CTE SAFETY AND LIABILITY ISSUES

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Washington Schools Risk Management Pool
Goals for Today

Develop tools to limit student injuries

Reinforce duties and standards

Review liability pitfalls

Encourage inter-department coordination

Work defensively
Why Should We Be Concerned About Student Safety?

Expectations of parents

Expectations in the workplace

Financial, emotional and physical costs of student injuries

Reputation risk, moral risk and morale risk

Fines and citations
Industry and School Standards

Do I need that guard?

Industry standards are the *minimum*

Enforcement of standards

Labor and Industries, Fire Marshal, Health Department

Is the activity reasonable?
Instructor’s Duties and Obligations

Strictly enforce safety rules

Maintain equipment and premises

Insist on use of Personal Protective Equipment (PPE)

Provide safety and skill tests

Conduct emergency preparation, coordination and care
Related Areas Of Concern

Special Education and proper placement

Theater Production Shops

Harassment, discrimination, bullying

Mandatory Reporting Rules

Health Department and Labor and Industry Enforcement

School-to-Work Sites
Legal Liability Basics

A Tort is a legal wrong

If proven, then liability is assigned to person(s) or entities fully or as percentage of negligence

Joint and Several Liability

Personal Liability vs. School District Liability

Negligent Acts, Intentional Acts and Criminal Acts
Four Elements of Negligence

Duty Owed - protect students from unreasonable risk

Breach of Duty - failure to meet the standard of care

Damages - injuries and/or property damage

Proximate Cause - breach of duty causes injury or damage
Reasonable Person and Forseeability Rules

“The failure to act as a reasonable and prudent individual would under the particular circumstances”.

Would a jury consider your acts “Reasonable”?

Were the circumstances “Forseeable”?
Types Of Damage Awards

General Damages
- Pain and Suffering
- Loss of Consortium

Special Damages
- Loss of Income
- Loss of Property
- Medical Expenses

Punitive Damages
- Punishment
- Not Insurable
Claims and Litigation Processes

Report all injuries

Refer media and attorney contacts to your administrator or department head

Secure all records and machinery

Notify administration immediately of all suit papers

Maintain confidentiality

Cooperate with insurance carrier and defense counsel
Liability Exposures

Negligent supervision

Premises liability

Failure to keep machinery up to standards

Product liability

Failure to train

Failure to provide emergency care
Known and Unknown Hazards

Did we know, or should we have known?

Is repair after an accident an admission of fault?
Known Hazard
Avoiding Supervision Exposures

Supervise - if you can’t see them, you’re not supervising them

Require Vocationally Certified Teachers for High School CTE Classes

Require Certified Substitute Teachers or no use of machines

Clearly define supervision responsibilities in Work Site Training Agreement

Control unsupervised access to student workers
Place fingers here ↓
Premises Liability

School District Facilities
   Must meet Department of Safety and Health standards
   Maintenance/housekeeping

Work Site Facilities
   Business owner’s liability insurance
   School-to-Work Inspection Checklist
Theater Shop: Blocked Stage Exit Doors
General Housekeeping

If you are not using it, get rid of it

Emergency evacuation routes
  Smoke, darkness and panic

Clutter control

Is your material safely stored?

Can everyone find the fire extinguisher and first aid kit?

Do you know what you have?
  Old machinery
  Chemicals
  Flammable materials
Risk Management Nightmares
Storage Issues?
Get Rid of It
Product Liability

Require customers of auto classes or purchasers of any products built for sale to sign hold harmless agreements acknowledging “AS IS/NO WARRANTY IMPLIED”

Ensure premises security of vehicles while under repair by auto shop students
Are Your Machines Maintained? Can You Prove It?

Just doing it is not enough
  Must be documented

Donated Equipment
  Unknown maintenance history and defects
  Do not sign hold harmless and indemnity agreement for donor

Regular Inspections
  Daily, weekly, monthly, yearly
Donated Equipment

Be certain of your employer’s policy

*Do not sign anything* for the donator without having the forms reviewed and approved

District may be responsible for injuries due to product defect once it is put into use
Student Injuries

Common Sources of Injuries
- Improper machine maintenance
- Horseplay/supervision
- Inadequate training
- Housekeeping
- Sometimes, stuff just happens

Severity versus Frequency

Blood Born Pathogens
Know Your Students

Behavior issues

Learning issues

Proper placement of Special Education students

Coordination with other departments
  School Nurse
  Special Education
  Front Office
**Emergency Medical Care**

Render emergency First Aid

*Call 911 if there is any doubt*

Do not allow a student to make medical decisions

Do not allow a student to transport the injured student
Post-Accident Actions

Complete Incident Report
  Document facts not feelings
  Report in timely fashion

Parent contact

Secure the equipment and project for investigation

Gather student tests and safety checks
Summary

Provide proper supervision
Hire Certified Vocation Teachers
Post and strictly enforce all safety rules and warnings
Do not allow machine use if substitute is not certified
Require 100% on all safety tests
Require skill tests
Maintain all equipment
Use adequate guarding and protective equipment
Adhere to good housekeeping standards

When in doubt CALL 911

Document your work!
Contact Information:

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THANK YOU