

INSURANCE AND LOSS PREVENTION GUIDE

This publication has been developed to assist PTA leaders in selecting appropriate **fund-raising activities**, sponsored programs and events. Using this publication will help prepare for the risks associated with these activities.

PTA Insurance Carrier: Comprehensive General Liability:
Alliance of Nonprofits for Insurance Risk Retention Group
Directors and Officers Liability:
Alliance of Nonprofits for Insurance Risk Retention Group
Fidelity Bond
Travelers Insurance Company
Property Coverage
Hartford Insurance

PTA Insurance Broker: UnionBanc Insurance Services, Inc.
535 N. Brand Blvd., 10th Floor, Glendale, CA 91203
Pasadena, CA 91101-1915
Toll Free (866) 611-9400
Rachel: FAX (714) 626-7563
Joy: FAX (714) 626-7672
Kathy FAX (714) 626-7666
Email: pta@unionbancins.com



- Red Light** — Certain activities and events are **prohibited** and are not covered under a policy of insurance for the PTA. Individual PTA officers may be held personally liable for conducting any of the events listed on the prohibited list. The **RED** page in this guide lists **prohibited** activities.
- Yellow Light** — Occasionally, PTAs want to sponsor activities that may require additional insurance coverage, waivers of liability and certificates of insurance. PTAs must strictly adhere to PTA guidelines and/or other special arrangements. All conditions must be met before undertaking any activities listed on the **YELLOW** pages. The insurance broker must be consulted.
- Green Light** — Approved activities and events are listed on the **GREEN** pages of this guide. Please refer to the National PTA **Annual Resources for PTAs** for more information about appropriate PTA fund-raising activities.

Maryland
PTA[®]

everychild.one voice.

Maryland PTA
5 Central Avenue, Glen Burnie MD 21061-3441

(410) 760-6221 • FAX (410) 760-6344 • E-mail office@mdpta.org
<http://www.mdpta.org>

MAY 2008

TABLE OF CONTENTS

| | |
|---|----|
| Certificate of Insurance..... | 1 |
| Overview of Insurance..... | 2 |
| Procedures for Reporting Incidents at PTA Events..... | 3 |
| Incident Report Form..... | 4 |
| ☒ Red Light — Activities and Events That Are <i>Prohibited</i> | 5 |
| ☒ Yellow Light — Activities and Events Which May Require Additional Insurance, Waivers or Certificates of Insurance..... | 6 |
| Hold Harmless Agreement..... | 9 |
| Participant’s Waiver | 10 |
| ☒ Green Light — Approved Activities and Events..... | 11 |
| Directors and Officers Liability Insurance | 13 |
| Bonding Insurance and Property Insurance..... | 14 |
| Disclaimer | 15 |

Insert Certificate

OVERVIEW OF INSURANCE

COMPREHENSIVE GENERAL LIABILITY

Maryland PTA provides Comprehensive General Liability coverage with a \$1,000,000 limit that covers all **allowable** PTA activities.

The policy insures the PTA unit, its members and volunteers in case they are held legally liable for bodily injury or property damage to another person that results from a covered PTA event. PTA insurance does not cover booster clubs or other organizations.

The policy is designed to cover allowable PTA events. It is critical that before planning any PTA activities the RED, YELLOW and GREEN pages be reviewed. Certain activities and events are prohibited because they are excluded by the insurance policy or because they are dangerous or jeopardize the safety of our children and youth. If the PTA sponsors a RED page event and someone is injured because of PTA negligence the individual PTA officers could be held personally liable.

HIRED AND NON-OWNED AUTO LIABILITY

This protects the PTA unit if they are sued because of the use of automobiles by volunteers in the course of PTA business. You are still required to have your own automobile insurance. This will *not* cover any damage to your vehicle.

DIRECTORS & OFFICERS LIABILITY

Maryland PTA offers \$1,000,000 Directors & Officers Liability insurance. This covers the PTA unit, the directors, officers, members and volunteers. You can be sued when acting in the above capacity because of failure to act within established guidelines.

BONDING INSURANCE

Maryland PTA provides bonding insurance. We have \$25,000 Employee or Volunteer Theft, \$25,000 Forgery and \$25,000 theft of money by an outsider with a \$500 Deductible.

