

FIELD TRIPS

Water Related Field Trips – Best Practices

Source: Keenan & Associates

Some field trips involve easily identifiable water exposures, ie. lakes and oceans. Other field trips that have water exposures may not be as obvious; such as the hotel swimming pool, while others may not appear to be an exposure at all (i.e. a prom night held on a boat). As a District sets and implements its policies in this area it is important that thought is given to include all possible instances where water may be a hazard.

Districts have experienced a number of drowning and near-drowning incidents and some include:

- A student on an educational field trip stayed overnight in a hotel with a swimming pool with no lifeguard on duty. While using the pool under field trip staff supervision, a child fell into the pool, went under for almost a minute and nearly drowned.
- A kindergarten teacher invited her class and supervising parents class over to her house for a pool party. One of the children almost drowned in the teacher's pool.
- On a field trip to a lake a student forgot to bring swimwear but went swimming wearing regular pants. The saturated pants made it difficult to swim, dragging him underwater, almost drowning, resulting in him in a coma after his rescue.

Education Code 35330 provides that all persons making a field trip or excursion (essentially the same thing: field trips are primarily educational and excursions primarily recreational) are deemed to have waived all liability claims against a District. A recent court decision, however – which was later reversed upon review – did assert that the immunity under 35330 was lost if the supervision was clearly inadequate. In the case of the teacher's swimming pool noted above, a claim was made against her homeowner's policy, which was denied because of the 'business' exclusion.

The severity potential of any drowning incident is significant, of course, and even if Districts have liability protection under Education Code 35330, the emotional effect of such a student death on parents, fellow students, teachers and the community is almost immeasurable. Given that, some members have gone beyond the risk transfer recommendations and develop strict policies, for example:

- When school groups wish to participate in swimming activities where paid pool or waterfront staff is not provided, the school group must provide a trained lifeguard. This includes the use of motel/hotel pools on overnight field trips. In other words: no lifeguard, no water activity.
- Under no circumstances shall a teacher or other school employee invite a group of students to their private residence for a pool party.

SOME EFFECTIVE RISK CONTROL METHODS ARE:

- Lifeguards are the best accident prevention strategy. They should be certified by the Red Cross in Adult CPR, Standard First Aid and Lifeguard Training. The general accepted lifeguard to swimmer ratio is 1:25, but could be lowered at times if the exposure area is larger and if there is a higher percentage of depths greater than standing level height. See The Red Cross Swimming and Water Safety handbook.
- Before students are allowed to begin any water activity, a strict overview of the rules governing the area needs to be provided, especially in open areas like lakes and the ocean. Particular attention should be given to any governing signage. If these rules are not followed by a participating student, their water privileges should be evoked.
- Field trip supervisors should review the swimming capabilities of all participating students with the parents or guardians so that they can advise the lifeguards if any of the children have drifted into areas that they cannot handle based on their prior experience.
- Under no circumstances should any student be allowed to go in the water wearing regular street clothes.
- Procedures to follow in the case of an accident should be established and reviewed.

FIELD TRIP PERMISSION FORMS SHOULD INCLUDE THE FOLLOWING FOUR ELEMENTS:

- A parent or guardian's signature authorizing the activity (if the student is 18 or over, they will need to sign the form also).
- Notification to the parent or guardian that participation in the activity is voluntary and not required by the District; such notification should cite the liability immunity in Education Code Section 35330.
- A medical authorization section outlining any medical conditions or allergies of each student.
- Adequate hold harmless and indemnification language.

A single form encompassing all potential activities during the school year may be used, but the risk is more effectively transferred if a separate form is used for each activity.

SOME EFFECTIVE CLAIM DEFENSE TOOLS ARE:

- The field trip permission form (containing the four critical elements outlined above).
- Evidence that – where student accident insurance is not provided – the parent or guardian has been provided information on how to obtain coverage.
- An explanatory note from the teacher proposing the field trip or excursion that the educational or recreational value of the trip makes it worthwhile even allowing for the hazards associated with it.
- Evidence (such as checklists) that document that the District has reviewed the hazards associated with the activity and taken measures to control them.
- Evidence that the field trip supervisory staff have been provided awareness training in the recognition of water hazards.
- It is recommended that lifeguards be present at all water related field trips.
- Solid accident investigation documentation – obtained as soon as possible after the accident – such as witness identification and pictures.
- Keeping comments – made in the heat of the moment – from any of the District staff present to a minimum.