



RAYMOND SCHOOL DISTRICT

Jennifer Heywood <j.heywood@sau33.com>

Student Transport Questions

5 messages

Jennifer Heywood <j.heywood@sau33.com>

Thu, Sep 2, 2021 at 1:35 PM

To: Diane Gorrow <gorrow@soulefirm.com>

Cc: David DeRuosi <d.deruosi@sau33.com>

Hi, Diane. A question came up at our Board meeting last night. We were discussing transport of students to and from athletic events.

We have a policy that states "All students traveling to and from an athletic event will travel on official school buses. The only exception will be for parents/guardians (no other relatives) to transport their children from the event."

We also have a policy that spells out the steps someone must go through in order to be able to transport a student as a private citizen, as well as the insurance requirements that go along with that.

The question that someone has asked is: Why can, say, the neighbor drop a student off at school, or be listed on the emergency contact form and be allowed to pick a student up from school, but then that neighbor cannot transport a student to or from an athletic event?

And some follow up questions:

If the neighbor has parent consent to drive a student to and from school, would allowing the same create liability issues for the District?

Does the issue stem from the fact that the athletic event is sanctioned by the District?

Thank you. :)

-Jennifer.

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Atty. Diane Gorrow <gorrow@soulefirm.com>

Thu, Sep 2, 2021 at 2:53 PM

To: Jennifer Heywood <j.heywood@sau33.com>

Cc: David DeRuosi <d.deruosi@sau33.com>, "Atty. Diane Gorrow" <gorrow@soulefirm.com>

Good afternoon Jennifer,

As you know, when the District provides transportation to and from school, parents are not obligated to use that transportation, but can make their own private arrangements to get their children to and from school. The District is not responsible for that private transportation. The District has meet its obligation to provide the transportation.

The District is also responsible for transporting students to and from school sponsored events such as athletic events and field trips. Policy EEBB-R requires all students to use the District's official school buses for athletic events except in one instance: parents can transport their own children home from the event.

Policy EEBB is intended to address situations when school bus transportation is not available and the District needs to find alternative methods to get students to and from the events. A private citizen may provide school authorized transportation as long as the individual meets the insurance, license, and inspection requirements of the Policy. Since the District is responsible for transportation to school sponsored events, it must make sure that those individuals providing that transportation for the District meet the standards set by the District. When private vehicle transportation has been authorized, it is possible that a neighbor would be authorized to provide the transportation.

If you have any other questions, please let me know.

Diane M. Gorrow, Esquire

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Cc: David DeRuosi <d.deruosi@sau33.com>, "Atty. Diane Gorrow" <gorrow@soulefirm.com>

Thu, Sep 2, 2021 at 3:17 PM

Thank you. If we didn't have policy EEBB as it stands now, is there a legal reason why we wouldn't want a neighbor driving a student to an athletic event versus us being okay with a neighbor driving a student to school in the morning? Would the district be liable while the student is being transported from home to the sporting event?

I think, essentially, our Board member is asking what the difference is between a neighbor dropping a student off at school versus a neighbor dropping a student off at an athletic event - why so many more steps for the latter, and is it just our policy saying so or are there legalities behind it?

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Atty. Diane Gorrow <gorrow@soulefirm.com>
To: Jennifer Heywood <j.heywood@sau33.com>
Cc: David DeRuosi <d.deruosi@sau33.com>, "Atty. Diane Gorrow" <gorrow@soulefirm.com>

Fri, Sep 3, 2021 at 9:52 AM

Good morning Jennifer,

The District could have a policy that it does not provide any transportation for students to and from athletic events, field trips, and other school sponsored activities. In that case, parents and students can decide how to get to and from those activities, and the District would have no responsibility or liability for accidents that might occur to and from those activities.

However, when the District assumes responsibility for transporting students to and from those activities as it did in Policies EEBB and EEBB-R, the District has a duty to make sure that students have a safe means of transportation to those activities. If an individual is injured when a student is being transported by a neighbor to and from those activities, the District could be liable. In order to provide a safe means of transportation, the District establishes rules such as rules to limit the ability of nonparents to transport students or rules that set standards for that private transportation.

For transportation to and from school, the law is clear that the District is responsible for students from the time that they get on the bus until the time that they get off the bus. If parents do not want their children to be transported on the school bus to and from school, the District has no liability for any accidents that may occur when a neighbor is transporting the student to and from school.

If the neighbor is transporting a student from home to a sporting event in a situation where the District does not provide transportation (e.g. home sporting event), liability would be similar to a neighbor driving a student to school (i.e. no liability). However, if the District requires students to go to and from the school to an out-of-district event, allowing a neighbor to transport students directly to the event would expose the District to liability if it did not set rules so that transportation was safe.

Hopefully, this answers your questions.

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Cc: David DeRuosi <d.deruosi@sau33.com>, "Atty. Diane Gorrow" <gorrow@soulefirm.com>

Fri, Sep 3, 2021 at 2:07 PM

I think so...thank you.

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