

## **WAIVER AND RELEASE OF LIABILITY**

**IN CONSIDERATION OF the risk of injury that exists while participating in KIHEI CHARTER SCHOOL CLUB SPORTS (hereinafter the "Activity"); and**

**IN CONSIDERATION OF my desire to participate in said Activity and being given the right to participate in same;**

**I HEREBY, for myself, my heirs, executors, administrators, assigns, or personal representatives (hereinafter collectively, "Releasor," "I" or "me", which terms shall also include Releasor's parents or guardian if Releasor is under 18 years of age), knowingly and voluntarily enter into this WAIVER AND RELEASE OF LIABILITY and hereby waive any and all rights, claims or causes of action of any kind arising out of my participation in the Activity; and**

**I HEREBY release and forever discharge KIHEI CHARTER SCHOOL, located at 650 Lipoa Pkwy, Kihei, Hawaii 96753, their affiliates, managers, members, agents, attorneys, staff, volunteers, heirs, representatives, predecessors, successors and assigns (collectively "Releasees"), from any physical or psychological injury that I may suffer as a direct result of my participation in the aforementioned Activity.**

**I AM VOLUNTARILY PARTICIPATING IN THE AFOREMENTIONED ACTIVITY AND I AM PARTICIPATING IN THE ACTIVITY ENTIRELY AT MY OWN RISK. I AM AWARE OF THE RISKS ASSOCIATED WITH PARTICIPATING IN THIS ACTIVITY, WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO: PHYSICAL OR PSYCHOLOGICAL INJURY, PAIN, SUFFERING, ILLNESS, DISFIGUREMENT, TEMPORARY OR PERMANENT DISABILITY (INCLUDING PARALYSIS), ECONOMIC OR EMOTIONAL LOSS, AND DEATH. I UNDERSTAND THAT THESE INJURIES OR OUTCOMES MAY ARISE FROM MY OWN OR OTHERS' NEGLIGENCE, CONDITIONS RELATED TO TRAVEL TO AND FROM THE ACTIVITY, OR FROM CONDITIONS AT THE ACTIVITY LOCATION(S). NONETHELESS, I ASSUME ALL RELATED RISKS, BOTH KNOWN AND UNKNOWN TO ME, OF MY PARTICIPATION IN THIS ACTIVITY.**

**I FURTHER AGREE to indemnify, defend and hold harmless the Releasees against any and all claims, suits or actions of any kind whatsoever for liability, damages, compensation or otherwise brought by me or anyone on my behalf, including attorney's fees and any related costs.**

**I FURTHER ACKNOWLEDGE that Releasees are not responsible for errors, omissions, acts or failures to act of any party or entity conducting a specific event or activity on behalf of Releasees. In the event that I should require medical care or treatment, I authorize Kihei Charter School to provide all emergency medical care deemed necessary, including but not limited to, first aid, CPR, the use of AEDs, emergency medical transport, and sharing of medical information with medical personnel. I further agree to assume all costs involved and agree to be financially responsible for any costs incurred as a result of such treatment. I am aware and understand that I should carry my own health insurance.**

**I FURTHER ACKNOWLEDGE that this Activity may involve a test of a person's physical and mental limits and may carry with it the potential for death, serious injury, and property loss. I agree not to participate in the Activity unless I am medically able and properly trained, and I agree to abide by the decision of the Kihei Charter School official or agent, regarding my approval to participate in the Activity.**

**I HEREBY ACKNOWLEDGE THAT I HAVE CAREFULLY READ THIS "WAIVER AND RELEASE" AND FULLY UNDERSTAND THAT IT IS A RELEASE OF LIABILITY. I EXPRESSLY AGREE TO RELEASE AND DISCHARGE Kihei Charter School AND ALL OF ITS AFFILIATES, MANAGERS, MEMBERS, AGENTS, ATTORNEYS, STAFF, VOLUNTEERS, HEIRS, REPRESENTATIVES, PREDECESSORS, SUCCESSORS AND ASSIGNS, FROM ANY AND ALL CLAIMS OR CAUSES OF ACTION AND I AGREE TO VOLUNTARILY GIVE UP OR WAIVE ANY RIGHT THAT I OTHERWISE HAVE TO BRING A LEGAL ACTION AGAINST Kihei Charter School FOR PERSONAL INJURY OR PROPERTY DAMAGE.**

**To the extent that statute or case law does not prohibit releases for ordinary negligence, this release is also for such negligence on the part of Kihei Charter School, its agents, and employees.**

