

## It Was the Best of Times

It was the best of times, it was the worst of times...Charles Dickens wrote in a Tale of Two Cities. It appears the latter phrase is what Colorado public schools are facing trying to juggle monies, personnel and in many cases declining enrollment.

The Pool strives to continue down the path of its mission statement, "As a member-owned insurance pool, we will be a superior provider of insurance coverages and risk management resources for our Members." We closely monitor the Pool's investment to ensure the Pool's financial stability. In a special January board meeting our investment managers played a role in making minor revisions to our investment policy and provided an opportunity for our board and staff to ask questions on a one-on-one basis. More over, we have endeavored to understand the financial implications you are facing now and in the future regarding budgeting and staffing issues.

The Pool continues to offer training, at no cost to you. In 2009 we have scheduled to offer to you crisis management including ICS/NIMS training in accordance with SB 181 which requires all key essential personnel to be certified, Board and Administration Communication training, Employment Practices Liability (RIF exposures) and Facility Safety training. We are in the process of reviewing our coverage document to ensure we are providing you with the most comprehensive insurance coverages available. In addition, there are a number of ancillary products that are being researched for additional programs to offer to you.

It is our commitment to you, our Members, that we continue to provide the service that has set us apart from others. It has been a challenge for us since December 19, 2008 to continue this service as our building renovation hit a number of snags and we have been "homeless". However, when talking with many Members they do not realize we have been working out of our homes. We hope to be in our new building at the end of March.

So as we look forward to 2009 it is definitely a year of challenges, but with each challenge comes a new opportunity. We look forward to working with you and providing you with the same great service you have come to expect. We ask for and appreciate your input and guidance as we develop the coverage and service required by your school district.

As you continue down your path of challenge, if we can be of service to you, please do not hesitate to call us with suggestions of how we can better serve you and training opportunities.

*From the Executive Director, Cheryle Mangels*

Do you have a question you would like answered or a topic you would like us to address in a future issue? We'd like to hear about it! Contact us via the information at right.

## March 2009

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### Colorado School Districts Self Insurance Pool

**303-722-2600** OFFICE  
800-332-3556 TOLL-FREE  
303-722-7888 FAX  
6857 S. Spruce Street  
Centennial, CO 80112

[www.csdsip.net](http://www.csdsip.net)

## **CSDSIP Construction Update**

After many unanticipated permit and construction delays, the remodel of the office space to permanently house CSDSIP's operations is still underway. The general contractor has informed us that they are now targeting the week of March 16th to complete the project. We are eagerly looking forward to moving into our new home.

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## **2009 Renewal Season**

Can you believe it is already time for renewal season? That's right. By now you should have received your 2009-2010 renewal packet which includes a renewal application and Property & Vehicle Schedules. Your renewal packet may also include certificates and endorsements unique to your policy. Don't forget that if you have any questions as you are working through the packet or if you would like someone to come out and go over it with you, please contact our Risk Programs Department. We are here to help you.

We know that this is a difficult time for many districts and some are looking at budget cuts. You may be looking at cost saving measures including insurance and risk management service. If you or your Board has decided to look at alternatives, we ask that you let us know. We can assist you with making sure that the quotes that you receive are equivalent to the coverages and services that we provide. That way you and your Board can compare apples to apples, not an apple to an orange. We can also look at other cost saving measures within our own proposal such as increasing deductibles for various lines of business.

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## **NEW FMLA POSTER AVAILABLE**

The Federal government has promulgated a new FMLA poster, which is required to be posted by all employers. This new poster replaces the old 1993 poster.

This poster is available for free, with all other required posters, at the CSDSIP website. The link is: <http://www.cdsip.net/risk-control/requiredposters.html>

Unlike the poster vendors, we do not include posters that school districts are not required to post, such as the OSHA and polygraph posters. And since all our posters are free, from the original government sources, we can save you money and help you avoid pesky questions about regulations that schools are not required to follow.

Kudos go to Lynda Ruggeberg with Eagle County School District who was the first one to turn in her completed Renewal Packet! She had her packet completed in just a little over 24 hours! Good job!

## Public Schools Move Up to Newer Building Standards

The Public Schools Section of the Colorado Department of Labor and Employment, Division of Oil and Public Safety has issued new regulations regarding standards for construction of public schools.

The new regulations are posted on their website at

<http://oil.cdle.state.co.us/Public%20Safety/Schools/Regulations/New%20Regs%20072408.pdf>

In 2008 public schools in Colorado were under the International Code Council (ICC) 2003 standards.

The new regulation went into effect on January 1, 2009. All public schools in Colorado fall under the new ICC 2006 standards.

