

THE RISK OBSERVER

FOUNDED 2006 — VOL. CLXI

PROFESSIONAL UNDERWRITERS

DAILY 5 CENTS, SUNDAY 15 CENTS

STUDENT FOREIGN TRAVEL

Any school activity presents risk. Carefully and thoughtfully handled, the risks can be minimized and the benefits of the activity enhanced. Foreign trips do present unusual exposures to risk, and a great many have been conducted successfully to the advantage of the students who participated. A clear and complete assessment of the risks compared with the educational opportunity and the costs should be conducted by the district well in advance of any contemplated foreign travel by students so that if a trip is approved, there will be ample time to plan for the best possible outcome.

Since a great deal of time and effort will be spent on organizing and conducting such a trip, the school administration and governing body should ask some basic questions first.

- Will the trip present educational opportunities to the students that are consistent with the district's philosophy and goals?
- Will all eligible pupils have a reasonable expectation of making the trip without an undue parental financial burden?
- Are the personnel resources available to adequately plan, organize and conduct the trip?
- Does anyone associated with the school have a financial interest in the trip, either presently or in the future?

A CLEAR AND COMPLETE ASSESSMENT OF THE RISKS COMPARED WITH THE EDUCATIONAL OPPORTUNITY AND THE COSTS SHOULD BE CONDUCTED....

If the answers to these questions are not satisfactory, then the potential for a claim of negligence in the event of a pupil injury is heightened and the school administration and governing body should use caution in approving the activity. If other sponsors are prepared to proceed in any event, then the school should make it absolutely clear to everyone that this is not a school sponsored activity and that individuals as school staff members will not in any way be permitted to lend the school name to the activity. School facilities should not be used for solicitation or administration of foreign travel which has not been specifically authorized by the board of education.

The school administration should further insist that the private sponsors make this clear in any solicitation they distribute. This arm's length stance will avoid any subsequent liability on the part of the district for any loss that may occur as a result of organizing and conducting the trip.

If the answers to the questions are satisfactory, then several steps should be taken to insure a positive outcome:

1. The governing body should appoint a staff member who will be responsible and accountable for the activity. This person should take directions from and report as required to the appropriate administrative staff.



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2. Assistance should be sought from a travel expert who will not have any financial interest in the trip. This person should be familiar with the kind of travel proposed and the country and region to be visited. The State Department should be solicited for advice about the political and financial stability of the destination country and the resources available should emergency assistance be required.
3. All announcements should make it clear that there are risks involved, but that careful planning and expert assistance will minimize them to the level of any ordinary foreign travel. Further, it should be clear that the activity is voluntary and that no disadvantage will accrue to any pupil who does not make the trip. The school's attorney should review the permission forms for adequacy and clarity.

THE GOVERNING BODY SHOULD APPOINT A STAFF MEMBER WHO WILL BE RESPONSIBLE AND ACCOUNTABLE FOR THE ACTIVITY.

4. All funds should be handled strictly in accordance with accepted best governmental accounting practices and where possible, all paid arrangements for travel should be protected from loss or non-performance by guarantees or surety provided in writing by the travel agency employed.
5. Establish clear, unambiguous rules for both adult and pupil behavior with appropriate penalties that can be administered without question by the school person in charge on the trip.
6. Do not permit anyone to deviate from the planned itinerary and activities in such a way as to be beyond the effective control of the person in charge.
7. Establish emergency procedures for the health and safety of the participants and know in advance where appropriate assistance can be obtained at all times including stopovers.

ESTABLISH CLEAR, UNAMBIGUOUS RULES FOR BOTH ADULT AND PUPIL BEHAVIOR.

8. Establish appropriate learning goals and evaluate the trip based on a written educational plan and demonstrated student growth in anticipation of future requests for such trips.

Foreign travel can be educationally rewarding and consistent with sound teaching/learning practices. It must be conducted with care and in the event of an injury to a pupil, the school must demonstrate that it did everything reasonably possible to protect the pupils from harm, to provide prompt and adequate medical attention, and that the trip was within the bounds of the district's teaching function.

