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MEMORANDUM

TO: RESIG Member Leadership

FROM: Cindy Wilkerson, Executive Director
Sandy Manzoni, P&L Risk Manager
Nicole Thysell, P&L Risk Specialist

SUBJECT: Outdoor Education – High-Risk Activity Mitigation

Field Trips and Outdoor Education are a valuable component of the student experience. RESIG understands the need for these educational formats and is available to assist you in ensuring the safety of students and staff while engaging in these rich learning opportunities. We understand the educational value that students find in these events, and we believe that educational and community goals can be accomplished in a safe way.

Outdoor Education experiences, especially those away from the school site, inherently involve a higher level of risk. The safety of the venues and of the equipment used for activities is generally outside control of the school. That is why contracts are used with strong language to ensure venue operators are adhering to the highest safety standards. Even so, there have been instances where injuries have occurred. RESIG's coverage is comprehensive to include these inherently risky activities, however there are handful of activities offered at these sites that are subject to enhanced deductibles of up to \$100,000, as these activities specifically bring a high-level of risk to participants.

To help you ensure a wonderful, safe experience for students, RESIG has compiled the below resources and information to help you understand the options available to reduce the risk associated with these events. This memo will provide information regarding ways to avoid the higher deductible, as well as ways to mitigate risk for challenge courses and water-based activities often included as a part of outdoor education.

Contract

Good risk mitigation begins with the agreement between the venue hosting the event and the district/school. Many of the contracts from venues have been *recently* revised to transfer much or all risk to districts, many times requiring the school to provide

insurance for the venue itself. This is not appropriate as the owner and operator of the venue still have a legal responsibility to provide a safe environment for participants including equipment that has been recently certified by qualified inspectors, proper food handling protocol are in place, facilities are free of hazards, and venue staff exhibits safe and appropriate behavior. The contract with the venue must be strongly worded to avoid the district/school accepting too much responsibility as well as to avoid granting any rights to the venue under the school's coverage.

As a public self-insured group, RESIG needs to be very careful when asked to add an outside organization to coverage through an additional insured endorsement. Self-insurance can be put in simple terms – the fewer claims paid, the less in contributions RESIG requests. Adding outside agencies to RESIG coverage (your coverage) by issuing additional insured endorsements brings additional risks from potential claims. This is particularly true for those activities with higher deductibles such as high ropes courses and others. Therefore, for events or field trips involving high-risk activities, RESIG **will not** be issuing additional insured endorsements naming the venue or high-risk vendor to RESIG's coverage unless a contract with adequate language is in place.

For any contracts for high-risk activities, we ask that you engage legal counsel to review contracts prior to signing to identify areas where too much risk is being assumed by the district/school from the venue owner/operator. The fees for this legal review will be less than a high-risk deductible of up to \$100,000 in the unfortunate event there is an injury and a claim for damages.

RESIG has worked with School and College Legal Services to provide [contracts and insurance requirements](#) for members to use with venues. To modify, please work with your legal counsel. RESIG and its staff are not legal counsel and cannot offer legal advice, although we can advise on issues related to insurance, i.e. additional insured endorsements.

It may be necessary to choose an alternate venue

In a perfect world, any contract would be reviewed prior to signing, and all documentation would be readily in place. Contracts are sometimes signed quickly to reserve specific dates at a preferred venue. Once a contract is signed, it can be difficult to make amendments, so please take the time **prior to signing** for careful review of the contract provisions. If you are working with a venue that is not collaborating to make revisions recommended by legal counsel, perhaps a change in venue can still be accomplished. Remember, the focus is on ensuring the safety of students so they can learn from the activity. Excessive objections from a venue may be a red flag to note.

High-Risk Activities

Our [Activity Guide](#) provides a breakdown of many types activities as they relate to risk, your coverage and your deductible.

[You can access our Outdoor Education Venue Spreadsheet here](#), which provides a breakdown of events known to RESIG to be available at many local outdoor education venues. We have discussed with each venue the particulars of each activity offered that are subject to the enhanced high-risk deductibles to understand the safety mechanisms in place with the venue. Green activities are those that are low-risk and not subject to any additional deductible. Yellow activities are those that are subject to the high-risk deductible but have been pre-screened and have proven risk reduction in place at the venue. Red activities are subject to the high-risk deductible, and RESIG does not believe the venue currently has sufficient safety precautions to lower the risk of the activities. Please note that venues may have made changes, so it is best to check with the venue to confirm the safety protocol in place prior to signing any contract.

The primary high-risk activities encountered in Outdoor Education involve ropes courses and water activities. The following are ways to help mitigate the risk associated with each:

Ropes Courses:

- One way to avoid the risk associated with high ropes courses is to **choose only low ropes activity elements** during trips to these venues. It is the stance of RESIG that community and team building exercises that provide educational content can be accomplished with low ropes activities and challenge courses.
- If a school plans to use a high-ropes course, they should verify that certifications are up to date. For high ropes course equipment to be certified, an inspection must be conducted by a qualified inspector who will determine any safety deficiencies and needed repairs.

Water Activities:

- Only allow students to engage in swimming when an appropriate certified lifeguard to student ratio is available.
- Only allow students to swim in public pools, not pools at private residences.
- Confirm the venue will administer swim tests to students to determine which swimmers are allowed in deeper areas of a pool.
- Discuss appropriate behavior around beaches, lakes and rivers.
- When allowing students to utilize human-powered watercraft, make sure all students are equipped with and wearing an appropriately rated life jacket.

It is very important for RESIG members to understand the enhanced risks involved with Outdoor Education activities, as well as steps to take to mitigate those risks. RESIG is your partner to help you ensure safety of students while participating in Outdoor Educational opportunities. If you have questions or would like to discuss further, the

Property & Liability team and I are happy to connect. Our job is to support your work educating students in as safe a manner as possible. We are here for you!

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