Schools under construction with building permits issued before January 1, 2009 will continue to be under the 2003 standard, even if construction continues into 2009.

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## Swimming Pool Maintenance and Operation



Some school districts insured by the Pool do have pools of their own. We insure 20 swimming pools in school districts around the state. Swimming pools must be properly maintained according to state regulations, and should be properly operated to prevent accidental drowning or other incidents.

### Maintenance

Districts having swimming pools recently had to retrofit their pools with new drain covers to meet the new Virginia Graeme Baker Pool and Spa Safety Act, passed by Congress in 2008 and requiring the new retrofits by January 2009.

The Pool helped districts with pools comply with this new regulation by sending them information on compliance.

Swimming pools are regulated by the Colorado Department of Public Health and Environment under the 5CCR1003-5 "Swimming Pools and Mineral Baths" regulation.

These regulations cover pool design, sanitation, disease control, water quality, and other issues. The regulations require a certified Pool Operator be in charge of every public pool in Colorado, which includes pools operated by school districts.

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Visit  
[www.APSP.org/VGB](http://www.APSP.org/VGB) for  
the latest compliance  
information regarding  
swimming pools.

**Colorado School Districts  
Self Insurance Pool**

## Swimming Pool Maintenance And Operation

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### Operation

Operation of swimming pools is no longer regulated by the state, but the Pool recommends that all district-operated swimming pools have a certified lifeguard on duty whenever the pool is open. Swimming pools should also have the following safety equipment”

- Standard first aid kit
- Fully equipped backboard
- Non-telescopic reaching pole, 15 feet with shepherds crook
- Rescue tubes and ring buoys with 25 foot lines.

Swimming pools should also have NO DIVING signs for shallow areas, plus a sign with the pool hours, rules, and maximum number of swimmers permitted in the pool. Glassware should be prohibited in pool areas.

Please contact Risk Control for a self inspection form.

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## Kitchen Fire Suppression Systems

One of the items we always check on our surveys of school districts is the kitchen. Kitchens may require a hood fire suppression system for cooking hood and duct systems.

Whether the kitchen needs a hood fire suppression system depends on the type of hood that is installed. According to section 202 of the International Mechanical Code 2003, there are two types of kitchen hoods.

- A Type I kitchen hood collects and removes grease vapors and smoke.
- A Type II kitchen hood collects and removes steam, vapor, heat and odors.

To sum it up, “Grease is the word”. Type I kitchen hoods are designed to remove grease vapors and grease can cause fires. So, Type I kitchen hoods are required to have a hood fire suppression system to stop grease fires, according to the International Fire Code (Section 904.2.1).

### Kitchen Hood Fire Suppression Operation

Kitchen hood fire suppression systems have heat detectors to automatically turn on the system if a fire is detected. The fire suppression agent, usually a wet chemical, is discharged from a tank through nozzles mounted in the kitchen hood to put out the fire.

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## Kitchen Fire Suppression Systems

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Kitchen hood suppression systems are also required to have a manual activation device (see photo). This is often called the “Ansul Pull” after one of the manufacturers of kitchen hood fire suppression equipment. If the heat detectors don’t work, kitchen staff can pull the activation key and the system will put out the fire.

Colorado public schools are all regulated by the 2003 International Codes, and the 2003 International Fire code requires all kitchen hood fire suppression systems to be inspected at least every 6 months. Usually, your fire extinguisher contractor can also inspect your kitchen hood. Make sure they put an inspection tag on the Ansul pull after every inspection.

### Typical questions about Kitchen Hoods and Kitchen Hood Fire Suppression:

#### ***How do you know which type of kitchen hood you have?***

Typically, kitchen hood manufacturers are required to label their hoods as Type I or Type II. Some older hoods may not have the manufacturer’s tag on them, but a good rule of thumb is, if it has fire suppression installed, it is a Type I hood.

Small range hoods designed for residential-type kitchen ranges are Type II hoods.

#### ***We don’t cook greasy foods, do we still need to maintain and inspect our hood system?***

As long as you have a Type I Hood with a fire suppression system installed, you MUST continue to keep it clean, operational, maintained and inspected. The fire code does not go by what you’re cooking, it goes by the type of kitchen hood actually installed.

The only way to avoid this is to remove the entire hood and fire suppression system and replace it with a Type II kitchen hood that does not require a fire suppression system. If the kitchen hood is over any commercial kitchen appliance that is capable of cooking greasy foods, we would recommend against changing to a Type II hood.

#### ***Do we need Type I kitchen hoods with fire suppression in our Home Ec class? Our staff break room? Our concession stand?***

If you are using residential kitchen ranges with residential Type II kitchen hoods, and you are cooking occasionally in small amounts, you do not have to upgrade to a commercial Type I kitchen hood with fire suppression.

