

VOLUME 25
DECEMBER 2015

ASCIP Views

ALLIANCE OF SCHOOLS FOR COOPERATIVE INSURANCE PROGRAMS

WHAT'S NEW AT ASCIP?

- School Bus Operation Guidelines
- Student Transportation Guidelines
- Transport of a Student in an Emergency Guidelines

Go to www.ASCIP.org for all this and more!



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You Have Received A Litigation Hold Notice-Now What?

Following a loss or incident, a high percentage of plaintiff attorneys now issue a "litigation hold" demand requiring districts to preserve evidence that may be related to the loss. For example, if a student is injured when a chair breaks/collapses, his attorney may serve a "litigation hold" requiring preservation of the broken chair, the original Purchase Order and paid invoice that secured the purchase of the chair, along with any district communications indicating prior concerns about the quality of the chair, which could include emails from the instructor to an administrator and/or communications to the district's Purchasing Department, or to the manufacturer, etc.

When served with a litigation hold, districts must collect and preserve any and all information that may lead to discoverable information, including, but not limited to equipment, materials, emails, voicemail messages, text messages, letters, and memos. Districts are not required to "re-create" documents that no longer exist, but they are required to "preserve" all existing documents at the time the hold is issued.

This can be difficult if the hold applies

to information that spans numerous years, old records that have been sent to storage, involves multiple departments or various sites and may even span years of staffing changes. Issues include how best to inform employees of the requirements and how to collect and preserve the related materials/items.

was not produced by the district). The district argued the documents were located in various departments throughout the district, among different employees, unbeknownst to management. The court ruled that the district intentionally withheld the documents to avoid liability and instructed the jury to conclude the same.

In a recent wrongful death case, the judge issued drastic sanctions against a district after they failed to produce all pertinent documents

Failure to comply with a request for a litigation hold subjects a district to grave risks. There may be a presumption that information not turned over is being held back so as to "hide" evidence that is adverse to the district. In a recent wrongful death case, the judge issued drastic sanctions against a district after they failed to produce all pertinent documents (this was learned when a district document was produced by a non-defendant and that same document

To avoid this presumption, it is recommended that districts communicate the litigation hold request quickly to the various departments and staff affected, so that information or materials are not unknowingly destroyed. Districts are also advised to involve their Information Technology (IT) Department on how best to gather and preserve any requested electronic data (i.e. emails or voicemail). Also, immediately gather all related documents and materials to one central location, label it with the name of the case, the purpose for holding it and a date that item will finally be able to be destroyed, so that it is available for any pending litigation need. Discuss the "destroy" date with your defense team, but in general, the items can be destroyed three (3) years following the conclusion of the litigation, or if no litigation occurs, then upon the expira-

ASCIP Schools Honored

This is the time of year when many school districts and educational leaders are recognized for investing energy and time to change students' lives through their innovative solutions that inspire others. The Golden Bell award winners are honored at the CSBA conference, many of which are ASCIP members including: Tustin USD, Vallejo City USD, Fullerton Jt. UHSD, Palos Verdes Peninsula USD, Whittier City ESD, Montebello USD, Bonita USD, El Segundo USD, Laguna Beach USD, Claremont USD, Glendale USD, Latrobe SD, E. Whittier City SD, Whittier Union HSD, and El Monte Union HSD. To learn more about the Golden Bell awards and the 2015 winners, go to: <http://gb.csba.org/Default.aspx>

Last month, five of our ASCIP members were honored at the ACSA conference for making outstanding contributions toward education. Mays Kakish from Riverside USD was named "Business Services Administrator of the Year". Jessica Houpt from Covina-Valley USD was named "Pupil Personnel Administrator of the Year". And, Brian Markarian from Hawthorne SD

was named "Curriculum and Instruction Administrator of the Year". But the highest honor went to Marc Winger, Retired Superintendent of Newhall SD and currently serving as co-interim Superintendent at Glendale USD. Marc was awarded the Ferd. Kiesel Memorial Distinguished Service Award for being an education leader whose "efforts have greatly improved the lives of students in his district, his community and beyond", leaving a "legacy of improvement" and "visionary reforms" which will continue to impact the student of California. The 2nd highest award went to Ron Carruth, Superintendent of Whittier City SD. Ron was the recipient of the Marcus Foster Award for being a manager of change, fostering community outreach and a willingness to try new ideas that benefit students. For more information about the awards and recognitions at ACSA, go to: <http://www.acsa.org/News-Item-10.html#News-Item>

Congratulations to all of this year's nominees and winners and thank you for making a difference with our students!

If you are aware of a noteworthy event involving a member, please email Anderson@ascip.org

Winter Safety Tips

- ❖ About 5,800 people—two to three every hour—were treated in emergency rooms for fall-related injuries sustained while decorating
- ❖ Men were more likely than women to be injured (58% vs. 42%)
- ❖ Fractures were the most frequent holiday decorating-related injury (34%). Slightly more than half (51%) of the fractures were caused by falls from ladders.

