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Please make sure that school employees or Parent Booster Clubs and/or PTA groups are aware of the following.

For any event that is sponsored by Denton ISD, a copy of the contract/agreement must be submitted in accordance with the Agreement/Contract Approval Worksheet prior to approval from Dr. Wilson or his designee so that a Certificate of Liability Coverage may be obtained if necessary. Any event that is not directly sponsored by Denton ISD is not covered by the Certificate of Liability Coverage.

Texas Department of Insurance (TDI) classifies an amusement ride as mechanical, gravity, or water device or devices that carry or convey passengers along, around, or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, or excitement, and normally requires the supervision or services of an operator. Examples of amusement rides include:

- most mobile carnival rides;
- most theme park rides; and
- most water park rides and devices.
- Amusement rides also include, but are not limited to, the following: go-karts, rock climbing walls, bungee jumps, zip lines, mechanical bulls, trackless trains, **continuous air-flow inflatable rides/devices (bounce houses, inflatable slides)**, and various simulators.

Starting 2016-2017 school year, any Inflatables, obstacle courses, slides, mechanical bulls and bounce houses (also known as amusement rides), will only be allowed on Denton ISD property if contracted and paid for by either the Booster Clubs or PTA's. This decision comes after a more extensive look at the Districts liability policies, coverage and responsibility as a District.

In order to become a Booster Club/PTA Authorized Vendor for Select Activities, the vendor must fill out the Application for Booster Clubs/PTA Authorized Vendor for Select Activities form and attach a copy of their Certificate of Liability Insurance and Amusement Ride Certificate of Inspection/Re-inspection.

#### **Separate Legal Entities:**

- School Districts, Booster Clubs and PTA's comprise distinct legal entities, and have separate legal responsibilities.
- Negligence committed by one does not necessarily mean negligence committed by the other.
- Separate liability coverage is required for each organization, with separate limits of liability and defense coverage.

#### **The Doctrine of Sovereign Immunity:**

- As a general rule, governmental entities such as school districts are immune from liability due to the doctrine of sovereign immunity.
- The Texas Tort Claims Act spells out the circumstances under which a school district can be held liable for a personal injury.
- The Texas Tort Act does not grant this same immunity to Booster Clubs or PTA's.

#### **Insurance Requirements for Booster Clubs and PTA's:**

- Denton ISD requires that all Booster Clubs and PTA groups carry Public Liability Insurance and Directors' & Officers Liability Insurance with a minimum limit of \$1,000,000.
- A certificate of insurance adding Denton ISD as an additional insured should be sent to the Risk Management Department annually.

- Your organizations policy should provide coverage for the specific operations or events that you plan to sponsor. (Note that liability insurance policies vary and that not all events may be covered by your policy. Prior to scheduling any event, confirm with your insurance agent that the event is not excluded by your policy, or use other loss control methods to reduce potential liability for your group).

**Additional Insured Requirement:**

- If your group contracts with a third-party concessionaire or commercial vendor to operate or conduct an activity on your behalf, you should request a certificate of insurance with limits of at least \$1,000,000.
- The certificate should name your Booster Clubs or PTA's as an additional insured on their insurance policy. If the vendor is unable or unwilling to provide this certificate of insurance, it would be wise and prudent for your organization to find another concessionaire or vendor.
- Booster Clubs or PTA's should not add any concessionaires, vendors, or any other committees as additional insured's on your policy.
- The coverage that your group purchased is intended to protect your Booster Clubs or PTA's for your own activities and not the activities of others.

**Hold Harmless/Indemnification:**

- Denton ISD will not authorize or sign any contract if the indemnification or hold harmless language has not been removed.
- Booster Clubs or PTA's should enforce the same requirements.
- It is not the intent of your policy to provide coverage for the concessionaires or vendors you hire.
- Any contractual liability questions or concerns as it relates to your organization's activities should be reviewed in advance by your organizations selected insurance agent or agency.

**General Information:**

- Only the Superintendent or his designee shall sign any contract/agreement as a representative of the school or school district as authorized by the Board of Trustees. This does not include Booster Clubs or PTA contracts.
- Any contract/agreement signed by anyone other than the Superintendent or his designee will be null and void. This does not include Booster Clubs or PTA contracts.
- Under no circumstances will parents or parent organization members sign any contract as a representative of the school or school district.
- **District Contact** - Any questions regarding these insurance requirements, and copies of all certificates of insurance, should be sent to the Risk Management Department at Denton ISD.
- For more information on the Procedures and Guidelines for Booster Clubs and/or PTA groups, Vendor Vetting Forms, please go to [www.dentonisd.org/Domain/74](http://www.dentonisd.org/Domain/74), click on Departments, then Risk Management, Booster Clubs/PTA's.