

## Risks in Focus:

# Key Trends and Insights for Florida's Public Charter Schools



## About this report:

**Florida Insurance Alliance** is a member-driven governmental insurance trust dedicated to serving Florida's charter schools. FIA's mission is to provide the stability, protection, and expert guidance your school needs to thrive. We understand that your primary focus is on your educational mission, innovating in the classroom and creating exceptional learning environments for students. With so many competing priorities, risk management can sometimes seem complex. Our role is to simplify it for you.

By leveraging data from **over 300 charter schools** we insure, analysis of frequent and severe liability claims, and a deep understanding of the unique operational landscape of Florida charters, we have identified the top risks that demand attention. These reflect the key areas of concern and risk exposure in our work with members and blends insights from on-site assessments, risk management questions, and lessons learned from claims management.

Our experience shows that many significant risk management issues do not necessarily arise from a single, dramatic failure, but from an accumulation of small, overlooked details. A missed step in a driver screening process, an inconsistent application of a disciplinary policy, or an uninspected piece of playground equipment can all seem minor in the moment. Yet, these are the exact oversights that we see become significant issues in the claims and lawsuits faced by schools.

### Key Risks

- **Negligent Supervision**
- **Abuse & Misconduct**
- **Facility Safety & Maintenance**
- **Transportation Related Risks**
- **Employment Practices Liability**
- **Managing Special Events**
- **Governance & Leadership Risks**
- **Employee Health and Safety**
- **Managing Volunteer Programs**
- **Balancing Autonomy & Risk Management**



***Risk management** has never been more critical than in today's evolving liability landscape, which is being shaped by two key drivers:*

- **Social Inflation:** Rising cost of claims driven by societal trends, a greater propensity to litigate, and a general erosion of trust in institutions.
- **Nuclear Verdicts:** Exceptionally high jury awards (> \$10m), exceeding recovery limits and protections afforded by statute, fueled by emotional appeals.



## Negligent Supervision



1.

**Risk in Focus:** Negligent supervision is a primary component of most claims in schools. This means liability could arise if it appears the school did not provide the level of oversight needed to prevent foreseeable harm, such as injuries or bullying. Schools have a **duty of care to actively supervise** students during all school-sponsored activities, on or off campus. Without clear, consistently followed supervision practices, defending against these claims becomes extremely difficult.

**How vigilant is your supervision?** On a playground, two staff members are distracted by their phones. A group of students begins using the monkey bars improperly, and one falls, suffering a concussion. The school's responsibility is hard to ignore as video showed both supervisors were not actively scanning the play area, making the injury a direct result of the supervisory lapse.

### Risk Management Strategies:

- ✓ Create a written supervision plan with diagrams for all non-instructional areas and trips.
- ✓ Train staff in active supervision: scanning, movement, and engagement.
- ✓ Maintain and enforce proper student-to-staff ratios.
- ✓ Use standardized forms to document and investigate all incidents.

## Abuse & Misconduct



2.

**Risk in Focus:** This is a school's most severe liability exposure. Abuse, misconduct, and molestation incidents reflect a failure of the core duty of care: to provide a safe, nurturing environment. Legal and financial consequences are significant, with **abuse claims now among the costliest**. Under law, all school personnel are mandatory reporters. For school leaders, this is an area where a proactive, multi-layered prevention strategy is fundamental to protecting students and the school's culture of trust.

**Are background checks really enough?** A well-liked coach with a clean background offers informal weekend training and texts directly with students. After a complaint about inappropriate messages, an investigation reveals the school lacked a communication policy, ignored supervision rules, and missed earlier warning signs. The result: a major lawsuit and reputational damage.

### Risk Management Strategies:

- ✓ Enforce a strict code of conduct and communication policy, including social media.
- ✓ Screen all staff and vendors thoroughly (Jessica Lunsford Act compliant).
- ✓ Provide ongoing training on grooming behaviors and boundaries.
- ✓ Implement "Never Alone" policies and increase visibility.
- ✓ Establish clear reporting protocols.

## Facility Safety & Maintenance



3.

**Risk in Focus:** The physical campus presents a uniquely varied challenge for charter schools, from brand-new buildings where complacency can set in, to repurposed facilities with legacy issues. This is often compounded by the lack of dedicated facilities staff, leading to a **reactive "break-fix" approach**. Relying solely on infrequent, third-party inspections creates dangerous gaps in oversight, allowing preventable hazards to persist.

**Are you waiting for an accident to reveal a hazard?** A school, proud of its newer campus, relies on its annual district playground inspection. A teacher casually mentions a loose bolt on a slide, but no formal work order is created. Weeks later, a child's hand is caught on the bolt, causing a severe laceration. The school is found negligent because it had no internal inspection or maintenance tracking process.