But, if you are cooking in “commercial amounts”, your residential-type setup may not meet code and you would have to upgrade. Your Home Ec room and teacher’s lounge are OK with Type II range hoods, but your concession stand may have to upgrade to a Type I kitchen hood with fire suppression, particularly if you have a grill.

## Kitchen Fire Suppression Systems

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### ***Don't forget to have Class K fire extinguishers in every kitchen***

Another way to keep your kitchen safe is to install Class K fire extinguishers. These are a relatively new type of fire extinguisher, designed specifically for kitchen fires. The International Fire Code requires all kitchens to have at least one Class K fire extinguisher, mounted within 30 feet of cooking surfaces and 3 to 4 feet above the floor (IFC 904.11.5)

Remember, "Grease is the word"...don't let a grease fire ruin your next sock hop. Make sure your kitchen hood fire suppression system is properly maintained and regularly inspected for proper use.

## ADA Accessible Surfaces in Playgrounds



The accessibility of new play areas (i.e. playgrounds) should be an important consideration when choosing play surfacing materials in new construction projects as well as remodeled ones. When choosing the surfacing material you will need to take into consideration the specific surfacing materials ability to comply with ADA needs.

According to studies, meeting ADA needs have often been a challenge. The surfacing material needs to provide a surface that is soft enough to limit injury from falls but that is also firm and stable enough for wheel-chair maneuvering. Accessibility for some must be safe for all.

Two main voluntary standards will be used in making this determination.

American Society for Testing and Materials (ASTM):

- For wheelchair access, surfaces would be required to be "firm, stable and slip resistant". This is defined in the Americans with Disability Act Accessibility Guidelines (ADAAG). Surfacing materials should meet the ASTM standard (F1951). This standard is based on a measurement of the physical effort to maneuver a wheelchair across a surface.
- The second standard for accessible surfaces within the use zone (the ground level area beneath and immediately adjacent to a play structure) would be the requirement to be "impact attenuating" in compliance with ASTM F 1292. This standard measures the surfaces ability to withstand critical head injuries.

When choosing an ADA accessible surfacing material the provider or manufacturer should be required to provide documentation stating their compliance with these voluntary standards.

## Need to File a Claim? Here's How:

It is 9:12 PM and you receive a call from your Maintenance Director that a vehicle decided to take a detour through your school. The road in front of him was obviously too narrow so he decided he would make his own through your school. Now what?

We just wanted to inform you that this should not scare you. The Claims Department at Colorado School Districts Self Insurance Pool is available to you 24 hours. You heard right, available anytime of the day or night.

There are many ways to contact our Claims Department.

First way is to call us at (303) 722-2600 or (800)332-3556. If it is after hours all you have to do is leave a message and it will page out immediately to us.

Another way is to fax to us your Incident Report Form to (303) 722-7888. We will receive the fax and start working on the claim immediately.

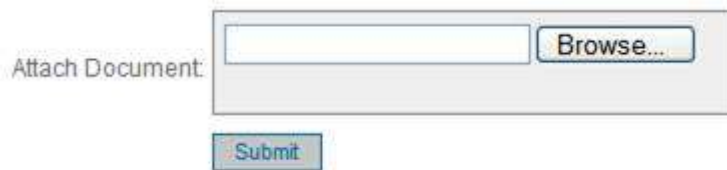
The third and most technological way to send in a claim: Go to our website and submit an Incident Report to us:



## Need to File a Claim? Here's How:

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We also added a new feature on our website. When submitting an Incident Report you can now add any documents that may be important for us to have regarding the claim. Here is what the new feature looks like:



Attach Document:

So when you get that call that a SUV is sitting inside the school lobby don't fear - the Claims Department at Colorado School Districts Self Insurance Pool is there to the rescue.

Mike Gurley – Claims Manager – mgurley@csdsip.net – ext 214

Mark Lauriha – Litigation Specialist – mark@csdsip.net – ext 224

Monica Herrera – Claims Representative – monica@csdsip.net – ext 220

Cecilia Olmos – Claims Representative – cecilia@csdsip.net – ext 218

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## DID YOU KNOW?

### ***CSDSIP employees are involved with organizations that expand experience and volunteerism in the education and pooling areas?***

Cheryle Mangels, Executive Director, has been elected as President of the Board for AGRIP (national Association of Government Risk Pools).

