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Overview

The safe transport of students requires using an appropriate vehicle and driver for every situation. While the most common and safest mode of school-sponsored transport for students is by school bus with an appropriately trained driver, numerous alternative transportation options are employed regularly. The District's responsibility is to ensure that all district-sponsored transport is as safe as possible. This includes adhering to all applicable federal and state regulations.

State regulations ([RCW 28A.160](#) and [WAC 392-143](#)) govern school bus operations. Washington State Patrol and the Office of Superintendent of Public Instruction (OSPI) provide oversight for school buses.

District-Sponsored Activities

All school-sponsored activities involving the transportation of students should be coordinated between the sponsoring department or building and the District's transportation department. Districts are not obligated to provide transportation for every school-sponsored activity. The Washington Schools Risk Management Pool (WSRMP) strongly recommends that member districts implement district-wide guidelines on when the District will and will not provide transportation to eliminate allegations of disparate treatment. Suppose a district cannot provide transportation in district buses or vehicles for ALL student participants. In that case, WSRMP recommends that the District inform the students and

guardians that the guardians are responsible for providing transportation to and from the activity. The District must then wholly divorce itself from organizing the transportation. Do not include options on permission forms such as: “My student can drive his car, or my student can ride with ____.” Advise guardians before the event that *transportation is the guardians’ responsibility; the District is not providing transportation.*

- Give specific directions to the destination and include the times students must arrive and leave.
- Require a signed guardian acknowledgment of this notification.
- Never direct students to ride with another student. Guardians make carpool arrangements.
- Be aware of Title IX and other perception issues when deciding what programs will not have district transportation. It may be perceived as gender-biased if transportation is provided for the boys’ soccer team but not the girls’ soccer team.

Remind staff that it is the guardians’ sole responsibility to make transportation arrangements. The guardian decides whether the students drive themselves or arrange a carpool with their neighbors. School district staff should not make any of those arrangements beyond the notification. Staff should never encourage students to transport other students.

The District should have a consistent protocol for students needing transportation after an activity. If staff members are allowed to transport students in their private vehicles, have a procedure that outlines when this is appropriate and the specific steps they must follow. Inform staff on how to handle guardians who are chronically late or delinquent when picking up their students.

Be aware that non-district-approved transportation and guardian permission forms may exist at the building or program levels. Standardize all transportation and guardian permission forms throughout the District. Require staff to use District-sanctioned forms and obtain permission before altering or editing.

Districts should ensure chaperones understand that non-school-age students should never be allowed to ride in District school buses. Staff should be informed that they are prohibited from allowing their children or those under their care to accompany them on District-sponsored outings before and after school.

Child Passenger Restraint Laws

Districts must comply with [RCW 46.61.687](#) regarding child passenger restraints during the transport of any students in non-school bus vehicles. Exemptions include (a) for-hire vehicles, (b) vehicles designed to transport 16 or fewer passengers (including the driver) operated by auto transportation companies, and (c) vehicles providing customer shuttle service between parking, convention halls, hotel facilities, and airport terminals.

- Children under 4 feet 9 inches tall must be secured in a booster seat. The American Academy of Pediatrics recommends using child booster seats until the vehicle lap and shoulder seat belts fit correctly (typically when the child is between eight and twelve years of age). The child booster seat must comply with the United States Department of Transportation standards. It must be secured in the vehicle following instructions of the vehicle manufacturer and the child booster seat manufacturer to position a child to sit correctly in a federally approved safety seat belt system. “Child booster seat” is a type of child restraint system; a backless child restraint system or a belt-positioning system is a child booster seat provided it meets the federal motor vehicle safety standards outlined in 49 C.F.R. Sec. 571.213.

- Appropriate child passenger restraint system: a child car seat, booster seat, vest, or other restraint that is federally approved for use in the vehicle and meets the Federal Motor Vehicle Safety Standards outlined in 49 C.F.R. 571.213.
- Additionally, a child under 13 must be seated in the backseat of a car when practical. The requirements of child passenger restraint do not apply in any seating position where only a lap belt is available.

Vans for Student Transportation (Ten Passenger Rule)

Each year, WSRMP receives inquiries regarding the transportation of students in passenger vans. Specifically, these are vans with an occupancy capacity of over ten passengers, including the driver.

The [National Highway Traffic Safety Administration](#) (NHTSA) statute defines a “school bus” as any vehicle that is designed for carrying a driver and more than ten passengers and which is likely to be “used significantly” to transport “pre-primary, primary, and secondary” students to or from school or related events which include school-sponsored field trips and athletic events (49 U.S.C. §30125). As such, vehicles that can hold more than ten passengers, including the driver, are classified as buses and must meet the stringent regulations related to buses. The NHTSA has determined that higher capacity passenger vans have a much higher rollover rate than a regular school bus and lack the crashworthiness of a bus. Since they are often classified as light trucks by retailers, they typically do not meet the safety requirements of a school bus.

