Back to School Safety Resources

Providing Risk Management Solutions for the Seventh-day Adventist Church

Adventist Heritage Center

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Sent: Tuesday, August 25, 2015 5:11 PM
To: Adventist Heritage Center
Subject: Bringing Safety Back

Back to School Safety Resources

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The yellow school bus is just around the corner, waiting to pick children up for another great school year. Check out these resources on keeping your kids and students safe and prepared for another year of learning!

**Solutions Articles**

**Bullying:** Change the culture of bullying at your facility now and prevent litigation later, what you need to know.

**Crosswalk Safety 101:** Every day 61 children are struck by vehicles in the United States. Review these crosswalk safety guidelines with your kids.

**Supervision:** A sobering child abuse trend and tips for bolstering supervision at your facility.

**Featured Webinar: Supervision 101**

DID YOU KNOW? The key to successful supervision is to review each activity, outing, or field trip and provide the best-qualified personnel possible, in ample numbers, to maintain the security of youth and to keep youth safe.
In this **30-minute webinar**, former Education Resource Specialist Dr. William Chunestudy and Assistant to the President for Strategic Risk Management Arthur F. Blinci share how you can **integrate practical supervision methods** and guidelines into your ministry.

For more back to school resources, visit [AdventistRisk.org](http://AdventistRisk.org)
Changing the Culture of Bullying One Lawsuit at a Time

Posted by Alyssa E. Lambert

School bullying—once viewed as a rite of passage—has captured the media’s attention over the past decade, as many incidents have become violent and even deadly. With no federal law that prohibits bullying and a patchwork of state laws that approach the issue differently, the need for litigation to help undo the bullying culture is greater than ever.

The first state antibullying law was passed in 1999, and 49 states now have antibullying laws. Although the problem is nationwide, there is no universally accepted definition of bullying. Some states focus on specific actions, while others focus on the aggressor’s intent or motivation, or the degree and nature of harms. In five states—Hawaii, Maine, New Mexico, Virginia, and Wisconsin—the state education department has the discretion to define bullying, and Arizona and Minnesota allow local school districts to decide.

“When you don’t have a clear definition of what bullying is, it doesn’t tell the schools or the victims what to do,” said Adele Kimmel, managing attorney at Public Justice in Washington, D.C., who created and directs the Public Justice antibullying Campaign. “Some laws offer guidance for the schools, but if it doesn’t offer mandatory training and make clear what bullying is, then the law is close to worthless.”

Antibullying Policies for Schools

Many state laws provide suggested antibullying policies to education departments or school districts but don’t require them to take action to prevent or respond to the conduct. Only 17 states require school staff to report bullying incidents, and 16 states require schools or school districts to report those incidents to the state education department.

Kimmel said the absence of a federal antibullying law is problematic. “There should be a federal antibullying law, in part because there is no uniformity in how bullying is being addressed,” she said.

Last year (in 2013), Rep. Linda Sanchez (D-Calif.) and Sens. Robert Casey (D-Pa.) and Mark Kirk (R-III.) reintroduced the Safe Schools Improvement Act (SSIA). It would require school districts that receive funding under the Elementary and Secondary Education Act to adopt codes of conduct prohibiting bullying and harassment, and require states to report bullying and harassment data to the U.S. Department of Education. Both versions of the bill remain in committee.

No provisions in the SSIA or state laws give people a private right of action. “That’s one of the big problems here,” said Kimmel. “School districts don’t want to say directly that schools are on the hook.”

Bullying Lawsuits

Because students and parents who bring bullying lawsuits cannot sue the schools or districts under any of the state antibullying laws, plaintiff attorneys must look elsewhere for viable statutory claims—such as Title IX (gender discrimination), Title VI of the Civil Rights Act (discrimination based on race, color, or national origin), and §504 of the Rehabilitation Act (discrimination against people with disabilities). If the student does not fall into a protected category, Kimmel said attorneys can examine state tort laws for possible causes of action.
Round Rock, Texas, attorney Martin Cirkiel, who represents plaintiffs in bullying cases, said it is particularly tragic when children are physically assaulted. “Calling it bullying almost undervalues what is going on when it becomes assault, and people need to get involved,” he said. “The ‘boys will be boys’ theory is really a dinosaur.”

The lack of a federal law that prohibits discrimination on the basis of sexual orientation or gender identity is another hole in the legal framework, Kimmel said. The Student Nondiscrimination Act, which is modeled after Title IX, was introduced in the House and Senate in 2013, but it has stalled. Only 16 states and the District of Columbia recognize gender identity discrimination.

