

# **CONTROLLING LIABILITY FOR SENIOR CULMINATING PROJECTS**

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As districts set standards for senior projects, questions related to off-site liability and insurance coverage arise. Two questions that the Risk Cooperative has received from districts related to senior projects are:

- Does school district insurance cover students doing senior projects or community service? (Typically the sponsoring agency wants to know.)
- Should senior project sponsors/mentors be criminally screened?

## **CULMINATING PROJECTS REQUIRED FOR CLASS OF 2008**

Many Washington students have been participating in culminating and senior projects for years. Beginning with the Class of 2008, completing a Culminating Project will be a graduation requirement for all students as stated in WAC 180-51-061, "Minimum requirements for high school graduation."

"Each student shall complete a culminating project for graduation. The project consists of the student demonstrating both their learning competencies and preparations related to learning goals three and four. Each district shall define the process to implement this graduation requirement, including assessment criteria, in written district policy." (Footnote 7)

Typically, senior projects have four parts: a thesis research paper, project activity, portfolio, and formal (oral) presentation. The topic is chosen by the student, and overseen by the school district. Sometimes the project involves a mentor - a professional or expert in the field being researched - who is chosen by the student. Projects can cover as wide a variety of topics as students have interest in - from skateboarding to mental health to filmmaking. Parents are involved in the process and often sign a letter of commitment which outlines the project.

## **ENSURING A "SAFE" SENIOR PROJECT**

Since the inception of off-site work experiences, schools have considered safety issues in student activities away from the school. Some of the school sponsored off-site work experience procedures and practices apply to senior project activities as well. However, there are important differences - the student (not the school) chooses the activity, and there is little if any school control or supervision of the student's activity.

Since the senior project is part of the school district curriculum, it is arguably a school-sponsored activity and must be overseen by the district. The school is the gatekeeper of the project (activity), while the sponsoring agency has control of the student's activities on its site. All senior project activities must be safe, legal and approved by the district. The district remains responsible for the student's safety - physical, emotional, and social.

The senior project is reviewed and approved by the school - a staff member or team. Staff screening senior project activities must have the knowledge and experience to recognize and address potential safety issues in proposed projects. They need to ask enough questions to clearly understand the proposed activities concerning what the student will be doing. Student transportation also needs to be addressed.

OSPI has issued "Guidelines for Student-Directed Culminating Projects," a part of its "Culminating Projects Resources for Students and Districts." A section from the "Safety / Liability: Risk Management and Liability Guidelines" is included in this insert. These guidelines specify duties of the school, the student, parents, and the service site (sponsoring agency).

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## **INSURANCE CONSIDERATIONS**

Injury to the student, or damage or injury the student causes, may occur while involved in senior project activities. Who is responsible for paying for these types of losses? Several kinds of insurance may be involved - see the "Possible Insurance Coverage Related to an Off-Site Senior Project" chart.

The Southwest Washington Risk Management Insurance Cooperative is a self-funded and self-administered program which provides property and liability coverage. The school district's general liability coverage protects the school district, its employees and volunteers, subject to specific exclusions and limitations, in the event of a claim for damages *alleging negligence* arising from a school-sponsored activity.

In order for the school district's liability coverage to respond to a claim for damages, *the school district* must be potentially liable for the injury or damage (the district has breached a duty that causes the injury or damage). The school district cannot make a gift of its liability insurance coverage to other organizations or individuals, even well intentioned ones.

As mentioned earlier, in off-site senior project activities, there is seldom any school supervision of the activity. The sponsoring agency or mentor has control of the student's activities. Therefore, if a student is injured or injures others, the liability would typically fall to the entity controlling the activities - the sponsoring agency. So, the school district insurance would *not* typically cover students doing off-site senior projects or community service.

Because of this, to ensure coverage for off-site student injuries, we recommend that the participating senior have student accident insurance or other medical coverage; OSPI recommends that the service site "Offer/provide volunteer insurance," which is another way of obtaining this coverage. In addition, to ensure protection for injury or damage the senior may cause to others, we recommend that the district ensure that the sponsoring agency has adequate liability coverage.

## **SCREENING MENTORS/SPONSORS**

School districts require criminal screening of "volunteers who will have regularly scheduled unsupervised access to children" (RCW 43.43.830). In many cases, it is likely that either a mentor or a sponsor will have regularly scheduled unsupervised access to children. That is why OSPI recommends that schools "partner with law enforcement and district attorneys to provide background checks, and if necessary, fingerprinting."

