

School Safety: The Charter School Challenge

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Introduction

Charter schools are an emerging entity in the educational arena posing unique risk and challenges for the seasoned safety professional. This applies to any professional who supports safety within school districts and charter school organizations. As government budgets and contributions to the educational sector continue to shrink, the resources available to schools are creating a unique challenge for safety professionals to be able to identify and control risks associated with physical and program oriented safety concerns. This applies to facilities located within the United States and many countries around the world.

As governments and school districts look to innovative methods to improve student performance and educational outcomes, many nonsectarian public schools have either created or accepted charter schools as a potential option to meet the ever increasing demand for excellence in our K-12 public school systems. As public school districts assist in the creation of charter schools, many aging facilities are identified as possible locations for these schools posing a unique challenge for the charter school operator. The facilities typically provided to charter schools are those in various stages of maturation and/or disrepair. Therefore, these facilities present the safety professional with inimitable employee, teacher, student, parent and visitor exposures that may in many circumstances exceed the risks and exposures associated with the typical public school facility.

This paper will focus on the challenges and solutions to physical and programmatic safety concerns for the experienced safety professional.

Historical Significance

The charter school movement has roots in a number of reform ideas, from alternative schools, to magnet schools, public school choice, privatization, and community-parental empowerment. The term "charter" may have originated in the 1970s when New England educator Ray Budde suggested that small groups of teachers be given contracts or "charters" by their local school boards to explore new approaches. Albert Shanker, former president of the American Federal of Teachers (AFT), then publicized the idea, suggesting that local boards could charter an entire school with union and teacher approval. In the late 1980s Philadelphia started a number of schools-within-schools and called them "charters." The idea was further refined in Minnesota

where charter schools were developed according to three basic values: opportunity, choice, and responsibility for results.

In 1991 Minnesota passed the first charter school law, with California following in 1992. By 1995, 19 states had signed laws allowing for the creation of charter schools, and by 2003 that number increased to 40 states, Puerto Rico, and the District of Columbia. Charter schools are one of the fastest growing innovations in education policy, enjoying broad bipartisan support from governors, state legislators, and past and present secretaries of education. In his 1997 State of the Union Address, former President Clinton called for the creation of 3,000 charter schools by the year 2002. In 2002, President Bush called for \$200 million to support charter schools. His proposed budget called for another \$100 million for a new Credit Enhancement for Charter Schools Facilities Program. Since 1994, the U.S. Department of Education has provided grants to support states' charter school efforts, starting with \$6 million in fiscal year 1995.

The US Charter Schools Association suggests that there are currently over one million students enrolled in more than 3,500 schools in 40 states plus the District of Columbia and Puerto Rico. There are greater than 100,000 school administrators, teachers and support staff members that are protected by more than 1000 Safety and Risk Management professionals in the United States.

Charter schools typically open and operate in facilities that have been provided by local school districts as required by various state and federal regulations. Unfortunately, the majority of these facilities are previously abandoned elementary and middle school locations, as well as, former libraries, warehouses, retail establishments and military barracks. The majority of these facilities have remained dormant and/or abandoned for long periods of time, leading to both structural and grounds deterioration for which engineering and maintenance solutions require resources that are not always available in levels to provide adequate corrective actions.

Charter School Establishment

According to the Education Commission of the States, Charter School formation varies from U.S. state to state. For example, in California, the state allows any public school to transform into a charter school and also allows new facilities to be opened exclusively as a charter school. The school may choose to be part of the Local Education Agency (LEA) that is the school district or form its own LEA. Priority in the approval process is typically given to schools designed to serve low-achieving students. Conversions must give preference to pupils who reside within the former attendance area of that charter school, and in cases of over-enrollment, conversions and start-ups must give preference to pupils currently attending the charter school and pupils who reside in the school district.

A charter school located in the attendance area of a public elementary school in which 50 percent or more of the enrollment is eligible for free or reduced price meals, may give a preference in admission to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area where the charter school site is located.

