

**Baltimore County Public Schools  
Indemnification and Insurance Requirements for the  
Use of Facilities by Organizations**

**I. Indemnification of BCPS**

The sponsoring organization and each individual and/or organization requesting the use of Board of Education of Baltimore County property, facilities, and/or grounds specifically agrees for themselves, those organizations they represent and/or those entities involved in the use of school facilities and grounds that they individually and jointly shall hereby indemnify, hold harmless and defend the Board of Education of Baltimore County and its elected and appointed officials, consultants, agents and employees for any and all losses, claims, suits, costs, demands, damages, liabilities or expenses (including attorney's fees) that may arise from or be caused in any way by any and all uses, users, use, activities, or occupancy of the facilities, property, and/or grounds owned, and operated or maintained by the Board of Education of Baltimore County.

**II. Damage to Property of the Applicant and its Invitees**

The Applicant and its employees, officials, volunteers and agents shall be solely responsible for any loss or damage to property of the Applicant or its invitees, employees, officials, volunteers, agents and representatives while such property is on, at or adjacent to the premises of the Baltimore County Public Schools.

**III. Standard Insurance Requirements**

Unless these insurance requirements are waived by the Office of Risk Management, the sponsoring organization and/or the individuals involved in this application for use of Board of Education of Baltimore County property, facilities, and/or grounds shall provide proof of adequate insurance coverage (see below for current description of adequate insurance). The failure to provide proof of adequate insurance coverage at least ten (10) days prior to the use or occupancy shall be grounds for immediate termination of any right or privilege to use Board of Education of Baltimore County property, facilities, and/or grounds. The sponsoring organizations and the individuals making application for this use of facilities specifically agree to reimburse the Board of Education of Baltimore County for any and all repairs that become necessary as a result of this use of facilities.

**Board of Education of Baltimore County Names as an Additional Insured**

The Board of Education of Baltimore County and its elected and appointed officials, officers, agents, employees and authorized volunteers shall be named as additional insureds on the Applicant's commercial general liability insurance policy as respects Applicant's use or occupancy of the premises of Baltimore County Public Schools. *Special Note:* Insurance Services Office form CG 2026 entitled "Additional Insured-Designated Person or Organization" or its equivalent shall be attached to the commercial general liability policy with the schedule showing the above as the designated additional insureds. Use of other ISO forms such as CG 2010, CG 2011, or CG 2033 or their equivalents are **NOT ACCEPTABLE**.

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**Primary Insurance**

Insurance or self-insurance provided to the Baltimore County Public Schools and the Baltimore County Public Schools' elected and appointed officials, officers, agents, employees and authorized volunteers by the Applicant or its insurer as specified herein shall be primary, and any other insurance, self-insurance, coverage or indemnity available to the Baltimore County Public Schools and the Baltimore County Public Schools' elected and appointed officials, officers, agents, employees and authorized volunteers shall be excess of and non-contributory with insurance or self-insurance provided to the Baltimore County Public Schools and the Baltimore County Public Schools' elected and appointed officials, officers, agents, employees and authorized volunteers by the Applicant or its insurer as specified herein.

**Insurer Financial Rating**

All insurance coverages required of the Applicant must be underwritten by insurers allowed to do business in the State of Maryland and acceptable to the Board. The insurers must also have a policyholder's rating of "A-" or better, and a financial size of "Class VII" or better in the latest evaluation by A. M. Best Company, unless the Board grants specific approval for an exception. The Board hereby grants specific approval for the acquisition of workers compensation and employers liability insurance from the Injured Workers Insurance Fund of Maryland.

**General Liability Insurance**

The Applicant shall purchase and maintain throughout the term of this agreement or its use of occupancy of Member premises commercial general liability insurance or its equivalent with minimum limits of:

**\$1,000,000** each occurrence;  
**\$1,000,000** personal and advertising injury;  
**\$2,000,000** general aggregate; and  
**\$1,000,000** products/completed operations aggregate.

