

Schools make students sign liability waivers acknowledging risk of death

Sam Wayne, Usman Khan
13 August 2020

Many colleges, universities and K-12 schools across the United States have sent letters and emails to parents and students, requiring liability waivers be signed before students can return for in-person classes.

Some of the higher education institutions using such waivers include Bates College, the University of New Hampshire, Point Park University in Pittsburgh and St. Xavier University. Universities such as the University of Memphis and Ohio State University sent liability waivers to all student athletes but may extend these waivers to all students.

There are also a number of K-12 school districts using these waivers including Florida's Volusia County, South Carolina's Berkeley County, the Catholic schools and centers in St. Petersburg and Tampa under superintendent Chris Pastura, and St. Andrew's Schools in Honolulu, Hawaii.

The purpose of these waivers is to exempt schools from liability in the event that students get infected with the coronavirus when they return to campuses and schools in the fall.

Some schools and colleges are requiring students and parents to sign forms that directly suggest students will be waiving their right to hold the school liable if they become infected. Other institutions are opting for more subtle agreements that use terms like "informed consent" and "shared responsibility."

In a recent article in Inside Higher Ed, Heidi Li Feldman, a professor at Georgetown University Law Center, stated, "Universities encourage students to think that the universities they are enrolled in are benevolent towards them, that they care about them as people." Feldman continued: "You cultivate a climate of trust, and in the context of a deadly disease, you're busy laying the groundwork for your litigation defense."

One such agreement issued by the College of Southern Maryland, a community college in La Plata with over 6,000 students, includes the following language:

...by coming to campus, you indicate your understanding of these safety requirements and rules, and you agree to comply with and abide by them.

In the interest of complete transparency, CSM wishes to reinforce to students, employees, and visitors that attending, visiting, or working on any CSM campus carries an inherent risk of being exposed to or contracting the coronavirus or COVID-19. By coming onto campus, you indicate your acknowledgement, acceptance, and assumption of these risks.

You likewise signal, by returning to a CSM campus, that you understand the contagious nature of the virus, the potential difficulty of identifying it in others, the possibility of exposure to a person infected with COVID-19, and the risk of subsequently being infected with the disease. You further signal your acceptance and assumption of these risks. [Emphasis in original]

Such COVID-19 student agreements imply that the decision to risk one's life is being made by the student of their own volition and, should a student become infected, the students are at fault for not following the institution's safety guidelines. As we have noted in a recent article "Universities prepare to blame students for COVID-19 outbreaks," students are being set up to take the blame when coronavirus outbreaks occur.

There are a number of issues with such agreements that must be addressed.

First, students who are planning to attend school for in-person instruction are hardly making a "choice." For college students who are old enough to have a say in the matter, they are making the decision under economic pressures—particularly in a period when millions of workers are unemployed and seeking a college education is seen as the only chance at getting a decent job. Moreover, many college students are attending institutions that either require

students to return to campus for in-person or “hybrid” instruction or make it difficult for students to attend remotely by requiring students to apply for “approval” from the school for remote learning.

For younger students in primary or secondary schools, particularly those of working class families, their parents are being forced to choose between sending their children back to school in order to return to work or staying home and potentially risking foreclosure, eviction or starvation. The difficulty facing parents is compounded by the recent ending of the \$600 federal unemployment benefit, with both Democrats and Republicans currently negotiating how much to cut these benefits in order to create conditions that will force workers back to work. This weekly supplement, which many families have relied on to cover their expenses, was cut in half by an executive order issued by Trump last Saturday.

The fact that schools are issuing liability waivers in the first place is a glaring admission that sending students back to schools is not safe. Already there have been over 5.2 million Americans infected with COVID-19 with over 166,000 dying from the disease.

Moreover, the claims made by some politicians, including President Trump, that children and youth are not affected by the virus are patently false. The emergence of nine new COVID-19 cases in the last week among North Paulding students and staff in Georgia tragically confirms the emerging science concerning the ability of children to spread the virus. In just the last two weeks of July, nearly 100,000 children tested positive for the coronavirus.

What is the basis for the back-to-school drive?

For K-12 schools, the ruling class is engaging in a campaign to send students back for in-person learning so that their parents can then be pushed to return to work to produce profits. Colleges and universities are seeking the return of students to fill dormitories and dining halls, which colleges rely heavily on for revenue along with sports and tuition.

While the issuing of liability waivers is being used by schools to evade liability for students getting sick, this policy must be seen within a broader context. Funding for public schooling and for higher education has been repeatedly cut over several decades. This has driven universities to continuously increase tuition costs to the point where the majority of young people seeking a college education can expect to be saddled with tens, if not

hundreds, of thousands of dollars in debt. The outbreak of the pandemic has greatly exacerbated the financial problems facing higher education, with a number of colleges not expected to financially survive the pandemic.

For public K-12 schools, cuts in funding have meant overcrowded classrooms, poverty wages for teachers, shifting the cost of purchasing school materials onto the backs of parents and teachers and allowing schools to become dilapidated. Many public schools have been shut down, and there has been an increasing drive to privatize education through the establishment of charter schools.

A fighting program for parents, students, and educators

In opposition to the back-to-school campaign, which is being carried out by the entire ruling class, the Socialist Equality Party (SEP) has issued a call for a general strike. In this statement, we call on educators and workers to raise and discuss the following demands in their schools, workplaces and neighborhoods: Keep all schools closed until the virus is eradicated! Full funding for public education and online instruction! Halt all nonessential production! For massive expansion of testing and contact tracing!

The statement calls for the formation of rank-and-file safety committees to fight back against the homicidal return to work and school. We urge educators, parents and students to contact us for assistance in organizing your struggle. We call on students and youth to support this struggle and join the International Youth and Students for Social Equality. Sign up for the World Socialist Web Site Educators Newsletter for updates on this fight. *If you're a student or parent who has received a liability waiver or "informed consent" agreement from a school or university, please write to us with your comments.*



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact