

A Little Paranoia Can Go a Long Way

R. Lee Richards, Principal, Cariboo Adventist Academy, Williams Lake, BC

I remember the Western Canada Teachers' convention of 2004. At this time, the real fallout from the February 2003 avalanche that killed 7 Alberta students on a school back-country skiing trip to British Columbia was being felt. Based on the subsequent law suits and how they were settled, school field trip planning was changed forever. The Risk Management presentation at that convention had me shaking in my boots and shaking my head; why would I ever WANT to take my students beyond the front door of our school ever again?!!!!

I was in shock over the directive to list every possible risk associated with the activity or trip that was planned. Evidently some of the parents of the back-country skiers had not realized this was a dangerous activity and their children might be injured or could potentially die from participating. Because of this, we have to point out to our parents the risks that might be encountered on any field trip, show that we have made them aware of these, follow the checklist for approving a field trip, ensure all participating vehicles are roadworthy properly insured, have driver abstracts for each driver, and the list goes on and on. Once more: Why would I ever WANT to take my students beyond the front door of our school ever again?!!!!

But we do, because it adds so much to the enrichment of the students' education. However, long gone are the days when teachers could see how many kids they could fit in their car to take them to a local site for a visit. One student I spoke to recalled a trip where the teacher ran out of seats in the car and had the extra students ride in the trunk to get everyone to the destination. So, maybe the changes are not all bad after all!

The reality is, anyone can sue us for anything they want. Our permission forms with their disclaimers and renunciations are not worth any more than the paper they are written on. Should parents or students choose to bring a law suit against us, there is no protection in a signed permission form. Our best line of defence is ensuring we are following the policies we have in place and doing due diligence in planning and implementation.

Policies are in place to be followed. Simply put, that is the reason why they exist. If policies are not being followed, that increases the associated risks that could lead to successful law suits. In "plain-speak", this means either we need to ensure we are following our policies when it comes to field trip planning, or change our policies so they match our actual practice. If there is a discrepancy between the two, we have handed the plaintiff their case on a silver platter.

Although we love to complain about all the paperwork involved, and yearn for the "good old days", we now live in a different social climate. As a rule of thumb, here are some basic guidelines for safe field trip planning.

1. Make sure your trip has the proper approval at the local school, board, conference and union levels as required.

2. Make sure all of the necessary paperwork has been completed and is filed with the appropriate authorities.
3. Notify parents in writing that the trip is taking place.
4. Ensure that parents have been made aware of the dangers associated with the trip and any activities involved.
5. Make transportation arrangements according to conference guidelines in safe vehicles with drivers holding appropriate licenses.
6. Ensure all vehicles are insured as required by conference guidelines.
7. Understand that deviations from the approved trip itinerary only happen when unforeseen events necessitate changes.

An example comes to mind. A teacher had taken his students on a field trip having followed all of the procedures for approval and implementation. On the way back, the students requested they stop at a Dairy Queen en route for a treat. The teacher stopped and allowed the students to make their purchases. As he was leaving the parking lot, he was involved in an accident and several of the students were injured. The school and the teacher were sued. The plaintiffs won the case because the teacher had intentionally deviated from the itinerary that had been approved and communicated to the parents. We can never completely eliminate the legal risks associated with school field trips, but by following our policies and using common sense we can at least reduce the chances of a law suit, and perhaps mitigate the circumstances.

A good resource for educators in Canada is *The Education Law Reporter: Elementary and Secondary School* that can be subscribed to at <http://www.preventivelaw.ca/elementary-welcome.html> on the web. According to the website “. . . this is a monthly publication, (September to June), which reports in clear, straightforward language and in a very timely manner, the most recent legal decisions and legal developments, with practical implications and applications for members of the education community and their legal counsel. This publication was begun in 1989 by Eleanor Doctor, B.Ed. M.A. LL.B. to serve the education community she was part of for twenty years.” It allows subscribers to search all the articles found in previous issues back to 1989. The information I found regarding the court cases for the skiing accident and the Dairy Queen incident came from issues of this publication.

The unfortunate lesson we need to learn, at this time, is that a little paranoia can go a long way when it comes to protecting ourselves and our institutions from law suits that we can avoid using our policies and common sense.