

At Issue

A RISK MANAGEMENT NEWSLETTER FOR
ELEMENTARY AND SECONDARY SCHOOLS



Gymnasium Safety

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Each year, many people are injured in gymnasiums around the United States. Injuries include everything from bone fractures to soft tissue injuries such as sprains and strains. Those injured include students, school staff, visitors, spectators and outside groups who use your facilities. This article is designed to provide information to our insureds to help prevent accidents that result in injuries as well as conditions that could lead to legal liability claims. The article is divided into four parts: Equipment safety and maintenance; physical education classes; interscholastic competitions; and facility use by outside groups.

EQUIPMENT SAFETY AND MAINTENANCE

Good equipment maintenance contributes to a safe environment. Schools should inspect gym-related equipment prior to it being used. In K–12 schools, this is often done by physical education teachers and facility maintenance staff. Examples of equipment that should be inspected regularly include:

Gym floor – make sure that the floor is clean and dry and that there are no raised areas on the floor or walls. Where appropriate, ensure the walls have sufficient padding, and include floor padding for climbing walls and ropes;

Ropes – make sure that ropes are not frayed and inaccessible when not being used;

Bleachers – ensure that bleachers are in good condition and locked into place (Wright Specialty Insurance recently received notice of a potential serious loss in which a spectator watching basketball practice was injured after falling about 18 inches due to bleacher steps not being pulled out completely and locked into place);

Basketball backboard retention straps – ensure that the straps are not worn or frayed (it is recommended that all retractable backboards have these “safety straps” — they can prevent a backboard from falling to the floor should a cable fray or fail;

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Weight room – post rules for the weight room and be sure that there is adequate spacing between stations – it is recommended that a teacher or coach is present when students are using the weight room;

First aid kits/AEDs – make sure that a first aid kit is nearby, along with an AED (elderly visitors have been known to need the AED). If any equipment is in need of repairs, don't use it and place a work order request to start the repair process.

PHYSICAL EDUCATION CLASSES

Ensure a good teacher/faculty to student ratio. This is especially important for younger children because their motor skills are not as developed as well as for older children (some schools have more than one teacher/faculty member in the gym — this is usually dependent on the activity being performed).

Review the P.E. curriculum from time to time to ensure that activities being performed are age appropriate for the participants. Ensure that exits are clearly marked, illuminated and clear of obstructions. All exit doors should be equipped with panic hardware, and exit doors should swing in the direction of exit travel for safe, efficient emergency egress.

INTERSCHOLASTIC COMPETITIONS

Competitions such as volleyball games, basketball games and wrestling matches can pose challenges. All gyms should have the maximum occupancy capacity posted prominently in several locations (the local fire authority can be called on to assist in determining what the capacity is — this is also usually a fire/building code requirement). Bleachers should be fully extended and locked into place. For events that attract larger audiences, more school staff may be required for crowd management. Consider employing extra security or off duty law enforcement personnel for rivalry competitions and larger events. Alcohol should be prohibited at K–12 events. Discourage loitering in hallways when events are not in progress. Also, consider requiring that the gym be vacated fairly soon after the event concludes (usually 30 to 45 minutes).

FACILITY USE BY OUTSIDE GROUPS

Many schools allow the community to use their facilities. When doing so, and prior to use, a standard facilities use agreement should be in place with coverage(s), additional insured language and limits of liability specifications. The agreement should also have hold harmless language for incidents/injuries that occur through no fault of the school or any employees of the school.



OTHER

Electrical panels should be labeled as such, and unobstructed access is required (36-inch clearance is required). Locker rooms should be clean and free of obvious hazards. When showers are completed, shower areas and floors should be mopped dry. Physical education teachers and coaches should be trained in concussion management awareness and procedures/protocols to follow when a concussion is suspected or occurs. Some gyms, usually in elementary schools, also serve as a small theater. If this is the case and curtains are present, ensure that the curtains are made of flame retardant material. Also, make sure that no flame generating candles are used.

Wright Specialty Insurance offers several good information sources. Click on the link to enter the portal and register. <http://www.wrightspecialty.com/brokers-and-agents.html>

Developing a School Motor Vehicle Safety Program?