PROCEDURES FOR REPORTING INCIDENTS AT PTA EVENTS

The Incident Report Form must be completed by the PTA president. It is a confidential communication between the PTA and the Maryland PTA Broker, informing the Maryland PTA Broker of the *potential* problem. It is not a claim; it is merely notification of an incident. The Incident Report Form is **not** to be completed by the injured party, but you, as PTA president, may ask the party questions that will enable you to make a complete report.

It is important you have full/complete information but you **must not** give the impression that because you have completed an Incident Report Form that the PTA is responsible and will “take care” of the injured party. The Maryland PTA Broker will file the Incident Report Form with the insurance carrier who will investigate the incident and determine responsibility.

The Incident Report Form must be completed for every incident and accident that occurs. If a very serious incident/accident is being reported, you may also want to call the Maryland PTA Broker.

The PTA president should follow-up with anyone injured at a PTA event to express concern for the individual and inquire about any injuries sustained. As PTA president you must never promise to compensate a victim for his/her injuries or accept fault. Demonstrating concern for the individual may avert many claims.

The Incident Report Form (page 4) is part of the *Insurance and Loss Prevention Guide*.

Make three (3) copies of the completed Incident Report Form and distribute as follows:

- ❖ The original to be mailed to the Maryland PTA Broker:
UnionBanc Insurance Services, Inc.
535 N. Brand Blvd., 10th Floor
Glendale, CA 91203
- ❖ Mail one (1) copy to the Maryland PTA
5 Central Avenue
Glen Burnie, MD 21061-3441
- ❖ Retain one (1) copy for your files

Maryland PTA
5 Central Avenue, Glen Burnie, MD 21061
INCIDENT REPORT FORM
Prepare three (3) copies

Name of PTA _____
Address _____ Council _____
City _____ State _____ Zip _____ Date _____
EMAIL Address _____ FAX # _____

Name of Injured (if any) _____ Age _____
Address _____ City _____ State _____ Zip _____
Phone (____) _____ Date of Incident _____

Type and Extent of Incident _____

Narrative description of how incident occurred. _____

Was injury due to any act or negligence of PTA? Explain. _____

Was activity under supervision and/or sponsorship of PTA? Describe. _____

What were injured party's duties (if any) in activity? _____

WITNESS NAME _____ Phone (____) _____

Address _____ City _____ State _____ Zip _____

PERSON IN CHARGE _____ Phone (____) _____

Address _____ City _____ State _____ Zip _____

IF INCIDENT INVOLVED A VENDOR/CONCESSIONAIRE/SERVICE PROVIDER:

Name _____ Phone (____) _____

Address _____ City _____ State _____ Zip _____

PERSON PREPARING REPORT:

Name _____ Phone (____) _____

Address _____ City _____ State _____ Zip _____

PLEASE USE ADDITIONAL PAGES FOR MORE COMPLETE DESCRIPTIONS

Please complete this original report, make three (3) copies and distribute as follows:
Original to UnionBanc Insurance Services, Inc., 535 N. Brand Blvd., 10th Floor, Glendale, CA 91203
Copy to Maryland PTA, 5 Central Avenue, Glen Burnie, MD 21061-3441
Retain 1 copy for your files

RED LIGHT

The Maryland PTA has adopted certain policies regarding permissible PTA activities in order to minimize the risk of exposure. It is the policy of the Maryland State PTA that certain activities be prohibited because they are dangerous and jeopardize the safety of our children and youth. Such activities also jeopardize the insurance coverage for **all** PTAs in the state. Other activities and events are excluded by the insurance underwriter.

The following activities and events are prohibited. Individual PTA officers may be held personally liable for conducting any of the events listed below. All PTAs should be aware that violation of established Maryland PTA policies, including the sponsoring of prohibited activities, can result in withdrawal of the PTA's charter.

THESE ACTIVITIES ARE NOT ALLOWED, EVEN IF VENDOR HAS OWN INSURANCE.

Alcohol Sales
Aircraft Demonstrations
Animal Rides
Block Parent
Blood Testing (Blood Drives are Acceptable)
Booster Clubs or Other Organizations
Bungee Jumping
Cosmetic Services
Donkey Baseball/Basketball
Enrichment Programs — these activities are prohibited:
 Martial Arts Gymnastics Physical Education Classes
 Contact Sports Skateboarding
 Roller Blading Other Athletic-type Activities
Fireworks Sales
Health Services
Hot Air Balloons/Balloon Rides (on ground or in the air)
Human Canon Balls (or any variation)
Monster Truck
Paint Ball Guns
Pyrotechnic Displays
Safe House
Slam Dancing (Moshing, Stage Diving)
Surfing Contests
Swap Meets Where You Sell Used Sports Equipment
Trampolines
Transportation (except by Chartered Service, refer to YELLOW LIGHT list)
Watercraft (except commercial craft of 26 feet or more operated by a qualified vendor with evidence of insurance)

YELLOW LIGHT

Occasionally, PTAs want to sponsor activities which may require additional insurance coverage, waivers of liability, certificates of insurance or other special arrangements. PTAs must strictly adhere to PTA guidelines. All conditions must be met and/or the Maryland PTA Insurance Broker consulted before undertaking any activities listed on the **YELLOW** pages.

Under no circumstances should any PTA unit, council or district sign a Hold Harmless Agreement for a vendor/concessionaire/service provider, or agree in any way that the PTA will be held responsible for liability. Review all contractual arrangements very carefully to make sure that they do not contain such provisions. If a contract includes a Hold Harmless Agreement contact the Maryland PTA Insurance Broker prior to signing.

*The numbers [e.g., (1)] following each activity refer to the **CONDITION(S)** that must be met prior to a PTA voting to sponsor an activity or event.*

After Prom (2)
Astro Walk (1), (11) and (17)
Athletic Events (2), (3), (4) and (18)
Ballet or Dance Classes (2)
Babysitting at PTA Meetings (5)
Bike Rodeo (2)
Bingo and Raffles (7) and (8)
Camps — Outdoor Enrichment and Science (2)
Carnivals with Powered Rides and Amusement Vendors (1), (2) and (11)
Castle Bounce (1), (11) and (17)
Chartered Services, Limousine Services, Any For-Hire Transportation (1) and (14)
Childcare (2), (5) and (9)
Craft Fairs, Holiday Boutique and Swap Meets (1) and (2)
Dart Games (1)
Dunk Tanks (1), (11) and (17)
Enrichment Classes (16)
Field Trips (2)
Go-Carts (1) and (11)
Hayride (1) and (11)
Helmet Fairs (12)
Interactive Games (1),(2) and (11)
Jog-A-Thon or Walk-A-Thon (1), (4)
Grad Night (1), (2) and (3)
Limousine or Bus Service (1) and (14)
Litter Cleanups (10)
Opportunity Drawing Tickets (7) and (8)
Petting Zoo (1) and (15)
Purchase of Playground Equipment (13)
Skate Night (1)
Snack Food Concessionaire — Hired (1) and (2)
Sumo Wrestling (1)
Swim Classes (6)
Swim Party (6)
Virtual Realities (1)
Water Slides (1), (2) (11) and (17)

CONDITIONS

- (1) Obtain a Certificate of Insurance and an endorsement naming PTA as Additional Insured on the policy. The vendor/concessionaire/service provider must also sign the Hold Harmless Agreement (page 9). The Hold Harmless Agreement part (b) spells out the insurance requirements for the vendor/concessionaire/service provider. Advise your vendor to give a copy of the agreement to their insurance broker.
- (2) Call the Maryland PTA Broker with details of the event at (866) 611-9400
- (3) If a PTA unit, council or district chooses to sponsor allowable activities or events that the insurance company has excluded (Athletic Events) the unit, council or district must purchase the necessary additional participant liability insurance for that activity, and the entire organization (the Maryland PTA, its units and councils) must be named as Additional Insured. Please contact the Maryland PTA Broker, UnionBanc Insurance Services, for requirements for additional insurance. The Maryland PTA Broker understands the necessity of protecting the entire organization and will make sure that such additional coverage will match the existing PTA liability insurance and that Maryland PTA will be protected.
- (4) The only exception for which additional insurance need not be purchased is a Jog- or Walk-A-Thon. Parents and teachers may participate but must sign a Participant's Waiver (page 12) for themselves. The general public is not allowed to participate. Keep in mind that the PTA does not have accident coverage for Jog- or Walk-A-Thon events.
- (5) The only babysitting that is allowed is at PTA meetings where parents are continually on campus **AND** the following conditions are met: the babysitters do not change diapers, there are at least two unrelated adults (18 years or older) in attendance at all times, and coffee or other hot fluids are kept outside of the babysitting room or area. An additional person, which can be a high school student, is required for each additional ten children in the room.
- (6) Certified lifeguard required for all swim events.
- (7) Bingo and Raffles: Refer to the Constitution of Maryland State. Information is available on their website www.state.md.us. Licensing is required and you must follow the state rules.
- (8) Please consult local government for ordinances.
- (9) If you have Childcare or Day Care you are required to be licensed by the State of Maryland. You will also need to obtain a separate policy of insurance. Please call the Maryland PTA Insurance Broker.
- (10) Adequate supervision must be provided. Reflective vests and rubber gloves must be used. Clean-up must not be done on freeways.
- (11) If you are required to sign a contract by the vendor/concessionaire/service provider you **must** FAX a copy of the contract to the Maryland PTA Insurance Broker. See coverage sheet for broker FAX numbers.

