

Liability Insurance for School PTOs and Booster Clubs

- **Why does your Booster Club need Liability?**

If your PTA / PTO / Booster Club [herein referred to as Organization] were sued because of an injury that occurred at one of your events (carnival, fundraising, concession stand, etc.), your Organization would be held accountable to the public for its actions. Even though an accident or occurrence may be the result of unintentional negligence, it may lead to an allegation or lawsuit, wherein the Organization's president, officers, directors, and volunteers of the Organization are personally and individually named, placing their personal assets at risk.

Separate Legal Entities

These Organizations are a "business" and a separate legal entity. A school district and an Organization comprise two distinct legal entities and have separate legal responsibilities. Negligence committed by one does not necessarily mean negligence committed by the other. Therefore, separate liability coverage is required for each Organization, with separate limits of liability and defense coverage.

Doctrine of Sovereign Immunity for Sanger ISD

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. Liability can be imposed only when an injury arises from the negligent use or operation of a motor vehicle.

Insurance Requirements for the Organization

Sanger ISD's board policy (GKD (local)) requires all Organizations to carry a certificate of insurance. In order to protect your Organization better, both Public Liability Insurance and Directors' and Officers' Liability Insurance are needed. A certificate of insurance adding Sanger ISD as an additional insured is to be sent to the District Administration Office.

This policy should provide coverage for operations or sponsored events of the Organization. Not all events will be covered by your liability insurance policy. Prior to scheduling any event, confirm with your insurance carrier that the event is not excluded by your policy.

Additional Insured Requirement

If you use a concessionaire or commercial vendor to operate or conduct an activity on your behalf, request a certificate of insurance. The certificate should name your Organization as an additional insured on their insurance policy. If the vendor is unable or unwilling to provide a certificate of insurance, find another concessionaire or vendor. Do not add any concessionaires, vendors, or any other committees as additional insured's on your policy. Your policy is to protect your Organization for your own activities.

Hold Harmless/Indemnification

As practice, Sanger ISD will not authorize or sign any contract if the indemnification or hold harmless language has not been removed. For example, if this wording is left in the contract and signed by the Organization, the Organization may be providing coverage for the concessionaire or vendor by means of this hold harmless wording in the contract. It is not the intent of your policy to provide coverage for the concessionaires or vendors you hire.

Facilities Request

Sanger ISD must have a copy of your Organization's certificate of insurance prior to an event being held on district property. Copies of all certificates of insurance should be sent to the District Administration Office.