Charter schools usually receive their primary financial support from local property tax funds through the school district or the state. Charter schools also may opt to receive state and federal aid either through the school district or the state. Schools are also permitted to receive loans for as much as \$250,000, allowing up to five years for repayment. A school district is generally required to provide facilities "rent free" to charter schools for students who reside in the

district. A lease aid funding program for charter schools in low-income areas provides up to \$750 per student.

In the United States, the U.S. Department of Education is the prime governmental organization that provides funding across the country in partnership with state agencies. Charter schools are a prime example of the type of coordinated effort that results from US Federal government and the States. Illustrative of this point, Minnesota passed the first charter school law in 1991 that allowed for the development and operation of publicly funded charter schools. Three years later, the US Department of Education, through the Charter Schools Program (CSP) began a competitive grant program for alleviating the financial constraints in planning and starting a charter school.

The purpose of the CSP is to expand the number of high-quality charter schools available to students across the nation by providing financial assistance for planning, program design, and initial implementation of public charter schools; evaluation of the effects of charter schools; and the dissemination of information about charter schools and successful practices in charter schools. CSP was authorized through a statute and amended in the in 1998.

Since 1995, when CSP started administering start-up grants, the number of states that have passed charter laws has risen to 40, not including the District of Columbia and Puerto Rico. Accordingly, federal budgets have allocated more funds to the grant program and in fiscal year (FY) 1995, the CSP administered \$6 million in grants; in fiscal year (FY) 2005, the CSP administered almost \$217 million in grants.

Charter School Hazards

The funding resources for many charter schools is limited to the same budgets as typical public schools, yet they inhabit facilities that characteristically require additional resources to correct a variety of physical hazards that represent moderate to severe risk and may not, in many cases, meet local building code requirements as well as Americans with Disability Act (ADA) standards.

Many charter schools inhabit a variety of facilities including abandoned retail establishments, libraries, warehouses and former school locations. Figures 1 and 2 represent the atypical school location that many districts acquire and provide to charters.



Figures 1: Kindergarten classroom located in former retail location.

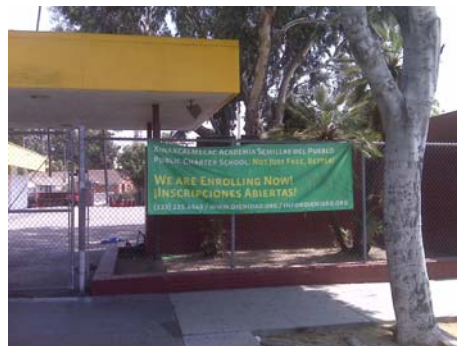


Figure 2: K-6 School in former library location.

Other specific risks and exposures include:

- Damaged walking surfaces (Concrete, Paver, Black top)
- Playground Equipment – not to current CPSC, ADA, ASTM standards
- Horticulture problems – trees, bushes and grass areas
- Lighting – insufficient, damaged or vandalized
- Fencing – metal, wood, concrete, brick – damaged, insufficient or lacking
- Temporary Structures – damaged to trailers, tents, canopies, Quonset Huts
- Electrical – transformers, junction boxes, conduit, fixtures open
- Fire Prevention & Response – Fire Extinguishers, hose reels, fire cabinets not inspected
- Fixed Fire Extinguishing Systems – sprinklers, lack of density, lack of maintenance
- Security Systems – Fire alarms not working or lack of maintenance
- Dining and Kitchen areas – lack of eating areas, lack of maintenance, no room for facility
- Third Party Use of School – religious and public groups, filming
- Plumbing – insufficient, lack of compliant laboratory and water closets
- Pool and Spa – non-compliance with VGBA and revised ADA standards

Other school risks include food safety concerns related to contamination and compliance with FDA and local department of health regulations. Many charter schools are utilizing 3rd party vendors to supply and distribute meals to students. While this may seem a risk mitigation method to transfer risk, it actually increases the administrative burden on many schools due to the requirement for contractor safety programs.