CONDITIONS (continued)

- (12) If you sponsor a helmet fair do not accept payments for the helmets but have the payment for purchases be made direct to the vendor.
- (13) When you purchase playground equipment it is best to gift the money to the School and allow them to purchase and install the equipment.
- (14) The Maryland PTA does **not** have excess coverage over the bus companies insurance. We recommend that you gift the money to the school and allow them to arrange and pay for the bus when making field trips.
- (15) Children are being exposed to dangerous E. coli bacteria at petting zoos and fairs. Children pet the animals then put their hands in their mouths or touch food they are going to eat. Have your children wash their hands immediately and/or use antibacterial hand gel.
- (16) You are required to have two unrelated adults in all classrooms. One can be the teacher and the other a parent volunteer.
- (17) No homemade dunk tanks, bounce houses or slides. You must rent from a vendor who has appropriate insurance.
- (18) No team sports with a roster.

Maryland PTA insurance does not cover vendors/concessionaires/service providers. Consequently, all vendors/concessionaires/service providers are required to provide Evidence of Insurance to each PTA.

HOLD HARMLESS AGREEMENT

FOR PTA FUND RAISING VENDORS/CONCESSIONAIRES/SERVICE PROVIDERS

Insurance Requirements:

- (a) Workers' Compensation Insurance. Required if you have employees engaged in the performance of work under the agreement.
- (b) Comprehensive General Liability, Required \$1,000,000 Combined Single Limit. This policy shall cover, among other risks, the contractual liability assumed vendor/concessionaire/service provider under the indemnification provision set for in the agreement, and include Bodily Injury, Property Damage, Personal Injury.
- (c) Automobile Liability Insurance. Required only if you are providing transportation (e.g., limousine or bus service) at PTA event. \$1,000,000 limit required.

If you (vendor/concessionaire/service provider) fall under (b) or (c), a Certificate of Insurance showing policy limits and an endorsement to the policy MUST be submitted with your contract.

Contract containing the following language MUST be added to the above policies (b) and (c) as an Additional Insured:

The Maryland Congress of Parents & Teachers, (Maryland PTA) including all units and councils, and all their officers, directors, members and volunteers. The insurance afforded by this policy shall be primary insurance to any other valid and collectible insurance available to PTA and

(Name of vendor/concessionaire/service provider)

I/We _____ (vendor/concessionaire/ service provider) agree(s) to defend and to indemnify and hold harmless, the Maryland Congress of Parents and Teachers, (Maryland PTA) including all units, councils and all of their officers, directors, members and volunteers, but only with respect to liability for bodily injury or property damage or personal and advertising injury caused, in whole or in part, by my/our acts or omissions or the acts or omissions of those acting on my/our behalf:

- A. In the performance of my/our operations; or
- B. In connection with my/our premises rented to you; or
- C. In the sale or distribution of my/our products.

NOTE: The terms and conditions of this agreement shall apply with respect to Vendor's/Concessionaire's/Service Provider's operations for any PTA unit that is part of Maryland State PTA.

