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Student Travel: “On the Road Again...”

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STUDENT TRAVEL: "On the Road Again..."

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I. Out-of-State and Foreign Travel Opportunities for Students

A. School-Sponsored

Trip is organized and managed by the school district. District employees make all arrangements regarding the trip itinerary, transportation, lodging, and tour activities.

B. School-Sponsored & Managed by Tour Company

Trip is sponsored by the school district. District contracts with a tour company to plan and manage all arrangements for the trip.

C. Non-School-Sponsored

School district students participate in a private travel opportunity, but the trip is not sponsored or planned by the district.

II. Considerations for Policies and Procedures Related to Out-of-State and International School-Sponsored Travel¹

A. Adopt procedures for approval of school-sponsored trips.

1. Travel to other states or foreign destinations should be approved by the school board because of the potential for increased liability.
2. Consider educational relevancy & objectives.
3. Consider safety/security risks related to travel destination.
 - a. U.S. State Department travel advisories are available at travel.state.gov.

¹ Resources used by the author for identifying policy considerations for this paper included TASB Policy Service recommendations for Board Policy FMG (LOCAL) and the National School Board Association publication, *Bon Voyage! A Legal and Policy Making Guide for School Boards on International Student Travel* (May 2014).

- b. Travel Warning - the State Department issues a travel warning to caution travelers to consider very carefully whether they should go to a country at all. Examples of reasons for issuing a Travel Warning might include unstable government, civil war, ongoing intense crime or violence, or frequent terrorist attacks. Warnings are provided to inform travelers of the risks of traveling to certain places and to strongly consider not going to them at all. Travel Warnings remain in place until the situation changes; some have been in effect for years.
 - c. Travel Alert - the State Department issues a travel alert for short-term events it thinks you should know about when planning travel to a country. Examples of reasons for issuing a Travel Alert might include an election season that is bound to have many strikes, demonstrations, or disturbances; a health alert like an outbreak of H1N1; or evidence of an elevated risk of terrorist attacks. When these short-term events are over, the Travel Alert is cancelled.
 - d. The Centers for Disease Control and Prevention also provide travel warnings related to health concerns at www.cdc.gov/travel/notices.
4. Consider district liability for personal injury and other tort claims based on law applicable to travel destination.
- a. In Texas, a school district's governmental immunity for tort claims is waived only for claims that arise out of the operation or use of motor vehicles. Tex. Civ. Prac. & Rem. Code § 101.051. However, liability in such cases is limited to \$100,000 for each person and \$300,000 for each single occurrence of bodily injury or death; and \$100,000 for each occurrence for property damage. Tex. Civ. Prac. & Rem. Code § 101.023(b). The limited liability imposed by Texas law for the operation or use of motor vehicles applies only when the vehicle involved was owned or operated by the school district or an agent of the school district. *Heyer v. North East ISD*, 730 S.W.2d 130 (Tex. App.-- Dist. 1987, ref. n.r.e.).
 - b. For trips outside of Texas, a school district cannot rely upon the immunity provisions under Texas law for a cause of action that occurred outside of Texas. *Nevada v. Hall*, 440 U.S. 410 (1979). However, under the theory of comity, one state may give effect to the laws of another state out of deference or respect. *See State of New Mexico v. Caudle*, 108 S.W3d 318 (2002). Therefore, although Texas cannot require a foreign court to recognize its

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