INCLUDE THESE FIVE CRITICAL COMPONENTS.

K-12 schools own, lease and hire a large and diverse number of motor vehicles. They also contract with transportation companies for day-to-day student transportation, and coach buses for student travel. The experience level of drivers is as varied as the vehicles they drive, from experienced, certified school bus drivers to newly hired staff. A carefully designed motor vehicle (or fleet) safety program will reduce the number of motor vehicle accidents. Understanding your school district's accident experience, identifying loss trends and recognizing hazards resulting from driver behavior, vehicle types and external environmental factors will aid in developing workable loss reduction solutions.

HOW BIG IS THE MOTOR VEHICLE LOSS EXPOSURE?

At Wright Specialty, claims reported under an automobile policy lead all lines of business by loss frequency, and rank second by loss severity (paid and reserves claims and claim expenses). The leading loss causes within the automobile line are: struck parked vehicle, struck fixed object and accidents resulting from side impacts, such as "T-bone" impacts, left turn collisions or lane changes.

CRITICAL COMPONENTS OF A MOTOR VEHICLE SAFETY PROGRAM

Each school district presents a different type of risk profile. Rural schools rack up more miles on their vehicles since they cover larger geographic areas. Urban or suburban clients contend with more traffic and congested roads. Older fleets may lack new technology and need greater attention, but drivers are typically more familiar with these vehicles and operate them with greater confidence. Additionally, motor vehicle safety programs are also different — from formal programs that are updated and used in day-to-day operations to programs consisting of informal practices and procedures that are verbally communicated to staff and customarily followed. Regardless of your type of program, all entities will benefit from incorporating the following components into their safety program.

1. Driver Selection – Who Gets to Drive?

With some drivers, such as school bus operators or employees operating large trucks



or truck/trailer combinations, driver selection is predetermined to a large degree by regulation. These drivers probably need commercial driver's licenses (CDL) with a special endorsement. Some states tack on additional requirements for operators of school buses transporting school-age children.

For other employees, driver selection is far less regulated. Besides verifying license information, checking motor vehicle records against established guidelines, and conducting background checks, it pays to establish a set of required skills (driving and nondriving) for each position when evaluating applicants, considering reassignments or performing employee performance reviews. For example, buildings and grounds staff may need to load and unload pick-ups trucks; larger vehicles require an operator with specific skills and experience. Some trucks are equipped with mounted equipment, such as overhead buckets. Other vehicles are used for snow plowing.

Sample MVR Driver Acceptability Guidelines can be obtained by contacting Amy Kielb at akielb@wrightinsurance.com and requesting a copy.

2. Driver Skill Assessment – Are They Driving Safely?

The purpose of driver skill assessments is to identify drivers who present a high accident risk and may require training, reassignment or disciplinary action.

In addition to accident and violation history, devices in vehicles now provide the ability to identify drivers who frequently speed, deviate from planned routes, over idle their vehicles and commit other infractions. However, the best test of driving skill is to put the applicant or employee in a vehicle and evaluate their driving over a prescribed course.

3. Driver Training – Does It Cover Your Vehicles and Operations?

Staff training should address the safe operation of the vehicles used by staff. Simply stated, training needs to cover what your drivers need to know to do their jobs safely and effectively. For example, training for school bus drivers will be much different than training for buildings and grounds staff, and employees operating vehicles during hazardous weather need information and training that emphasizes defensive measures for driving in ice and snow. If drivers are operating vehicles with new equipment or technology, training is necessary before they are put on the road.

Regardless, all driver training needs to emphasize defensive driving and it should cover the perils associated with distracted driving. Two of the leading loss causes mentioned previously — striking parked cars and fixed objects — are typically the result of distracted operation.

4. Safety Rewards and Incentives – Recognizing Safe Operations

Employees respond favorably to positive reinforcement. Creating a safe driver award program is a way to recognize employees who meet specific criteria, such as an accident-free or violation-free record or completing a number of safety courses.

5. Driver Use Policies – Driving Restrictions

Generally, anyone (such as an employee operating a school vehicle with permission) is covered for liability claims under the school's automobile policy. The actions of the permissive user can be imputed to the vehicle-owner. Given these principles, schools need to establish policies that address how their vehicles can be used by staff. Establishing a policy — that outlines who can operate vehicles and how, what activities are prohibited, accident reporting requirements and after-hour vehicle operations — can provide essential guidance to staff.

Portions of this article were taken from Four Key Components to Reducing Fleet Risk by Phillip E. Russo, CAE. It was published in the January 2017 edition of Public Risk, published by the Public Risk Management Association (PRIMA). We thank PRIMA for the use of their material.



Recreation Update

Wright Specialty insureds in the south and western parts of the country are just a few weeks away from warm weather that is sufficient for outdoor activities. Others still have a way to go. Regardless of where you are reading this newsletter, it's a good time to consider some activities and sports that present different kinds of risk.

BUBBLE SOCCER

If wrapping yourself in a 25 lb. plastic bubble (covering your body down to your thighs) and playing a modified version of soccer appeals to you — you will love bubble soccer. This relatively new game is becoming very popular, and there are indoor sports arenas around the country that offer playing opportunities either through established leagues, pick-up games, or as part of a private facility rental. The game is played on grass fields or indoor courts — and collisions are encouraged. Schools offer it as a camp activity, or part of a class or school event.

Games start with a kickoff and are relatively short — five to seven minute periods usually with teams of five to eight players. Rules typically prohibit playing a ball from the ground, making contact with a player who is down and aggressive contact off the ball.

Since the game is relatively new — injury statistics are hard to find. Battle Balls and the U.S. Bubble Soccer Association (USBSA) contend the risk of injury per 1,000 is less than other accepted sports such as soccer, basketball and football. Typical injuries include twisted ankles, knee sprains and leg bruises from landing on a wood floor. Research into claims related to bubble soccer and a review of our loss experience shows head injury claims from either player-to-player collisions, or falls to the surface.

Risk control recommendations include:

1. Before you sign — have counsel review any contract presented by a vendor. Most vendor-generated contracts contain language in the vendor's favor. Ask for proof of liability insurance and get additional insured status, if possible.
2. Use equipment manufactured and designed by a reputable company. Look for evidence that the equipment has been tested for strength and durability.
3. Make sure the equipment is properly inflated and properly maintained.
4. Avoid player "mismatching" — competition between adults and children, for example,



where there are substantial differences in size and ability.

5. Equipment must be properly fitted. Bubble balls come in different sizes. Ask the manufacturer or vendor how to fit the equipment given the age and size of the players.
6. Athletic shoes that are suitable for the playing surface, such as indoors on a gymnasium-type floor or on grass are in order. Sandals and flip-flops should not be used, and jewelry needs to be removed.
7. Make certain that the field or court is free from obstructions; bubble balls are made of PVC and can be damaged by sharp objects.
8. Provide instruction. Explain how the game is played, go over the rules — including what will result in a penalty or rejection, emphasize how to play the game safely and point out the dangers.
9. Get waivers and releases where applicable. Although their effectiveness is debated (depending on the law in your state), they should be obtained for camp programs and off-site trips.
10. Supervise to make sure rules are followed.

INFLATABLE EQUIPMENT

Severe accidents arising from use of inflatable equipment, such as bounce houses, often result from high wind conditions, which cause the equipment to topple over. Check with the rental firm for the maximum safe wind speed for the inflatable device you are using — most have a



maximum rating of 15 miles per hour (mph). Wind speeds above this rating require use of the device to be discontinued. As a point of reference — when tree tops begin to sway — wind speeds are around 15 mph. Bounce equipment should come with a label containing safety information about set-up and assembly.

We discussed safe operation of inflatable equipment in past publications. Here are ideas to consider:

- Select a reputable and properly insured vendor and get a certificate of insurance endorsing your school in accordance with your Risk Transfer Program. We recommend liability limits of at least \$1,000,000 each occurrence and \$2,000,000 in the aggregate. Your institution must be an additional insured. **DO NOT SIGN A CONTRACT PRESENTED BY THE RENTAL COMPANY WITHOUT FIRST CONSULTING WITH YOUR ATTORNEY.**
 - If an outside camp or facility user is using inflatable equipment on your facilities, make sure they have coverage for this activity in their liability policy. The rental firm should review safe operating rules during delivery and set-up. They will generally require someone to sign off on the receipt of these rules. If something is not clear — **ASK QUESTIONS!** Ask about the maximum number of participants, age restrictions and emergency procedures also. **DO NOT ALLOW A DEVICE TO BE OVERCROWDED!**
- Safety rules typically prohibit against:
- Food, drinks, gum and pets on the equipment.
 - Climbing on the sides of the equipment, diving and somersaults.
 - Eyeglasses, hairclips, jewelry and other sharp objects.
 - The rental firm supplying the inflatable must do the set-up. They must secure the inflatable according to the manufacturer's recommendations for the individual equipment.
 - Inspect the inflatable and tie-downs before and several times during use. If the tie-downs become loose, the rental firm must be contacted immediately and use discontinued. When inflated, watch for sagging, rips or holes in the material.
 - **SUPERVISION IS KEY!** There must be at least one person supervising students in inflatables at all times. Participants must follow rules or be removed from the device.
 - Ground Fault Circuit Interrupters must be used with outdoor extension cords. Try to locate electrical cords away from walkways to reduce the potential for a trip and fall.
 - If the equipment is being operated in a field away from your buildings, have radios or cell phones available to summon assistance should an emergency occur.

...AND A WORD ABOUT INDOOR SOCCER

This is a peak time of the year for indoor soccer events. Schools are often asked by local youth soccer clubs and/or leagues to host indoor soccer tournaments. Indoor soccer is played differently than conventional outdoor soccer. The games are played in a gymnasium within the boundaries of a standard basketball court. Because of the smaller-sized playing field, different rules are adopted. Instead of 11 players, most indoor soccer teams field a goalie and four or five other players. Games are usually 20 minutes in length with no intermission, and substitutions are done "on the fly."

Along with the obvious advantages, sponsorships carry challenges as well. Allowing any group on an entity's property to play sports increases the overall liability exposure. As the owner, the school has the obligation to provide safe facilities for athletes, referees, coaches and spectators. Therefore, an inspection of the gymnasium — including the gymnasium floor, padding, ceiling and bleachers — before the tournament is in order. Make sure that lights, clocks, scoreboards and other glass or fragile objects are covered and protected. Goal posts must be anchored and secured so that they do not move when hit. Players should wear kneepads and indoor soccer shoes or sneakers to protect the gym floor.

Indoor tournaments are played on weekends, and many are held over the Presidents Day weekend. Therefore, expect large crowds on your property. Check restrooms, cafeterias, entranceways, parking lots and hallways. Security personnel may be needed during the tournament as well.

Educational institutions can further reduce their liability exposures by securing insurance certificates from the team or league sponsoring the tournament. Evidence of Commercial General Liability with limits of \$1,000,000 each occurrence and \$2,000,000 aggregate are recommended. If a large tournament is scheduled, proof of an excess policy with limits of at least \$3,000,000 is in order. Soccer organizations are usually insured through programs designed to issue insurance certificates to sponsoring school districts. The school must be listed as an additional insured. Engage your insurance agent when establishing insurance requirements for outside groups.



Questions & Answers

At Issue will now include a Q & A section with questions (and answers) frequently asked by our insureds. Need an answer to a question? Send it to your insurance representative, and we will address it once it is received.

Q: How do we develop a Social Media Policy?

A: Social media can be an effective communication tool, and function as a direct link between and among staff, educators, students and parents. We would recommend a school should look at what currently do staff, educators, students and parents know about social media. Who is using it, what they are using and what they are using it for?

Next, you should ask, what do we want to use social media for in this school setting? Some avenues could be one or more of the following:

- Better communications
- Class assignments
- Class discussions
- Reaching out to parents
- Keeping students interested and informed
- Availability of free materials can be offered
- Teachers have another venue to learn more about the subjects they teach
- Other

The next step is to get together (form a team) with a representative sample of educators and students, including those who use and haven't used social media before. Having IT and school counsel present is also recommended.

Establishing a time frame and a goal would be part of the results of meeting to discuss the social media project.

You can post minutes of the meeting(s) and notes on a webpage, too, to help facilitate the process.

We recommend that you ensure that the overall process is transparent as much as possible.

Look at policies that are currently in place that cover responsible use of social media.