DATE: _____ SIGNED: _____
(Vendor/Concessionaire/Service Provider)

NAME OF ENTITY: _____ TITLE: _____

NOTE: Failure of Vendor/Concessionaire/Service Provider to keep the required insurance policies in full force and effect during the work covered by this agreement shall constitute a breach of this agreement. In the event of a breach, PTA shall have the right but not the duty to procure insurance covering the vendor for the period of this agreement. The cost of this insurance will be deducted by the PTA from the proceeds due to the Vendor/Concessionaire/Service Provider.

MARYLAND STATE PTA
5 Central Avenue, Glen Burnie, MD 21061-3441

PARTICIPANT'S WAIVER

In the consideration of the acceptance of my entry in the

Name of PTA Unit City

Date of Event _____ Name of Event _____

_____ I the undersigned participant, intending to be legally bound, do hereby for myself and heirs, executors, administrators and assigns, forever waive, release and discharge any and all rights, claims and actions for damages that I may have, or that may hereafter accrue to me against the Maryland PTA including all units and councils, and all of their officers, directors, members and volunteers.

I attest and verify that I am physically fit and able to participate in this event and acknowledge that I am aware of the inherent risks in participating in an athletic event of this type.

Signature Date

Print Name

Address City Phone

2008

GREEN LIGHT

Approved activities and events are listed on the **GREEN** pages. The National PTA **Annual Resources for PTAs** must be referred to for more information about appropriate PTA fund-raising activities and PTA policies and procedures.

Under no circumstances should any PTA unit or council sign a Hold Harmless Agreement for a vendor/concessionaire/service provider, or agree in any way that the PTA will be held responsible for liability. Review all contractual arrangements very carefully to make sure that they do not contain such provisions. If a contract includes a Hold Harmless Agreement contact the Maryland PTA Insurance Broker prior to signing. Vendors for these activities are still required to sign the PTA Hold Harmless Agreement and provide the necessary proof of insurance.

After-School Treats
Apple Bobbing
Art & Craft Activities
Auction/Silent Auction
Bake Sales
Balloon Artist (blows balloons up by mouth - no gases used, makes hats, animals, etc.)
Band Concerts
Baseball Toss through Target
Bean Bag Toss
Bike Displays
Book Fair
Bowling
Broom Hockey
Cake Walks
Calendar Sales
Candy Sales
Carnivals without Powered Rides and Amusement Vendors (refer to Yellow Light List)
Christmas Tree Sales (No cutting)
Colored Sand Painting
Community Forums
Confetti Eggs
Cookbook Sales
Costume Carnival and Costume Rentals
Cow Bingo
Craft Fairs, Holiday Boutique, and Swap Meets (operated by PTA members with all receipts going to PTA) (No selling used Sports Equipment)
Craft Workshops
DJs
Dances
Dinners (pasta, crab, international, barbecue, etc.)
Enrichment — Academic only (refer to exclusions on **RED LIGHT** list)
Egg Toss
Face Painting
Family Portraits
Fashion Shows
Fish Ping Pong
Food Sales
Football Throw through Target
Fortune-Telling
Gift Wrap Sales
Gift Wrapping
Golf Tournament

Continued

GREEN LIGHT Approved Activities and Events (continued)

Greeting Card Sales
Haunted House
Hobby Shows
Hypnotist
Ice Cream Socials
I.D. Bracelets
Jail Auctions
Karaoke
Leg-A-Thon
Line Dancing
Magazine Sales
Magic Shows
Math Fair
Mouse Trap Maze
(Wear Velcro suits, move through Velcro maze, and try not to touch sides.
No launching devices.)
Movie Night
"Nerf" Bow and Arrow
Parent Education Workshops
Pee Wee Golf
Performing Arts
Pencil Sales
Picnic-Type Games (Not competing against other schools or classes)
 3-Legged Race Puzzle Race
 Basketball Shoot Sack Race
 Bowling Softball Throw
 Jump Rope tug-of-war
 Obstacle Course Volleyball
 Potato Race
Pizza Night
Plant Boutiques
Popcorn Sales
Reading Night
Ring Toss
Roll Reversal Plays
Rummage Sales (ALL sales receipts going to PTA)
 White Elephant Sale
 Flea Market
Sale of Logo Items
Scarecrow Competition
School Play
Science Fair
Silhouettes
Snack Food Sales
Snow Day
Spelling Bee
Sponge Toss Using Goggles
Storytellers/Performers
Taffy/Sucker tug-of-war
T-shirt Sales, Sweatshirt, Jacket, etc.
Talent Shows
Water Balloon Toss
Water Bottle Sales
Yearbook Sales

DIRECTORS AND OFFICERS LIABILITY INSURANCE

Maryland PTA provides \$1,000,000 Directors and Officers Liability Insurance. This policy covers all units and councils participating in the program.

