services. While the number of high schools offering proper training has improved somewhat in recent years, the ideal is to have athletic training services available in 100 percent of our high schools, suggested Laura Landro recently in her *Wall Street Journal* column, "The Informed Patient."

SINGLE-SPORT CONCENTRATION

One of the most important issues that has developed in recent years is single-sport concentration and year-round play. This current trend in baseball, football, and soccer requires year-round intense training regimens that really push student athletes — similar to how professional athletes train. The loss of cross-training contributes to problems with overuse of joints, bones, muscles, tendons, ligaments and other soft tissue. Playing too much and too hard in a single sport can simply wear down certain parts of the body that are still developing in our young athletes. Then, when injuries do surface, some coaches will continue to push the athlete to "play through the pain," when in reality the injured area needs time to heal.

COMMON INJURIES

In sports injury news, concussions get most of the attention these days. However, we know that most injuries to our young athletes don't involve their brains. According to Safe Kids Worldwide, 85 percent of the 3.5 million sports-related injuries athletes under the age of 18 sustain each year, don't involve their brains. The most common types of sports-related injuries among children are sprains, muscle strains, bone or growth plate injuries, repetitive motion injuries and heat-related illness. Among children, those aged 15-17 experience the highest emergency room visits for sports injuries.



Hip, knee, and shoulder injuries have challenged the medical community to come up with new surgical techniques and rehabilitation strategies. Girls are up to eight times more likely to have an ACL injury than boys. One in three children who plays a team sport is injured seriously enough to miss practice or games. It is also important to know that most organized sports-related injuries (62 percent) occur during practice rather than in games, noted Landro.

LIFE-THREATENING INJURIES

Long-term and sometimes fatal types of injuries among young athletes include exercise-induced asthma, cervical spine injuries, sudden cardiac arrest, heat illness and concussion.

EXERCISE-INDUCED ASTHMA

The Youth Sports Safety Alliance, a group of organizations committed to the prevention of catastrophic injuries and death, reports that exercise-induced asthma affects 12-15 percent of the population. For teenagers and young adults, this is often the most common cause of asthma symptoms.

SUDDEN CARDIAC ARREST

According to a recent article in *USA Today*, Sudden Cardiac Arrest (SCA) is the leading cause of death in exercising young athletes. Just one in ten U.S. student athletes, who experience SCA, survives. Automated External Defibrillators (AEDs) cost \$1,000 - \$1,500 and should be available during all sports practices and events.

CERVICAL SPINE INJURIES

For those under 30, sport participation is the second most common cause of spinal injuries after motor vehicle crashes according to the Youth Sports Safety Alliance. Football is associated with the highest number of cervical spine injuries of any sport, while cheerleading is associated with the highest frequency of direct catastrophic head and neck injuries for females.

HEAT ILLNESS

The Youth Sports Safety Alliance also notes that high school athletes, especially males, are at the highest risk of suffering heat illness requiring emergency room treatment. Heat stroke has proven to be 100 percent survivable when immediately recognized and aggressively cooled on site. Unfortunately, two-thirds of kids show up for practice at least significantly dehydrated.

CONCUSSION

In soccer, the rate of concussions among girls was 68 percent higher than the rate of concussions in boys, according to the Youth Sports Safety Alliance. In basketball, the rate of concussions among girls was 293 percent higher than the rate of concussion in boys. High school athletes who have been concussed are three times more likely to suffer another concussion in the same season. Multiple concussions can lead to Chronic



Traumatic Encephalopathy (CTE), a progressive degenerative disease that leads to symptoms of dementia. Safe play starts with a good fitting helmet, but there's no strong evidence that helmets offer as much protection from concussions as parents might assume. The best way to manage head injuries is to ensure



coaches and kids play safely and know how to spot the signs and symptoms of concussion. Getting hit on the head with a baseball or falling off a balance beam might be just as dangerous as contracting CTE as helmet to helmet contact in a football game. Because so little is known about the brain's risk and vulnerability to CTE, parents should do everything they can to prevent their kids from getting a concussion during sports and play.

INJURY PREVENTION

The young athlete is not a smaller version of an adult. Children's bones, muscles, tendons, and ligaments are still growing, making them more susceptible to injury. In addition, there are significant differences in coordination, strength, and stamina between children and adults. Some of the more effective ways to prevent these injuries include age-specific coaching, appropriate physical conditioning, and proper use of equipment, according to the American Academy of Orthopedic Surgeons. In addition, coaches and parents can prevent injuries by fostering an atmosphere of healthy competition that emphasizes teamwork, sportsmanship, confidence, cooperation, and a positive self-image. Youth sports should always be fun. The "win at all costs" attitude of many parents, coaches, professional athletes and peers can lead to injuries. A young athlete striving to meet the unrealistic expectations of others may ignore the warning signs of injury and continue to play with pain.

