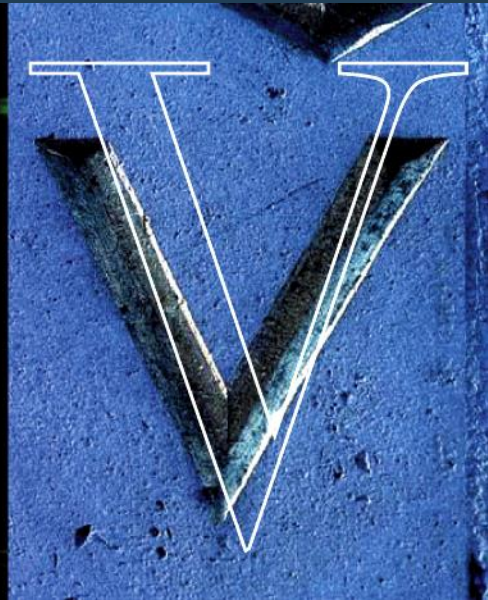
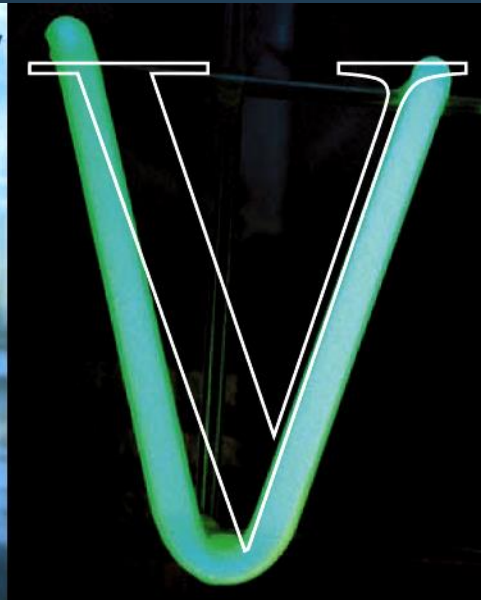
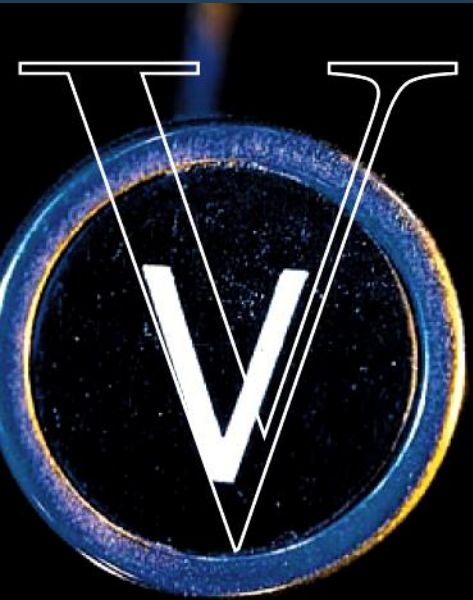


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## International Travel: Legal issues and liability exposure

Caryn Pass, presenter  
CAIS Business, Legal and Facilities Affairs Conference  
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## Session Outline

- Overview
- International Travel Policy
- Identifying Trip Sponsor and Responsible Parties
- Using third Party Vendors
- Necessary Documents
- Home Stay Issues
- Medical & Other permissions

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## Overview

- Recent Independent School Case
  - High Award For the Student Against the School
  - Created unreasonable standard of care
  - Under appeal for both standard of care and amount of award
    - United Educators
- Increasing Number of International Trips
  - Younger grades
  - Global Learning
  - Community service\*\*\*
    - Harder to monitor and control
    - Greater risks
- Goals:
  - Establish clear responsibilities
  - Document obligations and liability

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## Policy

- Selection of sponsor and operator
- Process for vetting of 3<sup>rd</sup> party vendor
- Chaperones selection, training & expected behavior
- Meeting with participants and parents
- Enrollment and collection of tuition
- Medical insurance and travel insurance
- Supervision, behavioral and rooming of students
- Selection of home stay family
- Documents:
  - Vendor Agreement
  - Chaperone Form
  - Authorization and Release
  - Medical Authorization and permission to treat
  - Trip description and information form (includes instruction to consult cdc)