**I agree that this Release shall be governed for all purposes by Hawaii law, without regard to any conflict of law principles. This Release supersedes any and all previous oral or written promises or other agreements.**

**In the event that any damage to equipment or facilities occurs as a result of my or my family's or my agent's willful actions, neglect or recklessness, I acknowledge and agree to be held liable for any and all costs associated with any such actions of neglect or recklessness.**

**THIS WAIVER AND RELEASE OF LIABILITY SHALL REMAIN IN EFFECT FOR THE DURATION OF MY PARTICIPATION IN THE ACTIVITY, DURING THIS INITIAL AND ALL SUBSEQUENT EVENTS OF PARTICIPATION.**

**THIS AGREEMENT was entered into at arm's-length, without duress or coercion, and is to be interpreted as an agreement between two parties of equal bargaining strength. Both Athlete, Parent / Guardians and Kihei Charter School agree that this**

agreement is clear and unambiguous as to its terms, and that no other evidence shall be used or admitted to alter or explain the terms of this agreement, but that it will be interpreted based on the language in accordance with the purposes for which it is entered into.

In the event that any provision contained within this Release of Liability shall be deemed to be severable or invalid, or if any term, condition, phrase or portion of this agreement shall be determined to be unlawful or otherwise unenforceable, the remainder of this agreement shall remain in full force and effect. If a court should find that any provision of this agreement to be invalid or unenforceable, but that by limiting said provision it would become valid and enforceable, then said provision shall be deemed to be written, construed and enforced as so limited.

Student First Name: \_\_\_\_\_ Student Last Name: \_\_\_\_\_

In the event of an emergency please contact the following person(s) in the order presented:

<u>Emergency Contact</u>	<u>Contact Relationship</u>	<u>Contact Telephone</u>
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In the event that the participant is under the age of consent (18 years of age), then this release must be signed by a parent or guardian, as follows:

I HEREBY CERTIFY that I am the parent or guardian of Athlete named above, and do hereby give my consent without reservation to the foregoing on behalf of this individual.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

## Hawaii State Department of Education PHYSICAL EXAMINATION FOR ATHLETES

Student's Name \_\_\_\_\_ M/F \_\_\_\_\_ Date of Birth \_\_\_\_/\_\_\_\_/\_\_\_\_ Grade \_\_\_\_\_  
 (Print) Last First MI Month Day Year

Address \_\_\_\_\_ Home Phone \_\_\_\_\_ Student Resides With \_\_\_\_\_  
 Street No. City State Zip Code

Fall Sport \_\_\_\_\_ Winter Sport \_\_\_\_\_ Spring Sport \_\_\_\_\_

Father/Legal Guardian's Name \_\_\_\_\_ Bus. Phone \_\_\_\_\_ Cellular Phone \_\_\_\_\_

Mother/Legal Guardian's Name \_\_\_\_\_ Bus. Phone \_\_\_\_\_ Cellular Phone \_\_\_\_\_

Emergency Contact \_\_\_\_\_ Bus. Phone \_\_\_\_\_ Cellular Phone \_\_\_\_\_  
 Name & Relationship

Emergency Contact \_\_\_\_\_ Bus. Phone \_\_\_\_\_ Cellular Phone \_\_\_\_\_  
 Name & Relationship

Emergency Contact \_\_\_\_\_ Bus. Phone \_\_\_\_\_ Cellular Phone \_\_\_\_\_  
 Name & Relationship

Health and/or Insurance Carrier \_\_\_\_\_ Policy # \_\_\_\_\_

The student and parent/legal guardian consent and authorize school officials through an Athletic Health Care Trainer (AHCT), qualified coach/staff, or physician as determined by the school, to provide any first aid and/or emergency care as well as follow-up first aid or medical treatment that may be reasonably necessary for the student as determined by a school official in the course of athletic practice, competition or travel.

The student and parent/legal guardian further consent and authorize the school's AHCT to provide appropriate therapeutic modalities in order to return the student to athletic competition, such care to be conducted under the direction of a physician.

The student and parent/legal guardian further consent and authorize the school's AHCT to administer baseline and/or post injury concussion management assessment in order to manage a concussion or suspected head trauma, such care to be conducted under the direction of a physician.

The student and parent/legal guardian hereby consent to the release of medical information by the physician to the school to obtain information regarding the medical history, records of injury or surgery, serious illness, and rehabilitation results of the student from his/her physician(s). We understand that the purpose of this request for medical information is to assist the school in the management or rehabilitation of an injury/illness. This information is confidential and except as provided in this release will not be otherwise released by the parties in charge of the information. This release remains valid until revoked by the adult student or parent/legal guardian in writing.

