

**SCREENING SCHOOL GRANDPARENTS:  
ENSURING CONTINUED SAFETY AND  
SUCCESS OF SCHOOL VOLUNTEER  
PROGRAMS**

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*Schools across the nation have recognized the benefits of senior citizen volunteerism. In the following note, Jamie Lake explores the advantages to senior volunteering, the various roles a senior may play in the school setting, and the myriad of programs a school may institute to avoid legal liability. Liability with respect to school volunteer programs may arise when a volunteer is harmed while performing his or her duties, or if a third party is harmed at the hands of a volunteer. Accordingly, Ms. Lake asserts that school boards may face liability under the legal principals of direct liability, vicarious liability, and negligent hiring. After fully analyzing the implications of school liability under each legal theory and additional public policy rationales, Ms. Lake further contends that schools have a responsibility to screen, train, and supervise senior volunteers to ensure the safety of the school population and the quality of participants. Commonly held myths regarding the cost, difficulty, and deterrent effect of screening senior volunteers are refuted, and the significance of establishing and following screening procedures is emphasized. Ms. Lake concludes by stressing the necessity of safe school environments and further advocates learning through intergenerational contact.*

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## I. Introduction

Across the United States, it is common to find community members volunteering in public elementary schools. In North Carolina, a woman assists a school librarian with shelving books after students visit.<sup>1</sup> In one community in Illinois, students seeking help with homework can attend tutoring sessions with teachers.<sup>2</sup> Throughout the country, the 455,000 participants in a national community service program dedicate countless hours to serving children and communities in schools and youth service organizations.<sup>3</sup> In each of these cases, all of the volunteers are retired senior citizens.

During the past generation, the image of a "school volunteer" has changed.<sup>4</sup> No longer does the term connote a mother as volunteer, but now includes a wide range of community members.<sup>5</sup> As the number of mothers working outside the home has increased and their rates of school volunteerism have decreased, the volunteering senior citizen population has grown.<sup>6</sup> "More and more schools are discovering that there is a wealth of experience and expertise available in their communities' senior populations."<sup>7</sup>

These schools host senior volunteers for a variety of reasons. In some school districts, volunteers fill the gap created between declining budgets and increased student and faculty needs.<sup>8</sup> Other schools hope to bridge the divide that has formed between senior populations and their local school districts.<sup>9</sup> Still others want to foster understand-

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1. See Telephone Interview with Pamela Bailey, Coordinator of Volunteer Programs for Chapel Hill-Carrboro City Schools (Nov. 3, 1999).

2. See Illinois Intergenerational Initiative, *Program Examples* (visited Nov. 4, 1999) <[http://www.siu.edu/offices/iii/isl\\_model.html](http://www.siu.edu/offices/iii/isl_model.html)>. "The Homework Helpers program was organized as a community project under the auspices of the Aurora Area Retired Teachers Association and the Aurora Branch of the American Association of University Women. It was designed to assist middle-school children with their homework assignments." *Id.*

3. See CORPORATION FOR NAT'L SERV., NATIONAL SENIOR SERVICE CORPS (Oct. 1997).

4. See Lois Lipson, *Senior Citizens as School Volunteers: New Resources for the Future*, microformed on ERIC Digest, ED 360774 94 (ERIC Clearinghouse on Teaching & Teacher Educ., Washington, D.C.).

5. See *id.*

6. See *id.*

7. Ronald Armengol, *Getting Older and Getting Better*, 73 PHI DELTA KAPPAN 467, 467 (1992).

8. See *id.*

9. See John Smith, *It Takes 100 Grandparents*, EDUC. LEADERSHIP, May 1998, at 52, 53. As an example, in 1995, the Florida legislature authorized school districts to

ing among students and volunteers through intergenerational contact that children no longer receive at home due to the decline in multi-generational households.<sup>10</sup>

Although the seniors, students, and schools all benefit from participation in volunteer programs, the risks associated with bringing volunteers into public schools can be enormous. The legal questions surrounding volunteerism in the schools are complicated by differences in the volunteers' roles. Some of these volunteers perform duties similar to those provided by public school employees,<sup>11</sup> yet other volunteers have duties that resemble the responsibilities of volunteers in youth service organizations.<sup>12</sup> The complex and varied ways that schools use volunteers create difficulty in answering many of the liability questions associated with volunteer risk.<sup>13</sup>

Problems of characterizing the type of work done by volunteers are compounded by the range of ways that schools obtain and organize volunteers. On one end of the spectrum, schools host projects and programs for volunteers associated with national organizations, such as the Corporation for National Service or the American Association of Retired Persons (AARP).<sup>14</sup> Individual schools on the opposing end of the spectrum open their doors to practically any community member expressing an interest in volunteering in the school. A middle ground lies in community or school district wide programs and policies that advocate and plan for volunteer service.

Yet, despite the wide range of volunteer responsibilities and the types of programs, certain risk management procedures can be enacted to avoid potential problems that can lead to liability and the selection of unqualified volunteers. Policies including procedures for

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impose a half-cent sales tax to help fund construction projects. *See id.* Eight school districts proposed referendums to implement the tax. Of the eight referendums, seven failed. *See id.* "[O]lder voters with no ties to the public school system are among those who turn out to vote in school tax elections in Florida." *Id.*

10. *See* Lipson, *supra* note 4.

11. *See* Ingrid M. Johansen, *Legal Issues in School Volunteer Programs* (pt. 2), SCH. L. BULLETIN, Summer 1997, at 12.

