

RISK COMMUNIQUÉ

TRANSPORTATION OF STUDENTS IN PRIVATE AUTOMOBILES

The transportation of students by staff in their private cars for extra class activities is a widespread phenomenon and occurs chiefly as a matter of convenience or cost-saving. Extracurricular guidelines may not have been developed to reduce the inherent risks.

An axiom of risk management suggests avoiding the assumption of risk for an activity over which there is no control. In this case,; 1) examine all the ways that this transportation might occur; 2) begin to establish elements of control over those that will be permitted; and 3) determine the kinds of transportation that will not be allowed.

Private Auto Insurance

It is impermissible in most jurisdictions for an employer to pay for or purchase private auto insurance on behalf of the employee/owner. This is usually covered as part of a mileage or car allowance paid by the employer for actual use. While entities can purchase liability coverage for non-owned vehicles, this coverage is typically in excess of the coverage provided by the owner of the private vehicle. This means that the person who transports pupils for school purposes in his or her car is providing the primary liability coverage through his or her personal auto insurance.

Do not assume the risk for an activity over which you have no control.

Emergency Transportation

Although a district may have a policy that requires ill or injured students or employees to be transported to medical care in an emergency vehicle, there may be circumstances when this is not possible or timely. In this case, a greater liability may be incurred if transportation is **not** provided by car. This might occur when the wait for an emergency vehicle is excessive in light of the seriousness of the injury or when no emergency vehicle is known to be available. You must do what you believe to be in the best interest of the ill or injured person, keeping in mind that moving a person with a back or neck injury can be more dangerous than waiting for appropriate help.

Evaluate Options, Establish Rules, Qualify Drivers

In general, the best solution to all pupil transportation is to provide an approved school bus and a qualified school bus driver. If this is not possible, then you must weigh the value of the activity to which the students will be transported against the risks involved. Remember, you are exposing students to risks over which you have little control. The worst solution for pupil transportation is to permit students to drive other students to school activities with or without adult supervision.

Except in very unusual circumstances, individual student participants should never travel to and from athletic contests, field trips or other activities in private cars when the rest of the students are transported by a school vehicle. You are responsible for the student at every step of the way, including the return to school at the end of the trip.

RISK COMMUNIQUÉ

Additionally, no student of either sex should be permitted to ride to and from a school function alone with a staff member. This exposes both persons to the possibility of assault or the allegation of assault. The only exception might be circumstances described above for emergencies.

Student transportation in private cars occurs frequently when small groups of students are participating in an interscholastic activity or field trips and a school vehicle is not available. Most often the driver is the coach or teacher and uses his or her own car. If it has been determined that this transportation is appropriate, you should take steps to do what you can to ensure the safety of the students. Permission to do this should be sought from the school administration and granted in writing in advance. The permission process should include a check of the driver's motor vehicle record for accident and traffic violations (see attached form). Some current documentation should be provided regarding the safe condition of the vehicle to be used, for example a recent State vehicle inspection. Insurance coverage should be confirmed. A planned route should be filed with the school and the driver instructed not to deviate from that route or to let students leave the vehicle (except for the approved event) before returning to school. The documentation generated by this process should be kept on file. Another typical situation involves permitting a coach or teacher to drive a school vehicle for these trips in the absence of a regular driver. If you permit this, qualify the driver on the school vehicle. Qualifying staff members to drive school vehicles used to transport students through training, license verification and motor vehicle record checks is prudent.

Establish Policies

It is the responsibility of the administration to identify all the needs for transportation of pupils and determine the resources available to meet those needs. If those needs exceed the resources, then the administration should establish a policy that will meet the appropriate needs. The administration must decide whether the benefits of transporting pupils in private cars outweigh the risk of loss and, in general terms, what will be permitted. It will then be the administration's responsibility to carry out the policy in a way that protects the students' welfare, while at the same time reducing the district's exposure to loss. Informality and spur-of-the-moment decisions are the worst possible course and present a greater likelihood of an unwanted outcome than a carefully thought-out approach that has some flexibility for emergencies and other circumstances.

In summary,

- Private vehicles should be used to transport pupils to and from school-related activities only when it is determined necessary and desirable under policy guidelines.
- Administrative regulations should ensure that such transportation occurs under the safest possible conditions and that adequate documentation is maintained to demonstrate that the regulations have been met and the pupils' welfare protected to the greatest extent possible.
- Informal transportation arrangements should be prohibited, and if pursued, should be clearly identified as a private, non-school matter.

RISK COMMUNIQUÉ

DRIVING RECORD CHECK

Driver Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Operator's License Number: _____ Expiration Date: _____

Limiting conditions noted on license, if any: _____

MOTOR VEHICLE RECORD CHECK

Date Requested: _____ Date Received: _____

Violations noted, with dates: _____

TRIP RECORD

Activity: _____

Location (from): _____ (to) _____

Time (start): _____

Route: _____

Students (list): _____

Driver: _____ Car Owner: _____

Car make, model, year: _____ Approved: _____

RISK COMMUNIQUÉ

PRIVATE VEHICLE INSURANCE RECORD

Vehicle Make: _____ Model: _____ Year: _____

V.I.N.: _____ Seating Capacity: _____

Driver Name: _____ Title: _____

Owner Name: _____ Address: _____

Current Liability Insurance Coverage I.D. Card: Yes No

Carrier Name: _____ Agency Name: _____

Limits Bodily Injury). _____ , _____

Property Damage _____

Expiration Date: _____