Student's Signature \_\_\_\_\_ Parent/Legal Guardian's Signature \_\_\_\_\_ Date \_\_\_\_\_

(Parent/Legal Guardian: Please Fill Out the Back Side of this Form)

### To Be Completed By Physician Only

Height \_\_\_\_\_ feet & inches Weight \_\_\_\_\_ lbs Blood Pressure \_\_\_\_/\_\_\_\_ Pulse \_\_\_\_\_ bpm

Vision: R 20/\_\_\_\_ L 20/\_\_\_\_ Corrected: Yes No Pupils: Equal \_\_\_\_ Unequal \_\_\_\_

Asthma \_\_\_\_\_ (Medication Used) Diabetes \_\_\_\_\_ (Medication Used) Allergies \_\_\_\_\_ (Medication Used)

MEDICAL	NORMAL	COMMENTS	INITIALS
Appearance			
Eyes/Ears/Nose/Throat			
Hearing			
Lymph nodes			
Heart/Murmurs			
Pulses			
Lungs			
Abdomen			
Skin			
Genitalia			
<b>MUSCULOSKELETAL</b>			
Neck			
Back/Spine			
Shoulder/Arm			
Elbow/Forearm			
Wrist/Hand/Fingers			
Hip/Thigh			
Knee			
Calf/Ankle			
Foot/Toes			
Other			

(Over)

**Parent/Legal Guardian and Student to fill out BEFORE Physical Examination**

Explain "Yes" answers below. Circle questions you don't know the answer to.