“Most states don’t recognize it, and there is no federal statute. You are essentially trying to fit a square peg into a round hole,” said Kimmel. “The ones who are getting bullied more than others are students who identify with or are in the LGBT [lesbian, gay, bisexual, and transgender] and disabled communities.”

Training and Education Make a Difference

Kimmel and Cirkiel said lawsuits requesting injunctive relief will help school districts create programs that address bullying and overhaul the inadequate infrastructure.

“More than half of our country’s teachers and administrators have no training about how to respond to and protect our kids from bullying, so training and education would make the biggest difference. They can implement the training and education that should have been done in the first place, and it can be negotiated as part of the settlement,” said Kimmel.

In 2011, six students who identified with or were perceived to be part of the LGBT community sued a Minnesota school district, alleging school officials failed to stop their daily barrage of harassment and physical assaults. As part of the settlement, the school district agreed to revise its harassment policies, including training staff, retaining a mental health consultant, creating an antibullying task force, and tracking harassment reports.

“For a lot of parents, particularly in the bullying-suicide cases, getting that injunctive relief is huge,” said Cirkiel. “Every parent I have ever dealt with has said, ‘We just want to make sure what happened to our kid doesn’t happen to someone else.’”

Kimmel said changing the culture of bullying requires legislative and legal efforts. “Just passing legislation won’t fix the problem,” she said. “The other piece is litigation with an injunctive component. . . . It’s helping in the jurisdictions where cases are filed, but it hasn’t become a tidal wave of change. The more these cases are brought, the more change we will see.”

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Notes


3. *Id.*


5. Sacco, *supra* n. 1, at 7, 10.


7. At press time, there were 199 cosponsors in the House and 45 in the Senate.


Street Smarts: Crosswalk Safety 101
Red and white lights flashed from the ambulance and fire truck as a form was lifted from the crosswalk and laid on a gurney. Another student had been hit in the crosswalk.

Every four minutes a child dies because of an accident on a road.

Road traffic injury is one of the top four causes of death for children older than five years and is the number one cause of death for ages 15-17. According to a study by SafeKids.org, a global organization dedicated to preventing injuries to children, every day 61 children are struck by vehicles in the United States. These accidents occur most often during the hours before and after school and peaking in September when the school year starts.

But children are not the only ones at risk.

The reason a teenager is more likely to be hit by a car is theorized to be caused by distracted walking due to cell phone use. The 2013 study “Ambulatory cell phone injuries in the United States—An emerging national concern” estimated that between 2000 and 2011, more than 11,000 injuries resulted from phone-caused distraction while walking.

According to the Pew Research Center, 90 percent of American adults own a cell phone.

Cell phone use lessens the user’s awareness of their surroundings because the user’s attention is directed to his/her phone. The National Safety Council reports about 6,100 pedestrian deaths and 170,000 injuries occurred in 2012. Just as driving distracted can result in tragic loss, walking without paying attention in crosswalks and near roadways is an extremely unsafe practice.

CROSSWALK SAFETY 101

Here are 10 pedestrian safety tips to practice year-round and review with your children for a safer school year.

1. Look left, right, then left again before crossing the street
2. Cross only at designated crosswalks
3. Never dart out into traffic mid-block or from between parked cars
4. Always walk on the sidewalk, if one is available
5. If you must walk on the street, walk facing oncoming traffic and wear reflective or bright colored clothing
6. Be aware of your surroundings, especially in congested areas
7. Do not walk with headphones in your ears
8. Never walk while texting or talking on the phone
9. Be extra alert when walking during dusk and dawn hours. Glare from the setting/rising sun can limit visibility of both pedestrians and approaching vehicles
10. Young children should hold an adult’s hand while crossing the street or walking to school

Preventing Slips Trips & Falls Related to Distracted Walking
by:
Anna Bartlett

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References:
"Not On My Watch!" – Adventist Risk Management

Posted by Dr. William Chunestudy

The Critical Importance of Proper Supervision

On average, I receive 10 alerts each day from Google Alert [i] on the topic of Child Abuse. Child abuse is high in the consciousness of most developed countries in the world, especially since the revelations of abuse by a major, worldwide religious denomination. In the ongoing focus on child abuse during April's Child Abuse Prevention Month, it is a good time to look inward at the losses and claims of the Seventh-day Adventist Church that stem from child sexual abuse to see if there are lessons that can be learned from the Adventist Risk Management (ARM) claims files.