There are several strategies that coaches, parents, and athletes can follow to help prevent sports injuries. Most importantly, the American Academy of Orthopedic Surgeons recommends athletes should:

- Be in proper physical condition to play a sport (pre-participation sports physical examinations can be very useful in screening for potential problems)
- Know and abide by the rules of a sport
- Wear appropriate protective gear (for example, shin guards for soccer, a hard-shell helmet when facing a baseball pitcher, a helmet and body padding for ice hockey)
- Know how to correctly use athletic equipment (for example, correctly adjusting the bindings on snow skis)
- Always warm up before playing
- Stay hydrated
- Avoid playing when very tired or in pain
- Limit the number of teams in which your child is playing in one season. Kids who play on more than one team are especially at risk for overuse injuries.
- Do not allow your child to play one sport year-round; taking regular breaks and playing other sports is essential to skill development and injury prevention.

Larry Cooper, chair of the National Athletic Trainers' Association Secondary School Committee and head athletic trainer at Penn Trafford (Pa.) High School says, "It's vital for coaches, athletic trainers, parents and the athletes themselves to maintain good communication and follow guidelines to ensure all participants are fit for play." The National Athletic Trainers Association offers these additional sports safety tips to keep athletes in the game:

- Make sure the athlete is physically and mentally in the game
- Get a pre-participation exam
- Follow a team approach to give athletes a rest periodically
- Beat the heat
- Be aware and speak-up regarding head injuries
- Maintain heart health
- Share an athlete's medical history
- Ascertain coaches' qualifications
- Check that locker rooms, gyms and shower surfaces are clean
- Be smart about sickle cell trait
- Ensure an emergency action plan is in place
- Adopt a "Time Out" system
- Build in recovery time
- Educate athletes about proper methods to control asthma attacks
- Stay smart about steroids

There is nothing worse for a parent than losing a child. Now imagine if the tragedy could have been prevented. School administrators, coaches, parents and student athletes must take all precautions necessary to insure that risk of injury is reduced to the lowest possible level. We all want school sports to be a fun experience that allows students the opportunity to grow in an atmosphere of healthy competition, confidence and a positive self-image — not just winning.

The National Athletic Trainers Association offers information on the following topics to help prevent injuries:

Click to follow link:

Athletic Shoes
 Baseball Injury Prevention
 Basketball Injury Prevention
 Creatine Supplements
 Football Injury Prevention
 Golf Injury Prevention
 Gymnastics Injury Prevention
 Helmet Safety
 Hockey Injury Prevention
 Horseback Riding Injury Prevention
 Martial Arts Injury Prevention
 Prevent Winter Sports Injuries
 Return To Play
 Safe Exercise
 Skiing Injury Prevention
 Soccer Injury Prevention
 Sports Injuries and Baby Boomers
 Sports Nutrition
 Swimming Injury Prevention
 Tennis Court Safety
 Tennis Injury Prevention
 The Risks of Steroid Use
 Tips for a Safe Running Program
 Train Smart and Stay Strong
 Volleyball Injury Prevention
 Yoga Injury Prevention

You also can obtain more information at these websites:

1. AMERICAN ACADEMY OF ORTHOPEDIC SURGEONS <http://orthoinfo.aaos.org/topic.cfm?topic=A00307>
2. ABC NEWS <http://abcnews.go.com/Health/youth-sport-injuries-lead-adult-brain>
3. SAFE KIDS WORLDWIDE <http://www.safekids.org/preventing-sports-related-injuries>
4. NATIONAL ATHLETIC TRAINERS ASSOCIATION www.nata.org
5. YOUTH SPORTS SAFETY ALLIANCE www.youthsportsfetyalliance.com
6. USA TODAY www.usatoday.com/story/sports/highschool/2013/06/25
7. WALL STREET JOURNAL: "The Informed Patient" by Laura Lando www.wsj.comhttp://online.wsj.com/news/articles/SB10001424052702304617404579304494038971128



Safety Planning for Inflatable Amusement Rides

By: **Robert Bambino, CPCU, ARM**, Senior Vice President, Wright Specialty Insurance

Inflatable amusement rides are a popular form of entertainment for youngsters (and others) at special events and summer camps. However, there are safety concerns with this equipment. According to the US Consumer Products Safety Commission (USCPSC), there were over 31,000 emergency room treated injuries that arose from the use of inflatable amusement rides from 2003 to 2007. The USCPSC reports the majority of the injuries occurred to children from ages 5 to 14, with fractures reported as the most common injury. The bulletin — Estimated Number of Injuries and Deaths Associated with Inflatable Amusement — 2005-2007 (July 2009) also reported that there were four deaths during this period, all a result of individuals hitting their heads on a hard surface. More recently, in 2010, a five-year-old child died after falling from an inflatable ride, and in 2011, 17 people were



injured when an inflatable slide and two inflatable bounce houses were lifted off the ground into a crowd at a soccer club's end-of-the season event. High winds were cited as the reason for the accident.