	Yes	No		Yes	No
1. Has a doctor ever denied or restricted your participation in sports for any reason?	<input type="checkbox"/>	<input type="checkbox"/>	25. Do you cough, wheeze or have difficulty during or after exercise?	<input type="checkbox"/>	<input type="checkbox"/>
2. Do you have an ongoing medical condition (like diabetes or asthma)?	<input type="checkbox"/>	<input type="checkbox"/>	26. Have you ever used an inhaler or taken asthma medicine?	<input type="checkbox"/>	<input type="checkbox"/>
3. Are you currently taking any prescription or nonprescription (over the counter) medicines or pills?	<input type="checkbox"/>	<input type="checkbox"/>	27. Were you born without or are you missing a kidney, an eye, a testicle, or any other organ?	<input type="checkbox"/>	<input type="checkbox"/>
4. Do you have allergies to medicines, pollens, foods or stinging insects?	<input type="checkbox"/>	<input type="checkbox"/>	28. Have you had infectious mononucleosis (mono) within the last month?	<input type="checkbox"/>	<input type="checkbox"/>
5. Have you ever passed out or nearly passed out DURING exercise?	<input type="checkbox"/>	<input type="checkbox"/>	29. Do you have any rashes, pressure sores, or other skin problems?	<input type="checkbox"/>	<input type="checkbox"/>
6. Have you ever passed out or nearly passed out AFTER exercise?	<input type="checkbox"/>	<input type="checkbox"/>	30. Have you ever had a herpes skin infection?	<input type="checkbox"/>	<input type="checkbox"/>
7. Have you ever had discomfort, pain or pressure in your chest during exercise?	<input type="checkbox"/>	<input type="checkbox"/>	31. Have you ever had a head injury or concussion?	<input type="checkbox"/>	<input type="checkbox"/>
8. Does your heart race or skip beats during exercise?	<input type="checkbox"/>	<input type="checkbox"/>	32. Have you been hit in the head and been confused or lost your memory?	<input type="checkbox"/>	<input type="checkbox"/>
9. Has a doctor ever told you that you have: (check ALL that apply)			33. Have you ever had a seizure?	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> High blood pressure			34. Do you have headaches with exercise?	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> High Cholesterol			35. Have you ever had numbness, tingling, or weakness in your arms or legs after being hit or falling?	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> A heart murmur			36. Have you ever been unable to move your arms or legs after being hit or falling?	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> A heart infection			37. When exercising in the heat, do you have severe muscle cramps, or become ill?	<input type="checkbox"/>	<input type="checkbox"/>
10. Has a doctor ever ordered a test for your heart? (for example, ECG, echocardiogram)	<input type="checkbox"/>	<input type="checkbox"/>	38. Do you have any hearing problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Has anyone in your family died for no apparent reason?	<input type="checkbox"/>	<input type="checkbox"/>	39. Do you have a hearing device?	<input type="checkbox"/>	<input type="checkbox"/>
12. Does anyone in your family have a heart problem?	<input type="checkbox"/>	<input type="checkbox"/>	40. Do you have a family member with hearing problems?	<input type="checkbox"/>	<input type="checkbox"/>
13. Has any family member or relative died of heart problems or of sudden death before age 50?	<input type="checkbox"/>	<input type="checkbox"/>	41. Has a doctor told you that you, or does someone in your family have sickle cell trait or sickle cell disease?	<input type="checkbox"/>	<input type="checkbox"/>
14. Has a family member died while exercising?	<input type="checkbox"/>	<input type="checkbox"/>	42. Have you had any problems with your eyes or vision?	<input type="checkbox"/>	<input type="checkbox"/>
15. Does anyone in your family have Marfan Syndrome?	<input type="checkbox"/>	<input type="checkbox"/>	43. Do you wear glasses or contact lenses?	<input type="checkbox"/>	<input type="checkbox"/>
16. Have you ever spent the night in a hospital?	<input type="checkbox"/>	<input type="checkbox"/>	44. Do you wear protective eyewear, such as goggles or a face shield?	<input type="checkbox"/>	<input type="checkbox"/>
17. Have you ever had surgery?	<input type="checkbox"/>	<input type="checkbox"/>	45. Are you happy with your weight?	<input type="checkbox"/>	<input type="checkbox"/>
18. Have you ever had an injury, like sprain, muscle or ligament tear, or tendonitis, that caused you to miss a practice or game? If yes, list affected area: _____	<input type="checkbox"/>	<input type="checkbox"/>	46. Would you like to lose weight?	<input type="checkbox"/>	<input type="checkbox"/>
19. Have you had any broken or fractured bones or dislocated joints? If yes, list affected area: _____	<input type="checkbox"/>	<input type="checkbox"/>	47. Would you like to gain weight?	<input type="checkbox"/>	<input type="checkbox"/>
20. Have you had a bone or joint injury that required x-rays, MRI, CT, surgery, injections, rehabilitation, physical therapy, a brace, a cast, or crutches? If yes, list affected area: _____	<input type="checkbox"/>	<input type="checkbox"/>	48. Has anyone recommended you change your weight or eating habits?	<input type="checkbox"/>	<input type="checkbox"/>
21. Have you ever had a stress fracture?	<input type="checkbox"/>	<input type="checkbox"/>	49. Do you limit or carefully control what you eat?	<input type="checkbox"/>	<input type="checkbox"/>
22. Have you been told that you have or have you had an x-ray for atlantoaxial (neck) instability?	<input type="checkbox"/>	<input type="checkbox"/>	50. Do you have any concerns that you would like to discuss with a doctor?	<input type="checkbox"/>	<input type="checkbox"/>
23. Do you regularly use a brace or assistive device?	<input type="checkbox"/>	<input type="checkbox"/>	51. Do you feel depressed?	<input type="checkbox"/>	<input type="checkbox"/>
24. Has a doctor ever told you that you have asthma or wheezing?	<input type="checkbox"/>	<input type="checkbox"/>	52. Do you have a history of multiple or long nosebleeds?	<input type="checkbox"/>	<input type="checkbox"/>
			53. <b>MALES ONLY:</b> Do you ever have or had swelling of your testicles or groin?	<input type="checkbox"/>	<input type="checkbox"/>
			<b>FEMALES ONLY</b>		
			54. Have you ever had a menstrual period?	<input type="checkbox"/>	<input type="checkbox"/>
			55. How many periods have you had in the last 12 months? _____		

**EXPLAIN "YES" answers here: (Add additional pages if necessary)**

\_\_\_\_\_

\_\_\_\_\_

I hereby verify to the best of my knowledge that the answers which have been provided to the above questions are correct.

Student's Signature \_\_\_\_\_ Parent/Legal Guardian's Signature \_\_\_\_\_ Date \_\_\_\_\_

Clearance: (Place a check in appropriate box below)

Cleared for all sports

Cleared after completing evaluation/rehabilitation for \_\_\_\_\_

Not cleared for:  Collision (Football)

Contact (Baseball, Basketball, Cheerleading, Judo, Softball, Soccer, Volleyball, Wrestling)

Non contact     Strenuous     Moderately Strenuous     Non-strenuous

Reason not cleared \_\_\_\_\_

Physician's Recommendation \_\_\_\_\_ Date of Physical Exam \_\_\_\_\_

Physician's Name \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_ Fax Number \_\_\_\_\_

Physician's Signature \_\_\_\_\_