### Risk Management Strategies:

- ✓ Implement an internal inspection program using a detailed checklist.
- ✓ Consider a digital work order system to track requests and document repairs.
- ✓ Adopt a preventative maintenance (PM) calendar for critical systems, areas, and equipment.
- ✓ Prioritize playground & athletic safety by supplementing professional inspections with your own regular checks.

## Transportation Related Risks



4.

**Risk in Focus:** A school's responsibility extends beyond its campus walls. A primary and often misunderstood liability is **negligent entrustment**: holding a school liable for allowing someone to operate an object that has the potential to be dangerous (like a vehicle) when it knew or should have known they were unfit or unsafe. This exposure exists whether the vehicle is school owned, rented, or personal, making a formal driver approval program and code of conduct a non-negotiable control.

**Are you screening your drivers?** A coach rents a van for a game. The school has no formal process for vetting drivers. The coach, who has a history of speeding tickets, causes an accident while distracted, severely injuring several players. The school faces a seven-figure negligent entrustment claim because it failed to perform the simple, proactive step of screening the driver's Motor Vehicle Record.

### Risk Management Strategies:

- ✓ Establish a formal driver approval process with an annual "Approved Driver" list.
- ✓ Screen all drivers annually with a Motor Vehicle Record (MVR) check.
- ✓ Enforce strict vehicle and vendor Standards.
- ✓ Obtain informed parental consent that complies with state rules for all trips.

## Employment Practices Liability



5.

**Risk in Focus:** An EPL claim, alleging discrimination, harassment, retaliation, or wrongful termination, attacks the integrity of school leadership. Even if unfounded, these claims are incredibly disruptive, consume leadership's time, incur significant legal costs, and hinders the ability to retain talented educators. A **consistent, documented, and fair process** is the best way to foster a positive work environment.

**Are your HR policies applied fairly?** A long-serving teacher is terminated immediately for a mistake, citing a "zero-tolerance" policy. A younger teacher had previously received only a verbal warning for a similar error. The terminated teacher files an age discrimination lawsuit. The school's inconsistent application of its own policy creates a perception of unfairness that damages staff morale.

### Risk Management Strategies:

- ✓ Maintain a comprehensive employee handbook, reviewed annually by legal counsel.
- ✓ Provide regular, documented training for all staff on harassment prevention and for supervisors on lawful management practices.
- ✓ Establish a clear and confidential complaint process.
- ✓ Document everything meticulously, from performance issues to investigations.
- ✓ Consult legal counsel before riskier terminations.

## Managing Special Events



6.

**Risk in Focus:** Special events inherently increase risk by introducing new locations, activities, and third-party vendors. The primary liability exposures are inadequate supervision and the **failure to properly transfer risk to outside vendors**. Many schools unknowingly accept significant liability by signing a vendor's one-sided agreement without requiring indemnification and additional insured status.

**Who is actually responsible if something goes wrong at your next event?** A school rents a bounce house for a festival, signing the vendor's agreement without a thorough review. The contract's fine print shifts all liability to the school, even for the vendor's own negligence. A child is injured, and the school is left solely responsible for the claim and the associated financial and reputational costs.

### Risk Management Strategies:

- ✓ Use your contracts to transfer risk to your vendors. Require them to take financial responsibility for their actions or oversights by including language where they 'indemnify' (or protect) the school. Also require a Certificate of Insurance (COI) that names your school as an 'Additional Insured' on their policy.
- ✓ Vet all activities for inherent risk and prohibit high-risk activities.
- ✓ Consider waivers for medium-risk or unique activities.
- ✓ Develop an event-specific safety plan.

## Governance & Leadership Risks



7.

**Risk in Focus:** School administrators and board members face personal and professional liability for their **decisions and omissions**. Claims can arise from negligence, discrimination, failure to respond to public records requests, or the improper implementation of federal laws like the Individuals with Disabilities Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA). A lapse in nuanced educational leadership practices can distract from the school's core mission and drain financial resources.

**Are your school's leaders equipped with the knowledge needed to make defensible decisions?** A principal fails to formally document or investigate a parent's repeated complaints about bullying of a student with an IEP. The unchecked bullying leads to a decline in the student's performance, and the parent files a formal complaint alleging the school failed to provide a Free Appropriate Public Education (FAPE). The principal's lack of documentation critically weakens the school's defense.

### Risk Management Strategies:

- ✓ Prioritize legal and regulatory knowledge through regular professional development.
- ✓ Implement clear policies and thorough documentation of all significant decisions and parent communications.
- ✓ Foster a culture of transparency and conflict resolution to address concerns before they escalate.

## Employee Health & Safety



8.

**Risk in Focus:** Workers' compensation claims data consistently shows that the most common faculty and staff injuries are not from dramatic events, but from **predictable, everyday situations**: slips and falls, strains from lifting, and injuries from student interactions. Each incident has a ripple effect, leading to lost workdays, increased insurance premiums, and a negative impact on staff morale. A proactive safety program is a direct investment in your employees and your school.

