

Guidelines for Indemnification Requests for the Use of County Parks and Facilities

Most charter schools need to use county parks and facilities for events and activities throughout the school year. For many of these events and activities, the State is required to indemnify the counties for the use of their respective parks and facilities, pursuant to §46-71.5, Hawaii Revised Statutes. In these instances, charter schools are required to go through the indemnification process.

How do I know if I need to submit an indemnification request for my event or activity?

The easiest way for charter schools to determine whether their events or activities require the State to indemnify the County is if the event or activity meets any of the following criteria:

- A county permit is required.
- The charter school requires the use of a specific area of a county park or the use of recreational facilities such as gyms, fields, rooms, pools, etc.
- The event or activity is ongoing through an extended period of time at the same county park or facility.

While indemnification is required for any of the above reasons, the State cannot guarantee that permits will be issued for events/activities once indemnity is granted. The issuing of permits falls solely on each county's Department of Parks and Recreation.

Conversely, indemnification is not required for the following reasons:

- The park or facility is not county property.
- An event or activity takes place within the ocean (the ocean is not County property).
- A charter school has a group picnic of less than 50 people at a City and County of Honolulu park.

Submitting Indemnification Requests

To request indemnity for the use of county parks and facilities, the Indemnification Request Template should be filled out. **Be as detailed and accurate as possible.** The template should then be submitted to the State Public Charter School Commission. There are several details schools should be aware of when completing the template:

- The official name of the county parks and facilities are required. If you do not know the official name, contact your county's Department of Parks and Recreation.
- Describe the event/activity in detail. Include the exact time, date, days, and what types of activities will take place at the event. Include a translation of any Hawaiian words being used to describe an event.
- List the total number of students and what grade levels will be attending.

- If it is an event where there is a higher probability of injury (ex: hiking), include the adult to student supervision ratio.
- If there are water activities at an event (ex: swimming), include the adult to student supervision ratio as well as the number of lifeguards. Also include where the water activities will be taking place (ex: county pool, pond, ocean fronting beach park, etc.).

Assurance of Safety

The Commission drafts a cover letter that is attached to each indemnification request. The cover letter includes a clause regarding inspection that each school submitting an indemnification requests needs to be aware of, agree with, and abide by. The clause reads as follows:

For the purposes of this request, the charter schools listed in the attachment have inspected the premises indicated in the attached and has deemed the noted County facilities to be in safe condition for its intended use. In consideration of the noted type of event to be held, the facilities have been examined, and pursuant to the charter school's check of the premises, the listed charter schools believe there is no significant risk or liability to the State to use the facilities as indicated.

It is the responsibility of each charter school to inspect the safety of the County property that they will be using.

Indemnification Process

Below is the detailed process of obtaining indemnity:

1. Schools submit indemnification requests to the Commission.
2. The Commission compiles the requests into larger blanket requests by county.
3. The Commission submits the requests to the Department of the Attorney General, Education Division.
4. The Education Division reviews the requests. If the requests have all the necessary information, they are forwarded to the Attorney General. If they do not, they are sent back to the Commission to collect the missing information from the schools.
5. The Attorney General will review the requests. They will either be approved or sent back for revision.
6. Once the requests are approved by the Attorney General, the Commission submits them to the Comptroller at the Department of Accounting and General Services.
7. The Comptroller will review the requests and determine if additional insurance needs to be obtained, and once approved, the Commission submits them to the Office of the Governor.
8. The Governor will review the requests and will give the final approval, at which time they are returned to the Commission.
9. The Commission then sends the approved requests to each county's Department of Parks and Recreation and each school included on the requests.

10. The Departments of Parks and Recreation review the documents and input the information into their respective systems.

It is important to note that this process can take a month or longer. To reduce unnecessary administrative burden and to ensure school activities receive indemnity in time, the Commission sets several rounds each school year for which indemnification requests may be submitted. The Commission processes these requests *only* during each of the designated rounds and *only* for school activities that fall within the date range of the corresponding round. **Therefore, it is important to plan activities that require indemnification in advance.**

The Commission typically releases the timeline of indemnification request rounds in May of the previous school year.