Look at guidelines and policies that other schools have.

After gathering the information you need, draft a social media policy document.

Next, post it online for the school community to comment.

If desired, informational meeting(s) can be held.

Next, have the team and administration sign off on the policy/guidelines.

You may want to have each team member talk to a specific group about the policy/guidelines as a warm-up to its implementation.

In general, the social media policy/guidelines should be a dynamic, living document. This is because the school culture can change, so revisiting the policy/guidelines on a regular basis (at least annually) is important, too.

Q: What are some of the most common Life Safety deficiencies found in schools?

A: I commonly see the following:

- Exit lights burned out or not working properly.
- Non-standard EXIT signs.
- Exit doors partially or fully obstructed with furniture such as chairs, tables, etc. in hallways and in rooms.
- Hallways partially obstructed with furniture and other items (hallways should be kept free and clear with a 6 foot width all along the entire length.)
- Capacity signs missing at auditoriums, theaters and other large capacity room venues.
- AEDs partially or fully obstructed by gym equipment or furniture.
- Evacuation & Shelter Maps (for fire evacuation and severe storm shelter)
 - Misplaced
 - Not present
 - In wrong location
 - Covered up
 - Writing too small
 - Unclear directions and/or incorrect orientation
 - Too cluttered with other information
 - Name of map missing
 - Route lines missing
 - Location of observer missing

Maps should be kept up-to-date, especially if additions or remodeling changes routes.

- Incorrect Tornado Refuge areas designated.
- Interior classroom doors covered with paper and indistinguishable from wall.
- Items stored on the steps of stairwells or obstructing the egress path in stairwells.
- Fire alert strobe lights partially or fully obstructed.
- Fire pull alarms partially or fully obstructed.
- Emergency lighting not operating properly, nonexistent or partially or fully obstructed.
- Hallway locker doors partially or fully open creating an obstacle path.
- Exit doors locked or chained when the building is occupied.



News&Views

Employee or Volunteer? What's the status of employees, when they volunteer their time for the employer? Read an interesting analysis at the Nonprofit Risk Management Center — <https://www.nonprofitrisk.org/resources/articles/employee-or-volunteer-whats-the-difference/>

Will Governmental Enforcement Change With the Trump Administration?

Most likely, according to a publication issued by Jackson Lewis. While enforcement measures under some federal agencies have become more aggressive in the last few years, we can expect a reversal under the new administration.

<http://www.jacksonlewis.com/publication/workplace-law-under-president-elect-donald-trump-what-expect>



Inflatable Amusement Injuries According to the U.S. Consumer Product Safety Commission, there was a statistically significant increasing linear trend of yearly estimates for emergency department-treated injuries associated with inflatable amusements from 2003 to 2013.

https://www.cpsc.gov/s3fs-public/Inflatable_Amusements_Deaths_and_Injuries_2015.pdf

Controversial New Trend? Harvard University adopted a new policy prohibiting students who are members of an off-campus single-sex social organization from potentially holding leadership positions in the University. It also makes these same students ineligible for college endorsement for some fellowships.

"Harvard Seeking to Eliminate Single-Sex Fraternities and Sororities?" *Collegiate Comment*, a news publication of King Spry Freund and Faul, LLC, December 2016.

ResourceCenter

Training or information about today's risk management-related subjects can be found in the Wright Specialty E-Learning or Title IX Learning Centers online.

Wright Specialty is host to a number of online risk management resources. Take advantage of the free safety education courses available on Wright's 24/7 web-based training center. Visit our Title IX Resource Center to keep up with changing developments or browse our seasonal Risk Alerts to stay up-to-date on school-based risk management and safety issues. With years of experience insuring school risks, Wright Specialty Insurance provides valuable guidance for school administrators to help reduce injuries to students, staff and visitors, and to prevent damage to property. You can access our national Employment Liability Hotline for help with every day employment-related issues. The Hotline is available Monday - Friday from 8:30 a.m. to 6:00 p.m. eastern time. Call 866-758-6874.

For easy registration for our e-Training Center and for access to the Resource Center, contact Erica Gotay, your Wright Specialty representative, to receive your access code at: 516-750-3902 or EGOTAY@wrightinsurance.com



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