As an interim measure, the school can do some preliminary screening by having the mentor/sponsor complete the "School Volunteer Disclosure Form" (part of the *School Field Trip Procedures* found on our website at <http://www.esd112.org/insurance/resources.html>.)

Senior projects offer students an opportunity to apply their learning skills and knowledge in real world situations of their choice. The school must remain diligent in ensuring their safety in this unique learning environment.

For questions or more information, please contact the Risk Cooperative at (360) 750-7504.

Staff screening senior project activities must have the knowledge and experience to recognize and address potential safety issues in proposed projects.

OSPI has issued guidelines for culminating projects that specify duties of the school, the student, parents, and the service site.

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## CULMINATING PROJECTS RESOURCES FOR STUDENTS AND DISTRICTS SAFETY / LIABILITY: RISK MANAGEMENT AND LIABILITY GUIDELINES

### GUIDELINES FOR STUDENT-DIRECTED CULMINATING PROJECTS

*Students make direct contact with community agencies as part of a Culminating Project.*

#### **SCHOOLS SHOULD:**

- Develop student packets that offer safe guidelines, including an individual student learning plan. Require parents to review and sign these forms.
- Conduct a safety survey for any service site they promote.
- Make sure there is no unsupervised access to children.
- Require parents and students to verify the safety of the site before they begin to serve.
- Be sure site complies with Child Labor and L & I regulations
- Inform agencies of the purpose, expectations and process for the culminating project.
- Be sure students and parents take responsibility for reviewing the safety of the project site. Parent informed consent forms need to be completed and recorded before students go on site.
- Establish a list of prohibited activities that might put students in harm's way (i.e. sky diving,, etc.), or the keep your feet on the ground rule
- Partner with law enforcement and district attorneys to provide background checks, and if necessary, fingerprinting.

#### **STUDENTS SHOULD:**

- Conduct a risk/hazard mapping of the site with parents.
- Never do anything you have not been trained to do.
- Follow their gut instinct, and get help if they are uncomfortable or afraid.
- Ask questions.
- Be sure agencies are fully informed of any special needs, medical issues or potential behaviors which may endanger them.
- Listen to instruction and follow suggestions at the site.

- Learn to "Think Safety" at all times and to "Be Prepared".
- Know how, when and where to get help when needed.

#### **PARENTS SHOULD:**

- Develop an individual student learning plan with their child so everyone fully understands the purpose of the project.
- Be sure they fully understand the purpose, expectations and process of the culminating project.
- Assess the community site with their child prior to service activity.
- Promptly pick up and drop off student at a safe, designated location. Have a back up transportation plan. (Cell phones may be helpful to facilitate communication.)
- Meet with community site supervisor prior to the service activity.
- Provide emergency contact information and get contact information from the service site.
- Provide medical insurance.

#### **SERVICE SITE SHOULD:**

- Develop learning plan for all students/projects.
- Attend a volunteer orientation which covers safety issues.
- Offer/provide volunteer insurance.
- Provide site supervisors and volunteers with background checks, medical accident insurance.

*Taken from the OSPI website - <http://www.k12.wa.us/TitleVpartA/LearnServe/CulminatingProjects/SafetyLiability.aspx>*

# POSSIBLE INSURANCE COVERAGE RELATED TO AN OFF-SITE SENIOR PROJECT

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## *POSSIBLE INSURANCE COVERAGE FOR AN OFF-SITE STUDENT INJURY*

ENTITY WITH INSURANCE	TYPE OF INSURANCE	LIMITATIONS
Student (parent purchased)	Student accident insurance (medical payments)	Typical cap of \$25,000
Parent (for student) (DHS for low-income families)	Health insurance (medical payments)	Insurer may try to collect from responsible party
Sponsoring agency or business owner	Workers' compensation for volunteers	This medical only coverage is optional for businesses
Sponsoring agency or business owner	Liability coverage	Entity must be legally liable
School district	Liability coverage (no medical payments coverage)	Entity must be legally liable

## *POSSIBLE INSURANCE COVERAGE FOR DAMAGE OR INJURY THE STUDENT MAY CAUSE OFF-SITE*

ENTITY WITH INSURANCE	TYPE OF INSURANCE	LIMITATIONS
Sponsoring agency or business owner	Liability (or property coverage)	Entity must be legally liable
School district	Liability	Entity must be legally liable
Parent (including student)	Homeowners insurance (liability)	Student must be legally liable

**NOTE:** Legal liability occurs when a duty is breached causing injury or damage. Legal liability can only be imposed by a court of law.