

# Student Transport

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With warmer weather comes more opportunities for outdoor student activities like fieldtrips, special activities, and fundraising events. Transporting a classroom of students from point A to point B, however, can prove to be quite the task. Volunteer transport may seem difficult to avoid, especially for schools who channel creative solutions to prevent low budgets from impacting student enrichment. This situation, unfortunately, opens the school to various legal vulnerabilities. For example, you might find yourself needing to answer questions like "what happens if a volunteer's car becomes damaged and they request reimbursement for damages?" and "What happens if a student became injured in the process?".

CSDSIP does not recommend a volunteer transport system as a means to move students due to lack of legal security in the event of an accident. The purpose of this article is to assist our Members as they develop and apply their policies and procedures regarding student transportation and to clarify how CSDSIP's Auto Coverage applies when a volunteer driver [such as a parent] is driving their personal auto versus a Member-owned auto. For the purposes of this article, a "personal auto" is an auto not owned by a member but privately owned by an employee or volunteer used in your business and within the course and scope of the employee's or volunteer's duties for you. As you develop and refine your policies and procedures, we recommend that you consider the requirements that you have for your employees who drive your auto within the course and scope of their employment for you. If you decide to permit volunteer transport of students, we strongly recommend that you treat a volunteer driver the same as you would an employee.

## Coverage

In the definition of a "covered auto" under our School Auto Coverage form, a covered auto is any vehicle that the Member owns, leases, hires, or rents, as well as non-owned autos that employees, volunteers, or student interns use for the Member's business. The Member and anyone else while using a "covered auto" with the Member's permission and in the Member's business and within the scope and course of their duties for the Member. There is no coverage under the Pool's School Auto Coverage for Auto Physical Damage or Terminal Coverage, which is also known as Comprehensive or Collision Coverage, for the volunteer's personal auto. There is no coverage for parents, volunteers, or carpools that are organized and handled outside of the Member's control as well as for transporting students to and from school.

*Is there coverage for students driving themselves during school related internships?*

Our Auto Liability Coverage will extend to students who drive their own autos during the course and scope of their supervised internships in part of their educational curriculum. However, this coverage will not extend for students when they are driving to and from the internship.

Coverage is subject to policy terms, limits, deductibles, and exclusions. All claims are reviewed on case-by-case basis. As always, feel free to reach out to CSDSIP's Risk Programs Team with specific coverage questions.

## Considerations

*General Recommendations for Volunteers Driving Member-Owned Autos:*

- Clearly define and advise who within your organization has the authority to grant permission to use volunteers to transport students. We recommend that the permission

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is documented clearly, in writing, as the CSDSIP's Auto Liability Coverage is triggered by permissive use.

- Obtain and review the volunteer's Motor Vehicle Record (MVR). Do not forget to retain a copy of the volunteer's MVR for your records. If the MVR does not meet the CSDSIP's MVR Insurability Standards, the volunteer will need to be added to the Driver Exclusion endorsement. Please send the MVR to CSDSIP for review and further handling. Click [here](#) for CSDSIP's MVR Insurability Standards.
- The volunteer driver should be trained and appropriately certified per Colorado Department of Education (CDE) transportation regulations as an activity trip operator. CDE's transportation regulations are located on their [website](#).
- Run background checks on all your volunteer drivers to ensure that each volunteer meets your guidelines.
- Develop and implement a volunteer program that outlines your requirements for volunteers, clearly stating the tasks and the guidelines that must be followed.
- Develop procedures similar to what you do for employees to ensure volunteers do not exceed CDE/Department of Transportation (DOT) hours of service. Hours of service include on-duty time, which consists of all time worked for any and all employers including all driving and non-driving duties. For more information on hours of service, the [Colorado Code of Regulations, 301-26 17.01](#).
- Define in your policies what students the school is responsible for transporting. For example, at an away game does the school provide transportation to the team only or is transportation also provided for cheerleaders and/or the band? Is transportation provided only one way (to the game) or to and from the game? If transportation is only provided to the game, you must notify parents that they are responsible for the student's trip home. It is recommended that parents sign and return an agreement acknowledging this.
- Provide written information to the student's parents regarding what transportation charges are included in their athletic fee. For example, will it be provided for all students or only for certain participants?
- Clearly state on the permission slip for each event who will be providing transportation and what type of transportation will be provided. For example, will your employee be driving your auto, or will a volunteer be driving their personal auto? Written parental consent should be required for all transportation choices. If a parent doesn't approve the transportation choice, you will need to determine how you will handle transporting that student.
- Students should be assigned to a auto and to a driver. They should not be allowed to change autos or go with a non-approved driver such as other students or other parents.
- If the appointed volunteer is unable to drive, substitutions should not be allowed unless prior approval has been granted.
- Determine if the volunteer is familiar with the activity trip route, terrain, etc.

## *Recommendations for Transporting Students in Personal Autos*

The Pool does not recommend volunteers transporting students using personal autos to school sponsored activities. If you do allow a volunteer to transport students in a personal auto, your organization may be obligated under the Colorado Governmental Immunity Act (CGIA) to defend and/or indemnify the volunteer.

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If you decide to proceed with volunteers driving personal autos, we recommend that in addition to the recommendations listed above, you implement the following:

- Obtain and review the volunteer's Motor Vehicle Record (MVR). Do not forget to retain a copy of the volunteer's MVR for your records. If the MVR does not meet the CSDSIP's MVR Insurability Standards, the volunteer will need to be added to the Driver Exclusion endorsement. Please send the MVR to CSDSIP for review and further handling. Click [here](#) for CSDSIP's MVR Insurability Standards.
- Provide the volunteer with a written explanation of the assumption of liability they are taking on as well as a copy of your volunteer driver policy. This explanation should include: acknowledgment by the volunteer that they will comply with all laws and acknowledge personal liability for their own actions, a statement that CSDSIP does not provide physical damage coverage for damage to the volunteer's auto, and a statement that in the event of an accident both the volunteer's personal auto insurance as well as the CSDSIP's Auto Liability Coverage would be triggered.
- Obtain written acknowledgement and consent from parents that their student is being transported in non- Member provided transportation for the event.
- Retain a copy of the volunteer's current proof of insurance showing at least Colorado minimum insurance limits, which are \$25,000 of bodily injury coverage per person, \$50,000 bodily injury coverage per accident and \$15,000 property damage coverage (\$25,000/\$50,000/\$15,000). We recommend higher limits such as \$100,000/\$300,000/\$50,000.
- Your employee should make a visual inspection of the volunteer's auto prior to the trip to be sure that the brake and signal lights, windshield, seat belts, etc. function properly.

Remember – *The primary goal is the safe transportation of students.*

The Pool's Risk Programs and Risk Control Departments are available to assist you in reviewing drivers MVRs, determining driver insurability, helping you with developing volunteer programs and providing you with driver training courses to assist you with controlling your exposure to auto related risk. Please contact us if you have any questions or if we can be of any assistance.