## Types of International Trips

- Part of school program & sponsored by school
  - 8<sup>th</sup> grade trip to Israel
  - All students participate
  - Part of educational program
  - School organizes, sponsors and runs trip
    - May have 3<sup>rd</sup> party vendor set up travel etc.
  - “Please sign up for 8<sup>th</sup> Grade Israel ABC School Trip”
- Break, summer or other voluntary school trips
  - School endorses trip
  - Publicizes as “School Trip to Spain”
  - May be run by teachers or other adults
  - No mention of 3<sup>rd</sup> party vendor or limited mention
- Trips sponsored and operated by 3<sup>rd</sup> party vendors
  - Make trip available to parents
  - Not endorsed by school



## Must confirm who is responsible & liable

- School Running Trip
  - “Advertised” & “Endorsed” through School
  - Done year to year
  - Designed by teacher even if 3<sup>rd</sup> party assists on the ground
  - School brings own chaperones
- Vendor running trip in behalf of the school
  - School advertises and endorses trip
  - Families believe trip is a “school trip”
  - School sends teachers/chaperones and supervises students
  - School assists in enrolling the students and collecting funds
- Vendor running trip on its own
  - Enrolls students and collects funds
  - Communicates directly with families
  - Families don’t connect trip with school



## Use of vendor

- Many entities that offer trips
- Various levels of service
  - Help design
  - Advertise, enroll and collect tuition
  - Arrange for travel and take students from home country to international destination
  - Arrange for hotels, transportation and other arrangements at international destination (home stays)
  - Provide chaperones and other supervision
  - Transport home
- School must conduct due diligence
  - Ensure experience
  - Policies addressing supervision
  - Policies addressing emergencies
  - Hiring policies
  - Selection of home stay families
  - Selection of sites visited

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## Agreement between Vendor and School

- Usually provided by the vendor
- Given to school, family or both
- MUST BE REVIEWED!!!!!!
  - These are legally binding documents
  - They are generally drafted in unbalanced favor of the vendor
  - We assume substantial risk if we don't review
- Key Points:
  - What services are offered by vendor?
  - What are the school's responsibilities?
  - Does the vendor have insurance?
    - how much? is the school named? do we have a copy?
  - Is the school indemnified for the acts of wrongdoing by the vendor?
  - Independent contractor status?
- If agreement between Vendor and parent we also want to review





## Chaperone agreement with School

- Confirm parties
- Consideration
  - Permission to participate in trip or payment as teacher
- Carry out duties as chaperone:
  - In good faith, Consistent with mission of school, due care & in best interest of students, compliant with policy
- Maintain confidential nature of student information including medical information
- Take responsibility for medical needs of students
- Accept risks associated with international travel
- Grant permission to treat in case of illness
- Release school of all responsibility
- Confirm medical fitness for duty
- Use of photos and images

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## Authorization and Release

- Permission to attend trip
- Voluntary nature of trip
- Acknowledgment of risks and hazards foreseen and un-foreseen of international travel
- Release of all liability against the school & hold school harmless
- Student will follow rules and comply with instruction
- Failure to behave will result in student return and parent's cost
- If return from trip no refund
- Sole and exclusive discretion of chaperones to make decision to return student
- Grant permission to use photos

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## Authorization and Release cont'd

- “Acts of god” for cancellation
- Fitness to participate
- Participation contingent upon completion of all forms including medical authorization
- Grant permission to make medical decisions and provide medical support
- Proof of health insurance
  - May consider requiring international plan
- Proof of travel insurance
  - ESPECIALLY RETURN OF STUDENT TO STATES IN CASE OF INJURY
- Are actions on trip part of school? If disciplined on trip does that carry over to school? College Application?



## Medical Permission Slip

- Authority and permission for chaperones to:
  - Treat directly
  - Authorize treatment
  - Question of wording related to consultation with parent
- Proof of fitness for travel and participation from doctor
- DO NOT ADVISE ON WHAT SHOTS TO TAKE
  - Refer to CDC to assess immunizations and other dangers and risks
- Permission to give over the counter medication and if appropriate, prescription medications
- Medical history including allergies etc.
- Confirmation of medications taken, dosages and frequency



## Home Stay Issues: Selection

- **Create clear process for selection of home stay families**
- **Consider:**
  - Application
    - Questions related to who is in home
    - Sleeping and living arrangements
    - Transport to school
    - Supervision at home
  - Screening
    - Interview, visit home,
    - Background process
  - Selection
    - Standard for selection and criteria
  - Training of home stay families
  - Supervision and monitoring by school of families
  - Reporting and handling of problems and allegations
    - Method for both student and home stay family



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