You, as a director, officer, member or volunteer of an organization, can be sued because of failure or alleged failure to act within established guidelines. Directors and Officers have a fiduciary duty to their organization and are sued by those who feel members have not lived up to the responsibilities or duties assumed as members of the organization.

Generally these duties are:

Duty of Loyalty: Requires you to act in good faith. You must not allow your personal interest to prevail over the interests of the organization. Don't use PTA as a personal forum.

Duty of Care: Requires you to be diligent and prudent in managing the organization's affairs. You must be informed and regularly review all financial statements, have regular attendance at board meetings and avoid conflicts of interest.

Duty of Obedience: Forbids acts outside the scope of corporate powers. The governing board of the organization must comply with state and federal law, and conform to the organization's charter, articles of incorporation and bylaws.

Examples of actual claims that have been filed against nonprofit organizations:

- ❖ Wrongful Termination
- ❖ Breach of Employment Contract
- ❖ Fund Misappropriation
- ❖ Discrimination
- ❖ Antitrust
- ❖ Civil Rights Violation
- ❖ Sexual Harassment
- ❖ Promotions and Compensation
- ❖ Invasion of Privacy
- ❖ Interference with Employment Contract
- ❖ Inefficient Administration
- ❖ Waste of Assets
- ❖ Failure to Deliver Services
- ❖ Fund-Raising Activities
- ❖ Lobbying Activities
- ❖ Entering into Contracts Where Conflict of Interest May Exist
- ❖ Libel and Slander

(Reminder: As with the Comprehensive General Liability coverage PTA must do all it can to prevent losses. This makes it possible to keep insurance costs low.)

BONDING INSURANCE

Maryland PTA's insurance program includes bonding. You are covered for \$25,000 Coverage A (Fidelity) with a \$500 Deductible. Coverage A covers you if an employee, member or volunteer takes assets of the PTA.

You have \$25,000 Coverage B (Forgery) with a \$500 deductible. This covers loss resulting from forgery or alteration of a check.

You have \$25,000 Coverage C (Theft/Robbery) with a \$500 deductible. This covers should someone other than an employee, member or volunteer takes assets (money or scrip) from us.

The bond does not provide coverage for wire transfers. There is very limited coverage for credit card losses and we discourage the use by units and councils.

Losses must be reported within 60 days of when you discover a potential loss. We recommend you report a loss when you are in the investigation stage, to prevent your claim being denied. You must have records of your transactions to collect on a loss.

It is critical that all units follow the Maryland PTA Financial Guidelines. Two signatures are required on all checks. When a fundraiser is held and large amounts of cash are collected, two people should count the funds; both sign and each retain a copy of the receipt verification form and deposit the money in the bank. Cash should not be left unattended in any car, taken home or deposited in your personal account. When a large fundraiser is held it is a good practice to do an audit on the fundraiser immediately upon completion of the event. An audit will immediately reveal if funds are missing.

Maryland PTA By-Laws require that all PTA's submit a copy of the treasurer's annual report, reviewed by the auditing committee to the Maryland State PTA or their designated representative.

DISCLAIMER

It must be understood that this document is only a summary, it is **NOT** all-inclusive, nor does it alter or waive any of the actual policy coverage, exclusions or conditions.

The material in this publication is provided for informational purposes only and is not intended to be representative of coverage that may exist in any particular situation under the policy. All conditions of coverage, terms and limitation are defined and provided for in the policy.

Please contact the Maryland PTA Insurance Broker UnionBanc Insurance Services, Inc. (866) 611-9400 or pta@unionbancins.com if your proposed activity is not listed under the **RED, YELLOW OR GREEN LIGHT**, or if you have questions regarding coverage or activities.



The *Insurance and Loss Prevention Guide* was made possible through the cooperative efforts of:

Alliance of Nonprofits for Insurance Risk Retention Group
UnionBanc Insurance Services, Inc.
Travelers Insurance Company

Please contact the Maryland PTA Insurance Broker for any suggestions for new green page items.