

Know the Risks: Transporting Students in Private Vehicles

Scheduling off-campus extracurricular activities isn't the issue; how you get students there can present a problem.

By Dan Mahoney, CSP, CIH

The transportation of students by staff in their private cars for extracurricular activities is common and occurs chiefly as a matter of convenience or cost saving. But it is not without risks.

In general, the best solution for all pupil transportation is an approved school bus and a qualified school bus driver. If that is not possible, you must weigh the value of the activity to which the students will be transported against the hazards involved.

Remember, you are exposing students to risks over which you have little control. The worst solution for pupil transportation is to allow students to drive other students to school activities with or without adult supervision.

Student transportation in private cars occurs frequently when small groups of students are participating in an interscholastic activity or field trip and a school vehicle is not available. Most often, the driver is a coach or teacher who uses his or her own car. If that transportation has been deemed appropriate, you should do what you can to ensure the students' safety.

Permission to use private vehicles should be sought from the school administration and granted in writing beforehand. The permission process should include a check of the driver's motor vehicle record for accidents and traffic violations. 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.

The planned route should be filed with the school, and the driver should be 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 such trips in the absence of a regular driver. If you allow that, 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 administration's responsibility to identify all the transportation needs of pupils and to determine the resources available to meet those needs. If those needs exceed the resources, 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 potential 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 reducing the district's exposure to loss.

No student of either sex should be permitted to ride to and from a school function alone with a staff member.

Except in unusual circumstances, individual student participants should never travel to and from athletic events, field trips, or other activities in private cars when the rest of the students are transported by a school vehicle.

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

Informality and spur-of-the-moment decisions are the worst possible course and present a greater likelihood of an unwanted outcome than does a carefully thought-out approach that has some flexibility for emergencies and other circumstances.

Other Considerations

Here are some other considerations when contemplating letting district staff transport students.

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 that is not possible or timely. In that case, a greater liability may be incurred if transportation is not provided by car, for example, 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.

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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.

PRIVATE AUTO INSURANCE

In most jurisdictions, the law prohibits employers from paying for or purchasing private auto insurance on behalf of the employee or owner. Compensation for insurance 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 nonowned vehicles, such coverage typically exceeds that provided by the owner of the private vehicle. That means 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.

In Summary

Using private vehicles to transport pupils to and from school-related activities should be avoided. However, when they are used, the circumstances must be determined necessary and desirable under policy guidelines and the school administrator must grant permission in writing.

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, nonschool matter.

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