Facilities Usage

Insurance should be required of anyone using school facilities. The District's Liability insurance does not usually extend to foundations, booster clubs or parent teacher organizations, because they are not actually a part of the District and therefore not subject to the exemptions of the Texas Tort Claims Act.

Some insurance companies will add school organizations to their policies. This is probably not a good idea, because those organizations do not have tort immunity. Do you want to jeopardize your District's loss ratio and ability to purchase insurance when the District does not have control of the organization?

Is the District itself protected? Yes, but I would think that the District would want to make all users aware that there is no insurance protection for anyone other than the District.

An application or rental agreement should be required for building usage; it should include:

1. Request for certificate of insurance showing additional insured, contractual liability, waiver of subrogation protection for the District.

2. Indemnification of District for damage or actions against District.

3. Acceptance that District's insurance provides no insurance to or for the renting party or user.

Some Districts show three types of renting groups with varying services provided by the District:

1. Campus based student/parent groups organized to support District activities and programs - No Charge during hours.

2. Non-campus based student/community group - Reduced Charge

3. Commercial/Full Charge group - Full Charge.

Which of these groups should be required to provide a certificate of insurance? The No Charge group may or may not have insurance. The Reduced Charged group should have insurance, but the limits may be less than required. The Full Charge group should definitely be required to have insurance.