Here is a sample safety plan if your institution is offering inflatable amusement equipment for use by children:

SET-UP	SUPERVISION	RISK TRANSFER
<ul style="list-style-type: none"> • Select a reputable and properly insured contractor. • Know the wind speed. Various manufacturers of inflatable equipment cite a maximum wind speed of 15 to 25 mph when use should be discontinued. • The equipment should be tightly secured to the ground with stakes, sandbags or weights, according to the manufacturer's recommendations for the particular equipment. The contractor (as the expert) should set up the equipment. • Do not set-up on a hard surface; make sure there is ample unobstructed space around for the children to run to and from the equipment. A grass surface is recommended. • Ask for proof that the equipment was inspected by the contractor. 	<ul style="list-style-type: none"> • Limit the age and size of users in general. Children three years old and younger should not be permitted to enter. • The contractor providing the equipment must provide safety information which should be given to the adults supervising the activity. • Be consistent in terms of age and size for groups using the equipment so older children are not using it along with younger children. • Ask for a trained operator to supervise the equipment. If no operator is available, make sure the company properly informs your supervisors how to monitor use of the equipment. • Limit the number of children who will be using it at one time. • Inspect the equipment and tie-downs before and several times during the use. • Watch the weather report for incoming storms, and close the activity at the first sign of inclement weather or winds. 	<ul style="list-style-type: none"> • The contractor should provide a certificate of insurance verifying commercial general liability insurance, with limits of at least \$1,000,000 each occurrence and \$2,000,000 in the aggregate, with your institution as an additional insured. Higher limits may be in order depending on the size of the event. • If the contractor is providing an agreement, make sure your institution is not assuming any liability, or agreeing to provide insurance. The contractor should be indemnifying your institution and providing coverage as explained above.

Consider the Risk of 15-Passenger Vans

By: **Andrew Graham, ARM**, Vice President, Wright Specialty Insurance

Fifteen-passenger vans are used for many different reasons in the educational environment including athletic teams, field trips, maintenance runs, overnight trips and other activities. Federal law prohibits the **sale** of 15-passenger vans for the transportation of high school age and younger students. Most states prohibit the **use** of these vans with this group, however, there is no stipulation regarding their use with college age students. We do not recommend using 15-passenger vans for students of any age, whether in college or younger.

CONCERNS YOU SHOULD KNOW ABOUT

On April 12, 2013, following numerous fatal crashes over recent years, the National Highway Transportation Safety Administration (NHTSA) issued its latest warning about the dangers presented by 15-passenger vans in a series of seasonal advisories which began in 2001. The primary issue surrounding this topic is the stability of the van and how that changes under various conditions. The research focused on the center of gravity affecting the potential to rollover.

In 2004, NHTSA completed research showing that 15-passenger vans have a rollover risk that increases dramatically as the number of occupants in the vehicle increases. In fact, the rollover risk is estimated to be five times higher when the van is full as opposed to when the driver is the sole occupant. Besides the number of occupants, the following factors greatly affect the likelihood of an accident:

- Improper tire pressure
- Incorrect tire size
- Tire wear
- Van suspension system
- Location of occupants OR equipment within the van
- Roof storage
- Driver experience
- Environmental conditions – visibility and road conditions

REDUCING YOUR RISK

The following are steps that can be taken to reduce the risk of incident:

The driver should:

- Have at least five years of driving experience with a clean motor vehicle report.
- Have experience driving the same type or similar vehicle. Have the driver pass a road test in the van.



- Drive at or below the speed limit especially as road conditions deteriorate.
- Drive defensively and do not tailgate. Research shows that making evasive maneuvers greatly increases the likelihood of rollover.
- As with driving any other vehicle, limit the number of hours of driving and monitor for fatigue.

How to handle passengers, equipment and luggage:

- Limit the number of passengers to 10, and seat them toward the front.
- Keep passengers and luggage/equipment away from the rear of the vehicle. Any weight toward the back of the vehicle reduces the stability by moving the center of gravity closer to the back.
- Limit roof storage. Added weight above the vehicle also reduces stability by raising the center of gravity.
- Ensure that all passengers are seated and wearing seat belts.

Maintaining the vehicle:

- Properly inflate tires to manufacturer specifications.
- Use the correct-sized tires that are in good condition with good tread wear.
- Repair any damage or wear to the suspension system.
- Complete a pre-trip inspection and repair deficiencies before use.
- Block off the rear seats to prevent their use for passengers or for storage.

YOUR BEST COURSE OF ACTION

Recent evidence indicates that 15-passenger vans have a higher propensity to rollover under certain conditions than school buses or mini-buses. Buses are manufactured to meet federal safety standards for transporting school-aged children. The first priority for all is the safety of the students and staff. Vans are beginning to be manufactured to meet these standards, but there are very few at this point. The best step is to prohibit 15-passenger van use or purchase vehicles that meet safety standards. In the interim, as many institutions are phasing out the use of 15-passenger vans, follow the steps listed above to greatly reduce the chance of an accident.

Please refer to the National Highway Transportation Safety Administration website for additional information pertaining to 15 passenger vans and school bus safety.
<http://www.nhtsa.dot.gov/>



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