12. *See id.*

13. *See id.*

14. *See* Telephone Interview with Janis Fisher, Program Officer, Corporation for National Service (Oct. 26, 1999). The Corporation for National Service is responsible for the Retired Senior Volunteer Program (RSVP) and Foster Grandparents Program. AARP hosts a volunteer talent bank. Both organizations place senior citizen volunteers in schools and other community organizations.

screening, training, and supervising<sup>15</sup> volunteers are rare but essential to preventing potential harm to children in schools and selecting the best volunteers.<sup>16</sup> This note focuses upon one aspect of the risk management plan—the importance of screening senior citizen volunteers.<sup>17</sup>

Part II explores pertinent background information concerning senior citizen volunteerism such as national trends, the types of programs available, and the benefits to seniors, children, and the schools participating in this type of volunteerism. Part III includes a brief explanation of the types of liability and risks associated with schools employing senior citizen volunteers. In particular, the question of whether schools have a responsibility to screen volunteers will be examined. After establishing the social and legal background advocating the employment and screening of senior citizen volunteers, part IV analyzes the scope of screening and presents an explanation of general screening rationales and methods. Part V responds to the potential drawbacks and criticisms of screening, including cost, time, and discouragement of volunteers. Finally, Part VI recommends the implementation of district wide volunteer policies emphasizing a flexible process for screening volunteers. It also suggests how schools unable to comply can continue to host volunteers with reduced legal liability.

## II. Background

### A. National Trends in Senior Citizen Volunteerism

Volunteering is one of the greatest American traditions.<sup>18</sup> For over one hundred years volunteer service has been a part of U.S. cul-

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15. See Ingrid M. Johansen, *Legal Issues in School Volunteer Programs* (pt. 1), SCH. L. BULLETIN, Summer 1997, at 1.

16. See *id.*

17. The analysis contained in this note applies to public elementary schools. Other concerns and risks may arise or be irrelevant in private schools or public schools serving older students. Also, the term “volunteer” refers to “a person who provides service to a public school without expectation of compensation and with the understanding that the school is under no obligation to continue accepting those services or to compensate the volunteer for them.” *Id.* at 2.

18. See *Volunteer Nation: Will the Presidents' Summit for America's Future Recharge This Great Tradition?*, OUR CHILDREN, Aug./Sept. 1997, at 6. Volunteers are the “glue that hold this country together; imperfect as it may be, the stuff of which our American way of life is made.” Carol Todd, *Thoughts on the Presidents' Summit, in Presidents' Summit for America's Future*, J. VOLUNTEER ADMIN., Fall 1997, at 13. Volunteers founded the United States. See SUSAN J. ELLIS & KATHERINE H. NOYES, *BY THE PEOPLE: A HISTORY OF AMERICANS AS VOLUNTEERS* 17–46 (1990). Both Na-

ture.<sup>19</sup> This unique American spirit is still a strong force in American society even though the nature and value of volunteerism has changed in the latter half of the twentieth century.<sup>20</sup> Throughout this era, particularly the 1990s, various trends, events, and policies have helped create a resurgence of volunteerism. These efforts support a social trend enabling increasing numbers of senior citizens to volunteer in public elementary schools.

America is in the midst of a demographic revolution.<sup>21</sup> Between 1950 and 1992, the life expectancy for people in the United States increased from 68.2 years to 75.8 years.<sup>22</sup> In 1995, thirty-two million Americans were age sixty-five or older, which represents an increase of twenty million since 1950.<sup>23</sup> By 2030, people age sixty-five and older are expected to constitute approximately twenty percent of the U.S. population.<sup>24</sup> Today, more seniors are spending a greater proportion of their lives in postretirement.<sup>25</sup> After retiring, some seniors have one-third of their lives left to live.<sup>26</sup> When a population has a longer life span and communities have more older, retired adults, the social circumstances allow for expansion in programs employing senior citizen volunteers.<sup>27</sup>

“Volunteerism by older Americans is alive and well.”<sup>28</sup> The level of volunteer activity among people age sixty-five and older is higher

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tive Americans and European settlers had social and religious beliefs supporting community and cooperation. *See id.* at 13, 17–46.

19. *See generally* SALLY NEWMAN ET AL., INTERGENERATIONAL PROGRAMS: PAST, PRESENT, AND FUTURE 149 (1997) (citing ELLIS & NOYES, *supra* note 18).

20. *See Volunteer Nation: Will the President's Summit for America's Future Recharge This Great Tradition?*, *supra* note 18, at 7.

21. *See* MARC FREEDMAN, SENIORS IN NATIONAL AND COMMUNITY SERVICE: A REPORT PREPARED FOR THE COMMONWEALTH FUND'S AMERICANS OVER 55 AT WORK PROGRAM i (Apr. 1994).

22. *See* NEWMAN ET AL., *supra* note 19, at 22.

23. *See Background Papers*, White House Conference on Aging, May 2–5, 1995, available in WHCoA CD-ROM, Folio Bound Views, distributed by ProInfo. Currently, people 65 or older make up 12% of the U.S. population. *See id.* By 2030, this age group is expected to account for 20% of the population. *See id.*

24. *See* Armengol, *supra* note 7, at 24.

25. *See* Freedman, *supra* note 21, at i.

26. *See id.* Retirement frees substantial amounts of time that could be spent volunteering. *See id.*

27. “Longer life-span means more time for older adults to seek volunteer, employment, and educational opportunities.” NEWMAN ET AL., *supra* note 19, at 22.

28. *Background Papers*, *supra* note 23. According to two polls completed in the past 20 years, 20–30% of older Americans are actively involved in volunteerism. *See id.* An additional 10% are willing to volunteer, but do not yet participate. *See id.*