**When was your last staff safety training?** A teacher slips and falls in water in a busy hallway, fracturing their wrist. The school's investigation reveals there was no clear protocol for immediate spill notification and cleanup. "Slips, trips, and falls" had not been a staff training topic for over five years, despite being the school's most common cause of injury.

### Risk Management Strategies:

- ✓ Provide targeted, role-specific safety training based on your school's most common incidents.
- ✓ Establish a formal safety committee to review incidents and develop safety initiatives.
- ✓ Implement a robust return-to-work program to reduce claim duration and costs.
- ✓ Promote a "See Something, Say Something" culture of awareness and prevention.

## Managing Volunteer Programs



9.

**Risk in Focus:** A school's fundamental duty of care for its students remains the same, regardless of whether an adult is an employee or a volunteer. Failures in volunteer management typically fall into three categories: **negligent screening, inadequate training, and negligent supervision.** A common mistake is allowing a sense of familiarity, “we know them”, to lead to relaxed oversight, creating significant liability exposures.

**Does every volunteer in your school clearly understand their role?** A parent at Field Day, wanting to be helpful, intervenes in a student dispute by grabbing a student's arm and scolding him. The school is held responsible for the volunteer's actions because she was never provided with a signed Code of Conduct or trained on the school's policy prohibiting volunteers from disciplining students.

### Risk Management Strategies:

- ✓ Mandate orientation, background screening, training, and a signed code of conduct for all volunteers.
- ✓ Define clear roles and prohibited activities (e.g., volunteers do not discipline students).
- ✓ Enforce consistent supervision and monitoring by staff.

## Balancing Autonomy & Risk



10.

**Risk in Focus:** The freedom to innovate is the core of the charter school mission. However, this autonomy does not apply to the fundamental duties related to the health, safety, & welfare of students. Post incident, the central argument becomes what the school "**knew or should have known.**" It can be challenging to counter claims of negligence when a school's practices do not align with an established standard of care. Furthermore, deviating too far from the scope of typical public-school operations may challenge a school's sovereign immunity protection, potentially exposing it to uncapped damages.

**What is your safety and risk benchmark?** A school organizes a “coastal ecology” trip, including an overnight stay and kayaking. The school uses a simple permission slip that does not communicate all field trip details as required by the State Board of Education rule. The school also uses a 1:15 supervision ratio, much higher than established guidelines for overnight trips and water activities. During the trip, a student's kayak is overturned, leading to a near drowning incident and subsequent lawsuit, citing the school's failure to adhere to recognized standards.

### Risk Management Strategies:

- ✓ Benchmark policies against established standards related to health, safety, and liability.
- ✓ Look to your school district, state standards, and authorities like athletic associations.
- ✓ If your school deviates from an established standard, show that you evaluated the risks and determined that your own approach still supports maximum safety.

## Key Takeaways: Core Strategies for a Resilient School

<h3>1. Embedding Risk Management into Your Culture</h3>	<h3>2. Engaging Key Team Members</h3>
<p>For a school to be truly resilient, risk must be a fundamental part its operating DNA. This includes asking important questions like:</p> <ul style="list-style-type: none"> <li>• "What is the safest way to do this?"</li> <li>• "Have we trained our team for this?"</li> <li>• "How will we document and defend this decision?"</li> <li>• Is our risk team involved?</li> </ul>	<p>Many schools have a natural division of roles. A business manager may handle securing the insurance policy that acts as a vital safety net. But the real, day-to-day risks are managed by principals, deans, administrators, and teachers through their operational decisions. The best approach to risk management is holistic and involves key players.</p>
<h3>3. Mastering Third-Party Risk</h3>	<h3>4. Protecting Your Autonomy Though Risk Management</h3>
<p>As a charter school, you constantly interact with vendors, partners, and facility users. To protect your school, contractually transfer financial responsibility for an incident to the parties best able to control it. Always use a formal contract with "hold harmless" clauses and require additional insured status.</p>	<p>Diligent risk management is not about limiting your school's vision; it's about protecting its ability to achieve its unique educational mission. Incorporate prevailing risk and safety standards for schools. Your policies do not have to be identical, but you must be able to prove they are equally protective and well-reasoned.</p>



You're the experts in education; we're the experts in school risk. Think of us as an extension of your team, providing the resources and one-on-one advice you need to operate with confidence, and it's all included in your partnership with FIA.

- Ryan Rupnarain, Senior Manager of Risk Services

We hope these insights serve as a helpful tool for your internal reviews and strategic planning. Use them to spark conversations with your team and remember that we are here to support you in those discussions. If you are a member of FIA, you have access to a suite of resources that go far beyond an insurance policy:

- **An Extensive Resource Library:** Access detailed guides, checklists, and model policies tailored to each of the risks discussed in this report.
- **Complimentary Consultative Guidance:** Our experienced Risk Services team is available to you for support. Whether you are considering a new program, vetting a vendor, or navigating a unique challenge, we are here to provide the expert advice you need to build a safer, stronger school.