

# RELEASE AND WAIVER OF LIABILITY AND INDEMNITY AGREEMENT (Athletics)

I hereby give my consent for \_\_\_\_\_ (NAME OF STUDENT) to participate as a member of an athletic team \_\_\_\_\_ (NAME OF TEAM/ACTIVITY) in athletic events at the Modesto City Schools and travel with the school representative on authorized school trips. Member of an athletic team shall be defined as that term is used under California *Education Code* Section 32220 as follows:

(c) "Member of an athletic team" means member of any extramural athletic team engaged in athletic events on or outside the school grounds, maintained or sponsored by the educational institution or a student body organization thereof. "Member of an athletic team" also includes members of school bands or orchestras, cheerleaders and their assistants, pompon girls, team managers and their assistants, and any student or pupil selected by the school or student body organization to directly assist in the conduct of the athletic event, including activities incidental thereto, but only while such members are being transported by or under the sponsorship or arrangements of the educational institution or a student body organization thereof to or from a school or other place of instruction and the place at which the athletic event is being conducted.

I, the undersigned, hereby release and discharge the Modesto City Schools District, its officers, employees, agents, servants and volunteers (herein collectively referred to as the "district") from all liability arising out of or in connection with the above-described event(s), including but not limited to all practice sessions or all liabilities associated with any and all claims related to such events(s) that might be filed on behalf of or for the above-named student. For the purposes of this agreement, liability means all claims, demands, losses, causes of action, suits or judgments of any and every kind that occurs during or incidental to the above-described event(s), including but not limited to all practice sessions, and that results from any cause whether caused by the negligence of the district or otherwise.

I hereby agree to indemnify and save and hold harmless the district from any loss, liability, damage, or cost they may incur arising out of or related to the event(s), including but not limited to all practice sessions, whether caused by the negligence of the district or otherwise.

I HEREBY ASSUME FULL RESPONSIBILITY FOR ANY RISK OF BODILY INJURY, DEATH OR PROPERTY DAMAGE ARISING OUT OF OR RELATED TO THE EVENT(S), INCLUDING BUT NOT LIMITED TO ALL PRACTICE SESSIONS, WHETHER CAUSED BY THE NEGLIGENCE OF THE DISTRICT OR OTHERWISE.

**I HEREBY ACKNOWLEDGE THAT THE ACTIVITIES IN THE EVENT(S) INVOLVE NUMEROUS RISKS OF INJURY AND MAY INVOLVE THE RISK OF SERIOUS INJURY AND/OR DEATH AND/OR PROPERTY DAMAGE. THE UNDERSIGNED ALSO EXPRESSLY ACKNOWLEDGES THAT INJURIES RECEIVED MAY BE COMPOUNDED OR INCREASED BY NEGLIGENT RESCUE OPERATIONS OR PROCEDURES OF THE DISTRICT.**

I hereby agree that this release and waiver of liability, assumption of risk, and indemnity agreement extends to all acts of negligence by the district, including negligent rescue operations, and is intended to be as broad and inclusive as is permitted by the laws of the state of California, and that if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

**THE UNDERSIGNED HAS READ AND VOLUNTARILY SIGNS THE RELEASE AND WAIVER OF LIABILITY AND FULLY UNDERSTANDS ITS TERMS AND THAT THE UNDERSIGNED HAS GIVEN UP SUBSTANTIAL RIGHTS BY SIGNING IT AND HAS SIGNED IT FREELY AND VOLUNTARILY WITHOUT INDUCEMENT OF ANY KIND OR GUARANTEE BEING MADE AND THE UNDERSIGNED INTENDS BY HIS/HER SIGNATURE TO BE A COMPLETE AND UNCONDITIONAL RELEASE OF ALL LIABILITY TO THE GREATEST EXTENT ALLOWED BY LAW.**

\_\_\_\_\_  
SIGNATURE OF PARENT/GUARDIAN OR STUDENT  
(Parent/Guardian must sign if student is a minor not yet age 18 or older)

\_\_\_\_\_  
DATE

DISTRIBUTION:      White - Athletic Department      Yellow - Parent/Guardian or Student