

(Your District Name)

Out-of-State/Country Field Trip or Excursion

Waiver of Claims Form

Please read this waiver of claims form carefully.

The (Name of District) has authorized an out-of-state/country field trip or excursion to (location), which is scheduled for (date). (Describe the trip in detail.)

The undersigned student wishes to participate in the field trip or excursion. As a condition of participation, and in accordance with Education Code §35330(d), **the student hereby waives all claims** he or she may have against the District or its employees for any injury, accident, illness, or death occurring during or by reason of the field trip or excursion. *This waiver of claims will bar any claim or lawsuit against the District or its employees in the event the District acts in a negligent manner in connection with the field trip or excursion.*

This form shall be construed in accordance with the laws of the State of California.

The undersigned acknowledges that he/she has carefully reviewed this form, is aware of the legal consequences of signing it and has signed the form voluntarily.

Date: _____

Print Name

Student Signature

If the student is a minor, **the undersigned parent/guardian** of the student hereby consents to the student's participation in the out-of-state field trip or excursion and **hereby waives all claims of the minor or the undersigned** against the District or its employees for any injury, accident, illness, or death occurring during or by reason of the field trip or excursion. *This waiver of claims will bar any claim or lawsuit against the District or its employees in the event the District acts in a negligent manner in connection with the field trip or excursion.*

The undersigned acknowledges that he/she has carefully reviewed this form, is aware of the legal consequences of signing it and has signed the form voluntarily.

Date: _____

Print Parent/Guardian Name

Parent/Guardian Signature

Section III – Liability

A. Limit of Liability

RESIG's SIR for its Liability Program is currently \$250,000. Beyond RESIG's Liability SIR, coverage is provided through BASIC, to a total of \$20 million per occurrence.

B. Deductible

Liability coverage is provided to the districts subject to a per occurrence \$1,500 to \$30,000 deductible. RESIG will defend (pay legal fees) and indemnify (pay claims for) member districts for most sums they become legally obligated to pay due to BODILY INJURY or PROPERTY DAMAGE to a third party.

These damages or injuries must arise out of an occurrence, error, omission or wrongful act. The program defines occurrence as an accident or event, including continuous or repeated exposure to a condition, which results in injury or damage. A wrongful act is an error or omission, breach of duty, or a misstatement or misleading statement that results in personal injury or damage.

1. ACTIVITIES SUBJECT TO \$12,000 HIGH RISK DEDUCTIBLE

- a) District authorized/sponsored snow/ski trips, including travel;
- b) Beach/water activities to places such as oceans, bays, lakes, rivers, streams, and private pools;
- c) Bicycle activities/field trips (except bicycle safety programs);
- d) Skateboarding/rollerblading – when a district has not specifically prohibited such activities (and enforced such prohibitions) on campuses and posted signs on fences or grounds;
- e) District authorized/sponsored out of state/country field trips;
- f) Rock climbing, ropes courses, and/or rappelling;
- g) Overnight field trips, in which the district has no policy or procedure in place requiring all chaperones to be fingerprinted. The claim or lawsuit must arise out of the actions of the chaperone(s) who has not been fingerprinted;
- h) Charter School Only—claims arising out of church and state issues;
- i) Charter School only—claims arising out of enrollment issues.

School-Sponsored Trips

Supervision

Students on school-sponsored trips are under the jurisdiction of the district and shall be subject to district and school rules and regulations.

The Superintendent or designee shall ensure that adequate supervision is provided on all school-sponsored trips and that there is an appropriate ratio of adults to students present on the trip. If the trip involves an activity near water, this ratio shall be revised as necessary. For typical school-sponsored trips, the ratio of students to adults shall be 10:1. For out-of-state and/or overnight trips, the ratio of students to adults shall be 5:1. For school-sponsored trips that occur near water, the ratio of students to adults shall be 3:1. An example of this type of trip includes the interaction with tidal pools.

Parent/Guardian Permission

Before a student can participate in a school-sponsored trip, the teacher shall obtain parent/guardian permission for the trip. Whenever a trip involves activities that occur near water, the parent/guardian shall provide specific permission for his/her child to participate in the activities. The teacher who organized the school-sponsored trip shall plan and provide an alternative educational experience for students whose parents/guardians do not wish them to participate in a trip.

All persons making the field trip or excursion shall be deemed to have waived all claims against the district or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All adults taking out-of-state field trips or excursions and all parents/guardians of students taking out-of-state field trips or excursions shall sign a statement waiving such claims. (Education Code 35330)

Safety Issues

1. While conducting a trip, the teacher, employee, or agent of the school shall have the school's first aid kit in his/her possession or immediately available. (Education Code 32041)

Whenever trips are conducted in areas known to be infested with poisonous snakes, the first aid kit taken on the trip shall contain medically accepted snakebite remedies. In addition, a teacher, employee, or agent of the school who has completed a first aid course which is certified by the American Red Cross and which emphasizes the treatment of snakebites shall participate in the trip. (Education Code 32043)

2. The district shall provide or make available medical and/or hospital insurance for students injured while participating in any excursion or field trip. (Education Code 35331)

3. If the Superintendent or designee receives threat level warnings from the Homeland Security Advisory System pertaining to the destination of a school-sponsored trip, he/she shall implement precautions necessary to protect the safety of students and staff.

4. Before trips of more than one day, the principal or designee may hold a meeting for staff, chaperones, parents/guardians, and students to discuss safety and the importance of safety-related rules for the trip.

Adopted: