

### **PTA / PTO Programs - Insurance & Contract Requirements**

**PTA / PTO Liability:** PTA or PTO groups are a “business”, and a separate legal entity. As with any other business, it is held accountable to the public for its actions. Even though an accident or occurrence may be the result of unintentional negligence, it may lead to an allegation or lawsuit, often naming officers & directors, employees or volunteers.

**Separate Legal Entities:** A school district and a PTA/PTO comprise two distinct legal entities, and have separate legal responsibilities. Negligence committed by one does not necessarily mean negligence committed by the other. Therefore, separate liability coverage is required for each organization, with separate limits of liability and defense coverage.

**The Doctrine of Sovereign Immunity:** As a general rule, governmental entities such as school districts are immune from liability due to the doctrine of sovereign immunity. The Texas Tort Claims Act spells out the circumstances under which a school district can be held liable for a personal injury. Liability can be imposed only when an injury arises from the negligent use or operation of a motor vehicle.

**Insurance Requirements for the PTA/PTO:** The Frisco ISD requires all PTA / PTO groups to carry Public Liability Insurance and Directors’ & Officers Liability Insurance with a minimum limit of \$1,000,000. A certificate of insurance adding Frisco ISD as an additional insured should be sent to the Risk Management Department. This policy should provide coverage for operations or sponsored events of the PTA/PTO. Not all events will be covered by your liability insurance policy. Prior to scheduling any event, confirm the event is not excluded by your policy, or use other loss control methods to reduce potential liability for your group.

**Additional Insured Requirement:** If you use a concessionaire or commercial vendor to operate or conduct an activity on your behalf, you should request a certificate of insurance with limits of at least \$1,000,000. The certificate should name your PTA/PTO as an additional insured on their insurance policy. If the vendor is unable or unwilling to provide a certificate of insurance, you would be wise and prudent to find another concessionaire or vendor. Do not add any concessionaires, vendors, or any other committees as additional insured’s on your policy. Your policy is to protect the PTA/PTO for your own activities and not the activities of others.

**Hold Harmless/Indemnification:** Frisco ISD will not authorize or sign any contract if the indemnification or hold harmless language has not been removed or addressed by the Assistant Superintendent for Facilities & Finance. Your PTA/PTO should enforce the same requirements. For example, if this wording is left in the contract and signed by the PTA, the PTA may be providing coverage for the concessionaire or vendor by means of this hold harmless wording in the contract. It is not the intent of your policy to provide coverage for the concessionaires or vendors you hire. Any questions or concerns can be directed to the Frisco ISD Risk Management Department.

**District Contact:** Any questions regarding insurance requirements, and copies of all certificates of insurance, should be sent to the Risk Management Department at Frisco ISD:

Attn: Tim Sanz  
FISD Risk Management Programs  
Frisco ISD – Administration Annex  
6948 Maple Street  
Frisco, TX 75034  
Phone: 469-633-6344  
Email: [sanzt@friscoisd.org](mailto:sanzt@friscoisd.org)