For more Winter safety information and tips go to the CDC website:

<http://www.cdc.gov/>

Quote of the Day—

Life isn't about getting and having, it's about giving and being. — Kevin Kruse

Save the Date

Annual Members Meeting

Friday, March 4

As the winter season draws near, its time to prepare for the hazards this season brings—slippery surfaces, wet roads, strong winds, and cold weather. It is also a prime time for injuries from accidents, especially during the holiday decorating season, and illnesses such as colds, influenza and other respiratory infections. Following are some tips to keep you safe and in good health during the winter season.



Injury Prevention

Wear layered clothing—Wearing multiple layers of clothing allows you to adjust to various temperatures. It's also good to have extra clothing in case you get wet from the rain.

Appropriate footwear—Wearing anti-slip boots and other footwear with good soles can assist to prevent slipping on wet surfaces. Avoid wearing high heels in wet weather.

Entering buildings—Take precautions as you step indoors. Test slippery areas by tapping a foot before walking. Wipe your shoes on a doormat to avoid tracking water into a building.

Appropriate Ladders—Use appropriate, sturdy ladders and stepstools when decorating, changing overhead lights, cleaning rain gutters and out of reach areas. Don't stand on top of the ladder, and move the ladder as needed to avoid over-extending beyond the center of gravity causing the ladder (and you) to tip over.

Walking/ Biking/ Driving

Walk safely—Keep your hands out ready to steady yourself in case of slips. Look ahead where you're walking and anticipate obstacles, like uneven surfaces, puddles, or objects on the ground such as seed pods, bottle caps or banana peels and be aware of possible icy patches in early morning hours. Walk on designated pathways and keep a slow walking pace. Make yourself visible to others by wearing brightly colored jackets or clothes.

Biking safely—Keep your core warm. Use a waterproof vest or jacket with a dropped skirt in the back and a hood. Wear wool or polypropylene wicking underliners and wool socks. Cover your shoes with neoprene booties and use full fingered water- and wind-resistant gloves. For eye protection wear clear or yellow lenses treated with Rain-X. To ensure visibility use a front headlight.

Drive safely—Excessive water on roads can cause vehicles to hydroplane. Allow extra travel time, reduce speed, and increase following distance. Pay special attention to changing road conditions. Use headlights when driving. In the event of fog, use your low beams. Also, know and study your route ahead of time, to avoid confusion and distracted driving.

Preventing Illness

Flu Vaccination—According to the Center for Disease Control the flu vaccine is one of the best ways to prevent and control influenza.

Wash your hands often—The Center for Disease Control recommends regular hand washing with warm soapy water for 15 seconds at minimum.

Practice healthy habits—Eating a balanced diet, getting an adequate amount of sleep, and exercising can help the immune system fight off illness. Also, keeping "hot foods" hot, and "cold foods" cold, helps to avoid food related illnesses during holiday gatherings.

Drink Water—Even though it's cold out, it's important to stay hydrated by drinking plenty of water or other non-alcoholic drinks. You will still sweat when working, even in cold temperatures.

<http://www.cdc.gov/Features/WinterWeather/>
<http://www.cdc.gov/family/holiday/HolidayTips.pdf>
<http://www.cdc.gov/media/pressrel/fs041210.htm>

You Have Received A Litigation Hold Notice-Now What? (cont. from p. 1)

tion of the statute of limitations for filing legal action. If no records or materials exist, respond promptly with an attestation of "no records" to avoid later accusations that items were destroyed. If the litigation hold is related to a

claim that is being handled through ASCIP, be sure to discuss the litigation hold request with your ASCIP defense team right away for additional guidance.



Upcoming Events—For updates and details go to www.ASCIP.org

Event	Date	Time	Location
HR & RM Roundtable—Legal Updates	Thu 1/14/16	11:30 a.m. - 1:00 p.m.	ASCIP Training Room
HR & RM Roundtable—Legal Updates	Wed 1/20/16	10:00 a.m. - 12:30 p.m.	Santa Clara SIG
Workers' Compensation Roundtable	Tue 1/26/16	9:30 a.m. - 1:00 p.m.	ASCIP Training Room
8 Hr. Hazardous Materials Awareness	Wed 1/27/16	8:00 a.m. - 4:00 p.m.	ASCIP Training Room
Pesticide Handler Training—2 sessions	Thu 2/4/16	8:00-10:30 a.m. & 11:00 a.m.-1:30 p.m.	ASCIP Training Room
HR & RM Roundtable	Wed 2/17/16	11:30 a.m. - 1:00 p.m.	ASCIP Training Room
ANNUAL MEMBER'S MEETING	Fri 3/4/16	8:00 a.m. - 4:00 p.m.	Cerritos Sheraton