This commercial general liability insurance or its equivalent shall include coverage for all the following:

- a. Liability arising from premises and operations;
- b. Liability arising from products and completed operations;
- c. Contractual liability including protection for the Applicant from bodily injury and property damage claims arising out of liability assumed under this agreement;
- d. Liability arising from the explosion, collapse, or underground (XCU) hazards;
- e. Liability arising from athletic or sports participation; and
- f. Liability arising from bodily injury to spectators.

**Auto Liability Insurance**

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If the Applicant has any owned autos, the Applicant shall purchase and maintain throughout the term of this agreement or its use or occupancy of Baltimore County Public Schools' premises business auto liability insurance or its equivalent with a minimum limit of \$1,000,000 per accident and including coverage for liability arising out of the ownership, maintenance or use of any auto and for automobile contractual liability.

**Workers Compensation Insurance**

If the Applicant has any employees, the Applicant shall purchase and maintain throughout the term of this agreement or its use or occupancy of Baltimore County Public Schools' premises, workers compensation insurance or its equivalent with statutory benefits as required by any state of Federal law, including standard "other states" coverage, and employers liability insurance or its equivalent with minimum limits of:

**\$100,000** each accident for bodily injury by accident  
**\$100,000** each employee for bodily injury by disease; and  
**\$500,000** policy limit for bodily injury by disease.

**IV. Additional Insurance Requirements**

Regardless of the activity to occur during the use or occupancy of Baltimore County Public Schools' premises, Baltimore County Public Schools reserves the right to require additional insurance coverages or limits of insurance from the Applicant depending on its risk management assessment of the activity to occur.

In general, the Office of Risk Management and the Department of Facilities do not recommend approval for high-risk activities. Examples include:

Hot air ballooning, aircraft rides, helicopter landings, semi-pro or professional wrestling, bicycle racing, boating, bungee jumping, and bungee runs, climbing walls, contact karate, dun tanks, hayrides, horse riding, ice skating, limo rides, live animal exhibits/acts, sleepovers, mechanical amusement devices, moon bounces, inflatable rides or games, motorcycling or use of all terrain vehicles (four-wheeling), mud wrestling, ocean sports, pool parties, banquets, rock climbing, concerts, rodeo or roping events, rollerblading, ROPES or adventure courses, skateboarding, skydiving, snowboarding, tobogganing, tractor-trailer rides, trampolines, Velcro walls, water games. If any of these activities are planned, The Office of Risk Management must be notified.

For firework displays, a separate set of insurance requirements will apply and these are available from the Office of Risk Management. For theatrical or dance shows; carnivals or fairs, athletic leagues or sports camps, use of facilities by groups or organizations for clearly commercial purposes (e.g. training seminars for employees or customers); use of facilities for other unusual or especially hazardous activities, the Applicant shall purchase and maintain throughout the term of this agreement or its use or occupancy of Baltimore County Public Schools premises umbrella excess liability or excess liability insurance or its equivalent within limits of:

**(\$2,000,000)** per occurrence;

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**(\$2,000,000)** aggregate for other than products/completed operations and auto liability; and

**(\$2,000,000)** products/completed operations aggregate

and including all of the following coverages on the applicable schedule of underlying insurance:

- a. Commercial general liability;
- b. Business auto liability; and
- c. Employee liability.

**V. Waiver of Subrogation**

To the fullest extent permitted by law, the Applicant and its employees, officials, volunteers, agents and representatives waive any right of recovery against Baltimore County Public Schools and their elected and appointed officials, officers, volunteers, consultants, agents and employees for any and all claims, liability, loss, damage, costs or expense (including attorneys' fees) arising out of the Applicant's use or occupancy of the premises of the Member or arising out of Applicant's operations on, at or adjacent to any loss or damage, including the negligence of Baltimore County Public Schools and its elected and appointed officials, officers, volunteers, consultants, agents and employees. The Applicant shall advise its insurers of the foregoing and such waiver shall be provided under the Applicant's workers compensation insurance policy, if any.

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**Organization**\_\_\_\_\_

**Name (please print)** \_\_\_\_\_

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Name (please print)** \_\_\_\_\_

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Date(s) of Activity** \_\_\_\_\_

**School Facility** \_\_\_\_\_