

## **Risk Management Guidelines**

### **Attention: Employees, Parents, Booster Clubs and/or PTA**

For any event 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.

Denton ISD is following all safety guidelines provided by the CDC and DCPHD in regard to COVID 19. This includes practicing social distancing, wearing masks, washing hands often and cleaning and disinfecting all surfaces. Large gatherings and crowds should also be avoided. Please visit the CDC link below for up-to-date guidance.

<https://www.cdc.gov/coronavirus/2019-ncov/your-health/need-to-know.html>

Texas Department of Insurance (TDI) classifies an amusement ride as any 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. Examples of amusement rides include:

- Most mobile carnival rides.
- Most theme park rides.
- 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.  
(<https://www.tdi.texas.gov/commercial/lcamuseinfo.html#ride>)

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 PTAs. This decision comes after a more extensive look at the Districts liability policies, coverage, and responsibility as a District.

### **Authorized Vendor for Select Activities**

All vendors 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.

<https://www.tdi.texas.gov/commercial/lcamcurrentsticker.html> Inspection Sticker link

<https://www.tdi.texas.gov/commercial/lcamusepolicy.html> Insurance Verification link

### **Separate Legal Entities:**

- School District, Booster Clubs and PTAs 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:**

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 PTAs 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 PTAs should not add any concessionaires, vendors, or any other committees as additional insureds on your policy.
- The coverage that your group purchased is intended to protect your Booster Clubs or PTAs 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 PTAs 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.

Any questions regarding the above insurance requirements and/or sending copies of Certificates of Insurance, should be sent to the Risk Management Department at 1212 N. Elm Street, Denton, Texas 76201.

For more information on the Procedures and Guidelines for Booster Clubs and/or PTA groups, Vendor Authorization forms, listing of Authorized Vendors for Select Activities (Inflatables- PTA/Booster Club Use Only), and Agreement/Contract Approval Worksheet can be found on Denton ISD website under Departments & Services, Risk Management, Booster Clubs/PTAs or by clicking the link below:

<https://www.dentonisd.org/Domain/944>