

MEETINGS:

WHEN: • day of week
 • time of day

FREQUENCY: • how often

AREAS OF FOCUS FOR THE SCHOOL COUNCIL (direction may have been developed from the School Growth Plan):

WHAT AREAS OF SUPPORT/TRAINING NEED TO BE FOCUSED ON TO IMPROVE THE FUNCTIONING OF YOUR SCHOOL COUNCIL?

OTHER COMMENTS:

Chair's Signature

Principal's Signature

Date

OSBIE Risk Management Advisory

S-1.

SCHOOL COUNCILS/PARENT GROUPS

1. PARENT GROUPS

Parent groups play a significant role and contribute to the success of many school functions through their volunteer efforts. This contribution is recognized through the school board's liability policy which extends coverage to members of parent groups while they are acting within the scope of their duties on behalf of the school board. Duties are those assigned by any authorized employee or trustee. Coverage is extended to volunteer parents involved in activities which are approved and controlled by any authorized employee or member of the board. The person authorizing the activity must assume responsibility for it and the activity must be in accordance with board policies and procedures. Thus if a member of a parent group were sued because of alleged negligence arising out of their duties for the board, the OSBIE policy would provide protection.

The parent organizations require their own liability insurance as protection against being named in a lawsuit for activities of the group that are independent of a school and are not directed by a school employee or trustee. Activities such as conventions, social outings of the parent group, independent fund-raising events, etc., would not fall under the board's liability insurance.

The Ontario Home & School Association and the Federation of Catholic Parent-Teacher Associations of Ontario both have made liability insurance available to their membership. Parent groups should investigate the feasibility of obtaining liability insurance for their organizations for activities that are not under the jurisdiction of the school board.

2. SCHOOL COUNCILS

School councils are deemed to be formed for the sole purpose of providing advice to school staff. Members of school councils are protected by the boards' liability insurance for lawsuits while they are working within the scope of their mandated duties for the board.

Since the Ministry of Education and Training issued its Policy/Program Memorandum No. 122 on April 12, 1995, a mandate to form school council advisory organizations, the OSBIE office has received a number of questions regarding insurance coverage for School Councils.

To help to clarify the matter of insurance protection, the remainder of this bulletin is written in a **question and answer** format. It is recommended that this bulletin be copied and distributed to all interested parties.

Q-1. Are school councils protected by the board's liability insurance while they are working within their mandate to provide advice to the principal?

A-1. **Yes.** School councils are mandated by the Ministry of Education & Training to provide advice to principals on a variety of issues. While members of the council are performing their duties as outlined by the Ministry of Education and Training for the board, they are deemed to be working within the scope of their duties (to provide advice to the principal), and are insured as defined in the liability policy.

Q-2. What if school councils go beyond their mandate to provide advice? What if they become involved in some of the fund-raising activities that were previously run by parent groups? Does the board's liability insurance protect them in these circumstances?

A-2. It depends.

- i) **YES**, they are protected **IF** the school council members are "working within the scope of their duties for the board as assigned by an authorized board representative". For example, if a school principal organized a fund-raising activity and the school council members were asked to assist with the event, insurance protection would be provided to those members who volunteered.
- ii) **NO, IF** the school council members involve themselves in a fund-raising or other activity on their own and outside of the control of the school or board, the members are not protected by the board's liability insurance policy. For example, if a school council decided to hold a Christmas social, a family social event, conduct a craft sale, orchestrate programs not provided by schools, etc. on its own, coverage is not extended by the board's insurer.

Q-3. If my school council is willing to volunteer its time and energy to run a series of fundraising events, why must we have the board's support and input on our plans? If my school council decides to run a program on school premises, after school for the benefit of children and families in the community, why does the board have to be involved in setting up the program and outlining the rules for operation in order for me to be covered by the board's insurance? The board is obstructing our creativity by imposing rules? Is it fair for the board to withhold insurance protection if we don't follow the board's rules?

A-3. **Yes**, it is fair. The board has a high onus to ensure that any activity in which it or its representatives are involved is conducted in a safe manner. A board develops procedures and policies with respect to various activities with safety in mind. Safety and security must have priority when it comes to any school activity. Matters such as accommodations, equipment, supervision, training, appropriateness of the activity, etc. must all be addressed before an activity is undertaken. School officials have developed policies and procedures to ensure safety for students and others. To disregard these policies and procedures may lead to injury and to losses.

A liability insurance policy issued to a school board provides protection to the school board and to other interests while they are acting within the scope of their duties on behalf of the board. The insurer protects the board and others for activities within the control and jurisdiction of the school board. If the activity is outside the jurisdiction of the school board, then coverage is not provided for that activity. A board is not obligated to assume responsibility for an activity independent of a school even if the school might be the beneficiary.

Therefore, it is fair for the board to advise school councils that if they run activities outside the board's jurisdiction, they must purchase their own insurance that would respond to claims brought against them arising out of their events. They cannot be deemed to be working within the scope of duties for the board if they are not involved in a board controlled activity.

Q-4. If the school council is given permission to use a school gymnasium for an after-school program that the parents are running, are the parents protected by the board's liability insurance?

A-4. **No.** If the school council is simply using the school gym to operate a non-school activity, the group would require its own liability insurance for the activity they are running. They would be in the same position as other users of school premises, and should provide liability insurance for their activities on the board's premises.

Q-5. Do school councils require their own liability insurance?

A-5. **Yes,** they do if they engage in any activities beyond their assigned duties. School Councils will inevitably be involved in personal activities that are not under the jurisdiction of the school. Activities such as providing after-hours childcare, running music programs, or organizing a Christmas party or other social activity for the council members would need to be insured by the school council's insurance.

Q-6. Can school councils purchase liability insurance from OSBIE?

A-6. **No,** not through OSBIE. OSBIE is a Reciprocal Exchange that is licensed to insure school boards only.

Q-7. Where would school councils purchase liability insurance?

A-7. We are aware of two possible sources of group insurance for school councils.

1. The Ontario Federation of Home and School Associations has a group liability insurance policy available to **their members only**. School councils members involved in fundraising and other activities independent of a school may wish to consider membership in this Association.
2. The Ontario Association of Parents in Catholic Education will add School Councils who become members to their group liability policy. Information about membership and insurance can be obtained through the London Office at 519-432-5573.

Liability insurance protection is just one of the benefits of membership in either of these organizations.

These group liability insurance programs are designed to complement liability insurance policies provided by OSBIE or any other school board insurer."