Steve Fast, Assistant Director, has been appointed to AGRIP – Professional Development Committee

Eric Jacobson, Manager of Risk Control, serves on the Board of Safe2Tell

Audrey Shon, Risk Programs Coordinator, has been elected to Vice President of Colorado PRIMA (Public Risk Managers Association)

## Reduction In Force – Navigating the Pitfalls

A Reduction In Force, or RIF as it is commonly referred to, involves the elimination of staff positions due to financial necessity, declining student enrollment, changes in an educational program, or simply other reasons unrelated to employee performance or conduct. A RIF must be done correctly or the school district may find itself saddled with legal issues that offset any cost savings. There are ways to navigate these legal pitfalls and limit the school district's exposure when reducing the workforce.

School districts should review board policies, collective bargaining agreements, employment contracts, and any other relevant documents before planning a RIF. School districts with CASB board policies should follow policies GCQA and GCQA-R "Reduction in Force", if their board has adopted these policies. Before moving forward with a RIF, consultation with school district counsel is advisable.

Colorado statutes specify that a "justifiable decrease in the number of teaching positions" is required before school districts can cancel teacher contracts. Even tenured ("nonprobationary") teachers can be "RIFed" if the district can document a "justifiable decrease" is necessary. Typically, positions are eliminated in the following order: temporary, probationary, then nonprobationary. In such a scenario, absent other factors such as those found in board policy or collective bargaining agreements, seniority is the determining factor and the last hired are the first to be let go. Any reduction in force must be planned for in advance. Do not assume that the reason is obvious. Use rational and objective criteria to determine which positions will be eliminated. Have documentation of your reasoning, which may include a budget shortfall and how much cost savings from a reduction in salaries will be realized by the RIF.

Do not forget about the school district employees who survive a RIF. There may be morale issues and insecurity about future employment. Valuable employees may leave if they think they are next to go. Honest communication about the school district's future plans can help improve morale and stop unplanned departures.

Finally, school districts should consider alternatives prior to initiating a RIF. Some viable options may include job sharing and temporary leaves of absence, subject to collective bargaining agreements and employment contracts.

**David L. Olson II, an attorney at Caplan and Earnest LLC, contributed to this article. He can be reached at (303) 443-8010 or [dolson@celaw.com](mailto:dolson@celaw.com).**

Is your District considering reducing its work force for budgetary reasons? If your answer is yes, you will want to attend our March 17 presentation at Pikes Peak BOCES in Colorado Springs to learn about legal implications and recommendations on how to make these tough decisions.

To find out more and to register, [click here](#) to visit the Event Calendar on our website.

**Meet the Board of Directors:****Chair:**

Dr. Randy Miller, Eaton School District RE-2

Ph: 970.454.3402      Email: [rmiller@Eaton.k12.co.us](mailto:rmiller@Eaton.k12.co.us)

**Vice-Chair:**

Phillip (Phil) Kersey, Cherry Creek School District #5

Ph: 720.554.4643      Email: [pkersey@mail.ccsd.k12.co.us](mailto:pkersey@mail.ccsd.k12.co.us)

**Secretary:**

Mike Page, Springfield School District RE-4

Ph: 719-523-6654      Email: [mike.page@springfield.k12.co.us](mailto:mike.page@springfield.k12.co.us)

**Treasurer:****Director:**

Carolyn Lueck, Pueblo School District #60

Ph: 719.549.7150      Email: [clueck@pueblo60.k12.co.us](mailto:clueck@pueblo60.k12.co.us)

**Director:**

Kristen Colonell, Sheridan School District #2

Ph: 720-833-6603      Email: [colonellk@sheridan.k12.co.us](mailto:colonellk@sheridan.k12.co.us)

**Director:**

Stephen Finley, Denver Public Schools #1

Ph: 720-423-3515      Email: [stephen\\_finley@dpsk12.org](mailto:stephen_finley@dpsk12.org)

**Director:**

Stephanie Watson, Windsor School District RE-4

Ph: 970.686.8015      Email: [swatson@windsor.k12.co.us](mailto:swatson@windsor.k12.co.us)

**Director:**

Kathy Morris, Durango School District 9-R

Ph: 970-247-5411      Email: [kmorris@durango.k12.co.us](mailto:kmorris@durango.k12.co.us)

**Director:**

Gena Ramey, Arickaree School District R-2

Ph: 970-383-2202      Email: [rameyg@arickaree.k12.co.us](mailto:rameyg@arickaree.k12.co.us)

**Check Out Our New Website!**

Go to [www.csdsip.net](http://www.csdsip.net) for the latest events and information! We have claim forms, claims and coverage information, risk control training and videotapes, and contact information all at your fingertips.

*Insight* is a publication of the Colorado School Districts Self Insurance Pool. Your comments and opinions are welcome and should be directed to Cheryle Mangels at 800-332-3556 or [cheryle@csdsip.net](mailto:cheryle@csdsip.net).

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[csdsip@csdsip.net](mailto:csdsip@csdsip.net)