

## Activities - What do you NEED to know!

**Who owns the activity?** Is the first question you should ask of every activity or event being proposed. In the world of Risk Management we have a simple phrase- “Divorce or Embrace”. Either the activity will be owned by the School District and therefore embraced or it clearly belongs to another entity and you divorce the School District from any responsibility.

Example: There is a proposal to provide Inflatable Games for Homecoming.

Before you decide yes or no, you should ask - Who owns it:?

If the ASB or another school program such as the Junior Class wishes to sponsor this event, then the District will own the activity if it is approved. Embracing the activity requires:

- ⌘ It will be directly supervised by paid School District Staff acting within the scope of their job duties.
- ⌘ All applicable District policies/procedures must be followed. This includes the handling of all monies, signing of contracts, transportation requirements, and proper background checks for volunteers, to name a few.
- ⌘ Determining the educational objective clearly outweighs the risks. The courts have repeatedly stated there has to be an *educational benefit* that could not have been achieved by another activity that was less dangerous. While the YMCA and local Park Departments do not have to meet this bar, the school district must.
- ⌘ Verifying with your District Office that there will be liability / property coverage for this activity by the Washington Schools Risk Management Pool. Some activities are excluded and you should always verify. Activities to avoid include those activities traditionally excluded from school district insurance coverage including:
  - Air or flight activities, including airplane flying, hang gliding, helicopters, hot air ballooning, parasailing, skydiving and parachuting.
  - Motorized races and contests including auto racing, and go-cart racing, demolition contests, stunting, and tractor pulls.
  - Use of watercraft over 26 feet in length, white water rafting, jet-ski or other similar motorized personal watercraft designed to carry two or fewer persons.

It is also best to avoid those activities considered high risk unless specific guidelines are followed:

- Water activities: canoeing, kayaking, wind surfing, private swimming pools, swimming in lakes, Puget Sound and rivers, scuba diving, snorkeling, surfing, watercraft activities (except a properly insured commercial passenger boat), water skiing, water slides, water parks.
- Amusement park activities: amusement or carnival rides, bungee jumping, dunk tanks, fairground activities, food eating contests, moonwalks, mud or Jell-O wrestling, Wild West shows, mechanical bull riding.
- Animal activities: donkey basketball, horse riding, pack animal trips, saddle animals, snake handling, un-caged wild animals, petting zoos.
- Athletics not WIAA approved: high-impact aerobics, archery, martial arts, boxing, rugby, powder puff football, snow skiing, snowboarding.
- Skating (unless it is a part of an approved P. E. program), inline roller skating, rollerblading or ice skating at rinks, skateboarding.
- Wilderness activities: mountain climbing, rock climbing, spelunking (cave exploring), rappelling, wilderness survival, orienteering and search and rescue.
- Other high risk activities such as bonfires, building houses, boats or cars, model rocketry, private parties, fireworks, student cooking (except part of Culinary Arts or Career Technical

Education programs) offering home-cooked foods, glass blowing, using trampolines, snow tubing, etc.

If the PTA or Boy Scout troop wishes to sponsor the activity, then the district should make sure it is clear the activity is not district sponsored. Divorcing the activity requires:

- ⌘ All entities using district property to complete a District Facility Use Agreement. This is a legal contract that outlines what must be complied with if an outside group wishes to use the school building or its grounds. It provides language that states the District will not be responsible for the event, and any claims, losses that occurs that was not due to its own negligence.
- ⌘ The sponsor to provide evidence of insurance. Since activity is not owned by the District, and therefore not insured by their carrier, the sponsor must be covered by their own policy. Most PTA's and other national organizations have general liability coverage as part of their charter. If the athletic booster club or other groups do not have insurance they should look for event coverage through a local insurance company or broker. <sup>1</sup>
- ⌘ All advertisements, handouts, posters, etcetera to state "This is not a XYZ School District Sponsored Activity".
- ⌘ Reminder to any Staff who maybe volunteering or member of the sponsoring group that they are not acting as an employee of the District and will not be covered for liability, Worker Compensation or other employment benefits by the District during this event.

The clearer the activity is divorced from the district, the better it will be to defend against any claims that may occur. Districts get into trouble when they do not follow these procedures and allows the boundaries of who owns the activity to be blurred.

We recommend against co-sponsoring activities/events, but should this be the case, the district is to follow the procedures outlined as a district owned event.

If you have questions, or are unsure how to proceed, contact your District Risk Management person, and relay the facts to them. They will work with WSRMP to help put in place guidelines that will keep you and the District from assuming liability for events and activities you do not own or have control over.

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<sup>1</sup> WSRMP can provide contact information for a third party if requested. Contact Member Services at 206-394-9737.