There are other non-facility-related risks and exposures that should also be considered for school safety. These include:

- Student Transportation – 3rd party, teacher and parent issues
- Field Trip and Driver Qualification
- Student Interaction and Bullying Prevention
- Safety and Housekeeping Inspection
- Hazard Communication
- Emergency Preparedness and Response (including Fire Drills and Lockdown situations)
- Exposure Control (BBP)
- Visitor Identification and Check-in
- Security and Violence in the Workplace
- Teacher and Student Interaction

Solutions

The solution to reducing and eliminating charter school safety challenges resides in a progressive review of school safety programs and inspections using existing best practices including peer reviewed standards such as the ANSI/ASSE Z10-2005 American National Standard for Occupational Health and Safety Management Systems. Charter school regulatory and risk management practices include a review of the following elements:

- Risk Management Organization
- JPA Risk Management Certification
- Governance
- School Safe Plans and Policies
- Written School Safety Programs
- Operational Best Practices
- Play Area and Equipment Safety
- Facilities Maintenance and Hazard Identification
- Special Events & Facility Rentals/Leasing
- Human Resources Best Practices
- Food Safety and Sanitation
- Special Educational Practices

Charter School safety programs include Facilities Inspection Programs and Comprehensive Staff and Volunteer Safety Training in order to maintain compliance with applicable school district, OSHA, Building Code, and Department of Health regulations. In order to accomplish mandates, Safety Professionals must conduct school safety survey programs; develop audit checklists, establish specific Charter school inspection criteria, identify software solutions and obtain external private and government funding sources.

School Safety and Risk Surveys are an important tool for the safety professional to consider in assessing and controlling risks associated with the charter schools. The following table (Table 1) may be used to identify key school safety issues.

Risk Management Organization

Element	In-Place Effective	In Progress	Absent Ineffective
Board of Directors supports school safety and risk management. Evidence is through an adopted Board Policy or resolution supporting a formal Risk Management Program providing appropriate resources, as well as a standing agenda item related to safety			
A Risk Management Coordinator is appointed with responsibility for the implementation of risk management programs, accident investigations, and claims reporting. This			

Element	In-Place Effective	In Progress	Absent Ineffective
person may also be the Chair of the Safety Committee.			
The Safety Committee holds regular meetings. Minimum frequency is quarterly. Written minutes are kept of each meeting along with an attendance list.			
The Safety Committee will review all accidents and near misses to: <ol style="list-style-type: none"> 1. Analyze root cause, 2. Ensure action plan and follow-up protocols are developed, 3. Determine if broader exposure to loss exists. 			
Costs of accidents and claims are identified and allocated to the applicable department.			
Participation in Risk Management Certification Programs demonstrated by: <ol style="list-style-type: none"> 1. Active participation in loss prevention/risk control surveys with corrective action taken 2. All necessary Policies and Procedures adopted by board 3. Safety Training for staff and volunteers with required course completions 4. Attendance at claims reporting webinar and history of timely claims reporting 5. Human Resources practices reviewed and approved by legal counsel/consultant 			

Safe School and Safe Program

Element	In-Place Effective	In Progress	Absent Ineffective
Safe School Plan			
Equal Employment Opportunity Policy			
Sexual Harassment Policy (Zero Tolerance)			
Anti Discrimination and Harassment Policy			
Mandatory Abuse Reporting Policy			
Privacy and Confidential Information Policy			
No Smoking Policy			

Element	In-Place Effective	In Progress	Absent Ineffective
Student Transportation Policy			
Document Retention/Destruction Policy			
Whistleblower Policy			
Field Trip Policy			
Electronic Equipment/Internet Use Policy			
Student Interaction Policy			
Injury and Illness Prevention Program			
Facilities Inspection Program			
Driver Qualification Program			
Hazard Communication (HAZCOMM) Program with Material Safety Data Sheets (MSDS)			
Crisis Management/Disaster Preparedness Plan with Evacuation Diagrams in place			
Integrated Pest Management (IPM) Program			
Ergonomics Program			
Comprehensive Staff and Volunteer Safety Training Program including OSHA mandated and CCSA JPA recommended training			
Exposure Control Program (Bloodborne Pathogens, etc)			
Bullying Prevention Program			
Safe School Plan			
Equal Employment Opportunity Policy			
Sexual Harassment Policy (Zero Tolerance)			