Washington State law also regulates vehicles that transport students (see [WAC 392-143-070](#): other vehicles used to transport students). “All vehicles that transport students with a manufacturer-rated seating capacity, including the driver, greater than ten persons shall be required to meet school bus specifications.” This includes carrying the approved school bus first-aid kit, fire extinguisher, and highway warning kit. These vehicles shall also pass a safety inspection routinely conducted at the intervals outlined in [WAC 392-143-035](#). Further, if the van is transporting public school students, it will need a state patrol inspection.

If your District uses rental vans to transport students, the “10-passenger rule” applies, and the District must comply with Federal and State regulations.

District Employees Transporting Students in District Vehicles

Due to strict safety standards regarding bus manufacturing and driver’s training, school bus transportation is the safest means available to school districts and should always be the first choice when feasible. There are scenarios when a district may allow student transportation in district-owned passenger vehicles. Providing student transportation in district vehicles driven by a district staff member is the best alternative to bus transportation for the following reasons:

- The member district has liability coverage for the vehicle and employees.
- The District maintains the vehicle.
- The staff member has completed the screening requirements for employment.

Driver Screening

A driver with an unacceptable driving record involved in an auto accident within the course and scope of district business can create a substantial liability loss. WSRMP strongly recommends that districts request and maintain on file an annual driver abstract and driver license verification for all employees required or allowed to drive a district-owned or rented vehicle or authorized to drive a personal vehicle for district business. A driver abstract lists the history of the individual's tickets and accidents for the previous five years. For more information, visit the [Department of Licensing website](#).

- Districts must notify all new hires whose position requires them to drive for business purposes that an approved driver abstract, Motor Vehicle Record (MVR), is an employment requirement.
- Districts should have a policy/procedure that orders/obtains annual driver abstracts from employees and volunteers who will transport students driving either district-owned or privately-owned vehicles.
- Districts should utilize the same screening criteria they have developed for reviewing bus driver records. Supervisors can interview potential drivers if questions arise regarding the abstract and any information indicated in the report. Be sure all screenings are documented, including the grading criteria used.

MVR Screening Criteria

Minor violations	Major violations
<ul style="list-style-type: none"> • Stop sign/traffic signal offenses • Speeding (not more than 20 mph over the posted limit) • Improper turn, failure to signal • Seat belt violation • Use of cell phone/texting while driving • Distracted driving • Illegal passing 	<ul style="list-style-type: none"> • D.U.I. alcohol/drugs • Leaving the scene of an accident • Reckless driving • Falsifying an accident report • Vehicular homicide or assault • Attempt to elude an officer
Violations	Grading Criteria
0 –1 Minor Violation	Clear
2 Minor Violations	Borderline
3 Minor Violations * Trigger for remedial training	Poor
4 Minor Violations	Unsatisfactory
Any Major Violation	Unsatisfactory

Sample MVR Scoring Rubric

Number of Violations	Number of Preventable Accidents			
	0	1	2	3+
0	Clear	Acceptable	Borderline	Poor
1	Acceptable	Acceptable	Borderline	Poor
2	Acceptable	Borderline	Poor	Poor
3	Poor	Poor	Poor	Poor
4+	Poor	Poor	Poor	Poor

Driver Training

In 1996, the Washington State Board of Education implemented Resolution No. 101-1996, which advised school districts to adopt a program to provide the safest drivers and the strongest possible defense against liability claims. The training program was typically called *Type II* and outlined specific steps “in support of the safe transportation of any student, by any district employee, in any vehicle other than a school bus, to and from any school-related activity or event.”

A Type II/Employee Safety Driving Program includes a formal approval system for all operators of district-owned or rented/leased vehicles and vans – typically overseen by the Transportation Department – that requires the request and review of an annual driver’s record abstract of the employee (see Driver Screening), that the employee has a current and valid first-aid card, and that the employee completes a transportation safety training course (except those with a valid CDL endorsement) that includes:

- Defensive driving techniques
- Vehicle safety and inspection training
- Accident reporting procedures, including how to handle student injuries
- What to do in cases of mechanical failure

This training can be performed by your driver trainer or using various training materials, such as pre-recorded videos and booklets and a hands-on walkthrough of vehicle inspection and accident reporting procedures. The Vector Solution's platform offers several driver training videos, including defensive and distracted driving. Be sure to keep an accurate record of the training in the employee’s file.