In the United States over 500 sexual misconduct claims were filed over the past two decades, the vast majority of which were related to child sexual abuse. The examined claims dealing with children as victims generally fell into the following categories:

- Child-with-child
- Teacher-with-child
- Church volunteer-with-child
- Pastor-with-child

In this article I will only focus on child-with-child

In seeking to discover lessons learned from these child-with-child files there are clear patterns that provide us with an opportunity to look carefully at the way in which we manage (or don’t manage) the risks associated with the interaction between children, which resulted in child abuse claims of a sexual nature. A key trend in these case files was inadequate, inattentive, or inappropriate supervision. When a claim is filed, there is a drain on church fiscal and legal resources, plus the resources of time and anxiety by ministry leaders that should be devoted to ministry. But, above all, when it has occurred, it will usually have disastrous effects on the victim.[ii] The value of proper supervision cannot be underestimated!

The safety and security of our children is paramount when accepting the responsibility of leading or assisting with children/youth ministries. There is no single area more important in leadership than appropriate supervision. With proper supervision most child-with-child sexual incidents are preventable.
Examination of the ARM child-with-child claims reveals in many cases it was poor or no supervision that led to the opportunities for incidents to occur. I will cite a few examples:

- A teacher, who is the only supervisor on a playground, goes inside for 5 minutes to answer a phone call. Within those 5 minutes, two boys run into the bushes and engage in a sex act.
- In the down time between church and potluck, two minor teens engage in sex in an unsupervised hallway in a remote part of the church campus.
- Inappropriate sexual behavior of Pathfinder teenagers during Club activities.
- Two unsupervised children “explore” each other in a school bathroom.

It would be easy to characterize the above incidents as random and infrequent. What must be made clear is that in each case, a claim was filed, legal proceedings followed primarily as a result of inadequate supervision. Also, in each case, the issue of improper supervision emerged as a factor in the final outcome of the claim. Proper supervision is an element of due diligence. When there is a lack of proper supervision then it directly reflects on a church’s ability to practice due diligence.

AS LEADERS OF CHILDREN AND YOUTH, THE PRACTICE OF SUPERVISION MUST INCLUDE THE FOLLOWING:

- **Careful planning:** Individuals tasked with the responsibility of safeguarding children and youth must make supervision a priority and develop a culture of awareness must be developed with all others involved in leadership responsibility. They must make a thorough examination of all areas of access and plan for adequate staffing.

- **Guidelines and safe practices:** Leaders must provide supervision guidelines and safe practices for all those who will be in assisting in supervision. Each adult and youth who assists should understand the proper role of the supervisor and should be trained in the appropriate ways of interacting with children through programs like Shield the Vulnerable.[iii]

Churches and schools should establish ground rules and best practices for all supervision responsibilities. While certainly not comprehensive here are some suggested principles to include in a supervisor’s Code of Conduct. They are as follows:

- **Smartphones:** Leave the cell phone in your pocket. Unless you can determine that it’s an emergency let the call go to voicemail. If you absolutely need to take the call ask an additional adult to supervise while you are on the phone. If no other adult is nearby, then do your best multitasking. Keep your eyes scanning the children, while briefly responding.

- **Texting and supervision don’t mix!** Texts can always wait. You cannot look at the children and your phone at the same time. When texting or talking on the phone, your mind’s focus always is distracted.

- **Focus on potential dangers by keeping an eye out for what could happen.** Watch out for unsafe activities that children can sometimes involve themselves in, innocently.
• Always have a minimum of two adults in all vehicles to assist with supervision.
• Be there mentally! Be in the room or wherever the activity is. A wandering mind is not usually helpful. Leave your personal concerns at the door and focus on safety. Have the mindset of a swimming pool lifeguard.
• Always try to have another adult nearby. If a child or youth requires medical attention or extended personal attention, the safety of the remaining children should never be compromised.
• Never be alone in an enclosed room with a single minor. It is for your protection against false accusations.
• If a child needs to go to the bathroom, a same-sex adult should accompany them and stand outside the door, if it is a single toilet. If it is a bathroom with multiple stalls or urinals the adult should stand just inside the exit door. We have recently had a number of claims of child-on-child improper contact in church and school bathrooms.
• Use your judgment in creating supervision best practices. The characteristics of your church facility will dictate other specific needs.

ADDITIONAL INFORMATION ON CHILD SAFETY CAN BE OBTAINED AT THE ARM WEBSITE.[iv]