Operational Best Practices

Element	In-Place Effective	In Progress	Absent Ineffective
Visitor Identification and Check-in			
Subcontractor and Vendor insurance verification and risk transfer			
Contracts in place for all vendors and subcontractors			
MOU/FUA/Transportation Agreement/Lease/Other contracts reviewed by legal counsel			

Element	In-Place Effective	In Progress	Absent Ineffective
Staff monitored Drop Off and Pick Up of students			
Board approved hiring and terminations of employees			
Supervisor accountability for employees following safe practices			
Background checks for all employees and volunteers			
Employee, Student/Family, Volunteer handbooks reviewed and updated annually			
Monthly drills alternating between fire, lockdown, and earthquake			
Electronic equipment and electronic information adequately protected from theft			
Annual Fire Department Inspection			
Local law enforcement and fire department are engaged with school			
Flammables stored in a separate cabinet designed and marked for flammable substances			
Visitor Identification and Check-in			
Subcontractor and Vendor insurance verification and risk transfer			

Play Area and Equipment Safety

Element	In-Place Effective	In Progress	Absent Ineffective
Playground inspected by a Certified Playground Safety Inspector (CPSI)			
Playground inspected in accordance with the CPSC Handbook for Public Playground Safety and ASTM F187-95			
Staff responsible for playground supervision have completed appropriate training			
Monthly playground inspections are conducted by staff or a safety committee member, with documentation maintained for at least 7 years.			
Impact absorption material (bark, etc) is inspected regularly and maintained to provide the highest levels of impact absorption qualities (i.e. regular “fluffing” occurs)			
For playgrounds that do not comply with accessibility requirements under the ADA, an action plan with time tables to bring the site into compliance is available for review.			
Only students of appropriate ages are allowed on specific pieces of equipment, with correct play practices reinforced			

Element	In-Place Effective	In Progress	Absent Ineffective
by playground supervisory personnel.			
Staff responsible for playground supervision have completed appropriate training			

Facilities Maintenance and Hazard Identification

Element	In-Place Effective	In Progress	Absent Ineffective
Checklists are utilized at least monthly by classroom and other staff to identify hazards. Completed checklists are maintained for a period of three years.			
Action items are prioritized and are assigned for correction with a due date for completion. Completion date is recorded.			
Fire extinguishers are checked monthly with initials on the back of the extinguisher tag			
If a leased building, the building owner is contacted to provide appropriate repairs for hazards and maintenance items. Repairs are performed timely and completely.			
All bookcases and file cabinets 6 feet or taller are attached to the wall or otherwise anchored to prevent toppling on staff or students			
Items stacked on top of bookcases or file cabinets are of appropriate size and weight and are not stacked more than one layer high			
All bottles of cleaning solutions are marked as to the substance inside. MSDS are available for review			
Custodial area is clean, organized, and free of clutter. Entryway into custodial area is locked at all times			
Slip, Trip and Fall hazards are identified and addressed quickly. Non-slip rugs or mats are in place at entrances			
In general, housekeeping and maintenance is appropriate. The school appears to be well maintained and free of clutter.			
Checklists are utilized at least monthly by classroom and other staff to identify hazards. Completed checklists are maintained for a period of three years.			

Special Events and Facility Chartering

Element	In-Place Effective	In Progress	Absent Ineffective
CCSA JPA Event Guidelines are followed to identify activities that should not occur or to identify conditions which need to be met prior to an event occurring.			
All vendors and contractors participating, performing, or exhibiting have insurance and have named the charter school as an additional insured on their insurance policy. Vendor/Subcontractor or Exhibitor contracts are in place.			
Any organization serving alcohol must be properly licensed, have properly trained servers, and control quantities. Separate Special Event Insurance is purchased.			
Separate Special Event Insurance is purchased for those events hosted by separate non-profit auxiliary organizations (PTA, Booster Clubs, Foundations, etc)			
For outdoor events, a pre-event safety audit and inspection of site, permanent and temporary structures, lighting, communications, accessibility, emergency plans, and traffic and crowd control are conducted and documented.			
Unless provided by an independent contractor, shuttle and parking services are provided by employees who meet the recommended Driver Selection and Training Best Practices, in vehicles which meet applicable safety standards.			
CCSA JPA Event Guidelines are followed to identify activities that should not occur or to identify conditions which need to be met prior to an event occurring.			
All vendors and contractors participating, performing, or exhibiting have insurance and have named the charter school as an additional insured on their insurance policy. Vendor/Subcontractor or Exhibitor contracts are in place.			

Human Resource and Workers Compensation Best Practices

Element	In-Place Effective	In Progress	Absent Ineffective
Effective hiring practices are in place, including signed applications and resumes, reference and background checks, credential check, review of job description, and board approval			
Supervisory personnel are provided additional training in FMLA, ADA, FEHA, personnel file documentation, conducting correct and effective performance reviews, workers comp, accident investigation, & claims reporting			

Element	In-Place Effective	In Progress	Absent Ineffective
Supervisory personnel are provided AB1825 compliant sexual harassment training			
Employment is "at will"			
Performance is documented at regular intervals with documented improvement plans in place as needed			
Post-offer pre-employment physicals are conducted for custodial, maintenance, and special needs para-professionals who may be required to restrain students more frequently			
Job descriptions include essential job functions. Such functions should include the ability to lift weight of a certain amount, ability to stand for certain periods of time, and other physical characteristics necessary for job performance.			
A Return to Work Program with modified duty provisions is in place			
Terminations include an exit interview, a release of claims, COBRA eligibility review, and board approval. Final checks are issued within 3 business days.			

Food Service

Element	In-Place Effective	In Progress	Absent Ineffective
Food service staff is adequately trained, including County Food Handling Certificate			
Non-slip footwear is mandatory for employees working in the food service area			
A log is maintained to monitor food temperatures during storage and prior to serving			
Hazard Analysis Critical Control Point (HACCP) program implemented for food service areas			
3 rd Party Vendor contracts are reviewed for HAACP compliance			
Department of Justice review of 3 rd Party Personnel is conducted by vendor and reviewed between school			

Table 1.

Funding and other Financial Resources

While most Safety and Risk professionals are adept at identifying and recommending enhancements to both safety program and facilities related issues, the first step in the most successful Charter school safety programs is the acquisition of funds and resources from a variety of public and private grants.

Public Sources

State-by-state Funding Comparison:

State	Conventional Public School Funding	Public Charter School Funding	Charter Funding as Percentage of District Funding
National	\$10,771	\$6,585	61%
Alaska	\$12,229	\$6,022	49%
Arizona	\$8,025	\$6,075	76%
Arkansas	\$8,960	\$5,700	64%
California	\$10,264	\$7,034	69%
Colorado	\$9,285	\$6,500	70%
Connecticut	\$14,893	\$10,615	71%
Delaware	\$13,143	\$8,453	64%
D.C.	\$18,332	\$11,154	61%
Florida	\$9,542	\$6,552	69%
Georgia	\$10,113	\$6,740	67%
Hawaii	\$14,799	\$8,000	54%
Idaho	\$7,257	\$6,703	92%
Illinois	\$10,506	\$6,602	63%
Indiana	\$11,028	\$6,400	58%

State	Conventional Public School Funding	Public Charter School Funding	Charter Funding as Percentage of District Funding
Iowa	\$9,771	\$7,529	77%
Kansas	\$9,973	\$5,601	56%
Louisiana	\$10,456	\$6,926	66%
Maryland	\$12,430	\$5,651	45%
Massachusetts	\$14,782	\$10,107	68%
Michigan	\$10,900	\$7,128	65%
Minnesota	\$11,010	\$10,302	94%
Mississippi	\$8,644	\$5,229	60%
Missouri	\$9,585	\$9,515	99%
Nevada	\$8,937	\$6,291	70%
New Hampshire	\$11,753	\$4,300	37%
New Jersey	\$16,743	\$9,579	57%
New Mexico	\$9,438	\$8,000	85%
New York	\$16,800	\$12,205	73%
North Carolina	\$8,434	\$7,234	86%
Ohio	\$11,606	\$6,098	53%
Oklahoma	\$8,069	\$4,600	57%
Oregon	\$9,668	\$4,600	48%
Pennsylvania	\$12,942	\$7,802	60%
Rhode Island	\$13,279	\$11,241	85%
South Carolina	\$9,643	\$4,682	49%
Tennessee	\$7,512	\$7,067	94%

State	Conventional Public School Funding	Public Charter School Funding	Charter Funding as Percentage of District Funding
Texas	\$9,210	\$6,620	72%
Utah	\$6,802	\$4,907	72%
Virginia	\$10,672	\$6,450	60%
Wisconsin	\$11,160	\$7,996	72%
Wyoming	\$13,329	\$6,800	51%

Conventional Public School Funding Data Source: Public Education Finances 2006, Table 11. States Ranked According to Per Pupil Elementary-Secondary Public, "School System Finance Amounts: 2005-06, U.S. Census Bureau, April 2008"

The Seven Major Causes of the Charter School Funding Gap

1. Unfair Bargaining Relationships – between charter schools and local districts, impacting state and federal categorical funds.
2. Vague Language – in the state charter school laws (such as commensurate/equitable)
3. Impact Aid Given to Districts – resulting in additional funding to schools that lose students for a set period of time. This includes fees that charter schools must pay a district for services normally provided on a non-fee basis, such as administrative or transportation “reimbursements”.
4. Hold Harmless Clauses – that allow districts to withhold local funds. Those that should follow students from school to school and from charter schools upon a student’s transfer. Districts are essentially funded twice to the detriment of charter schools.
5. Public Debt including Local Bond Measures to which Charters are denied access.
6. School Districts Funds – withheld or excluded from revenue streams among categorical aid programs for all public schools from both state and federal programs.
7. Revenue for Buildings – facility funds generated from special measures at the local and state level are not passed onto charter schools.

Funding Solutions

The US Catalog of Federal Domestic Assistance (CFDA) lists an abundant plethora of financial resources the charter schools can acquire.

Suggestions include:

- Readiness and Emergency Management for Schools (REMS) (CFDA#84.184E): discretionary grant program to provide funds for LEA’s to improve and strengthen their emergency management plans. Small-Sized Districts receive \$100,000, Medium-Sized

Districts receive \$250,000 and Large-Sized Districts receive \$500,000. This CFDA is available through the US Department of Education.

- Safe and Drug-Free Schools/Communities (CFDA#84.186B): grant funding is submitted to state governors to establish drug and violence prevention activities in LEA's. Available from State Department of Education agencies.
- Safe and Drug-Free Schools/Communities (CFDA#84.186A): grant funding for violence prevention activities in LEA's. Funds may be used for the installation of security equipment and the hiring of security personnel. Funding available from the US Department of Education.
- Safe Schools – Health Students (CFDA#84.184L): grant funding for LEA's to create safe and drug-free schools and to promote healthy childhood development. Coordination with other community-based organizations (CBO) required. The program is jointly funded and administered by the Departments of Education, Justice and the Department of Health and Human Services.
- Secure Our Schools (SOS) Program: grant program to provide funding (50% of total cost) to communities (includes schools and/or police departments) for a variety of security measures and includes a “School Safety Package” program of specific resources.

Summary

Charter School safety programs include Facilities Inspection Programs and Comprehensive Staff and Volunteer Safety Training in order to maintain compliance with applicable school district, OSHA, Building Code, and Department of Health regulations. In order to accomplish mandates, Safety Professionals must conduct school safety survey programs; develop audit checklists, establish specific Charter school inspection criteria, identify software solutions and obtain external private and government funding sources. While most safety and risk professionals are adept at identifying and recommending enhancements to both safety program and facilities-related issues, the most crucial step in the most successful charter school safety programs is the acquisition of funds and resources from a variety of public and private grants. By “following the money,” most safety professionals will be successful in resolving safety and security issues for the schools they support. Therefore, for a safety and risk professional to truly be successful in their role as a school safety advocate, the individual must wear several hats concurrently while engaged in school safety: the safety engineer, the security manager, the teacher, the student, the parent, the administrator and the financial officer.

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