District Employees Transporting Students in Private Vehicles

District employees who use their personal vehicles to transport students bear the liability for doing so and the responsibility for any damage to their vehicle, maintenance, and meeting of safety requirements.

Before approving the use of staff-owned and operated vehicles for the non-emergency transportation of students(s), districts must ensure documentation of the following:

- The driver is at least 21 years of age.
- The driver has a valid Washington State driver’s license.
- The driver’s annual MVR/driver abstract meets recommendations regarding moving violations and accidents.

- A signed acknowledgment that the employee's personal automobile insurance is primary. Including that in case of an accident, any claims will be tendered to the employee's personal automobile insurance company.
- A best practice is for the District to keep a copy of the employee driver's current insurance cards on file.
- An acknowledgment that the vehicle has no physical or mechanical defects that would interfere with the safety of the driver and passengers.
- Seat belts are available for the driver and each passenger, and their wearing is enforced. See also requirements regarding Child Passenger Restraint Laws for additional compliance issues.
- If the vehicle has dual airbags, children under 12 or those under 4'9" tall will not be seated in the front passenger seat.
- The vehicle has a rated capacity of ten passengers or less. See our article "District Vehicle Use Guidelines" for more details.
- Parent permission slips are obtained for all students.

WSRMP recommends that the driver's auto insurance has minimum auto liability limits of \$100,000 per occurrence and \$300,000 aggregate combined single limits (or \$100,000/\$300,000 Bodily injury, \$50,000 Property Damage) and uninsured/underinsured motorist coverage.

The Washington Schools Risk Management Pool (WSRMP) has developed a *Volunteer Driver Checklist Form* that members can download from our website to help document these procedures.

Guardian/Volunteer Drivers Transporting Students in Private Vehicles

While WSRMP discourages using volunteer drivers for student transportation, we recognize there are instances where judicious use of volunteer drivers may be necessary. WSRMP recommends:

- Volunteers who transport students in their personal vehicles are at least 25 years of age and have a minimum of 3 years of driving experience.
- Volunteers complete a Volunteer Driver Checklist form to reduce your District's liability exposure. This form is available on the WSRMP website.
- Drivers provide proof of auto liability insurance with minimum limits of \$100,000 per occurrence and \$300,000 aggregate combined single limit of liability (or \$100,000/\$300,000 Bodily Injury, \$50,000 Property Damage) and uninsured/underinsured motorist coverage.
- The volunteer's MVR/driver abstract is obtained in advance and meets recommendations regarding moving violations and accidents.

Remember that school districts are required by law to perform background checks for any adult with regularly scheduled, unsupervised access to students.

Charter Buses

Charter buses can be an alternative for field trips and special events when district buses are unavailable. Districts maintain responsibility for student supervision even when using chartered vehicles. Ensure that the charter bus provider has a fleet of properly maintained buses inspected by WSDOT, CDL operators who pass a WA State Patrol background check, and a good safety record. Require evidence of a minimum \$2 million single-limit commercial general liability insurance and commercial automobile liability coverage.

Per [WAC 392-144-045](#), school districts must request and review the charter company's Carrier Safety Profile Report from the [WA Utilities and Transportation Commission \(UTC\)](#) before entering into any contract for student transportation in WA state. Per the UTC website, districts can request the safety profile by emailing CarrierProfileRequests@utc.wa.gov or calling (360) 664-1244. In your email request, provide the following:

1. Name of the person requesting the carrier profile.
2. School district name and email address.
3. Carrier name, USDOT number, and commission permit number. The carrier can provide you with its permit number.

Sharing Transportation for One-off Events with Other Districts

Districts are occasionally asked to share transportation for athletics or events with other school districts. WSRMP recommends that the district avoid situations where it is made responsible for the safety of non-district children or for students outside the scope of what is needed for their education. Arrangements like these can potentially create unintentional liability and supervision concerns as the non-district students are now under the district's care, custody, and control. However, functionally, the district does not have control over non-district student behavior or actions. Likewise, the district's administration does not have access to the other schools' student information, safety/IEP plans, and discipline issues. Lack of control and knowledge could lead to potential harm to district students. Transportation is a frequent location leader for Harassment, Intimidation, Bullying (HIB), and Sexual Abuse and Molestation (SAM) claims. Adding an unknown student population increases this risk.

However, we understand that, in some cases, sharing transportation is unavoidable. In rare circumstances where districts share transportation, it is essential to plan for student supervision proactively. We recommend creating formal Memorandums of Understanding (MOUs) for all transportation-sharing arrangements. This agreement should specifically address the district's transportation supervision requirements and insurance limits, including:

- Requiring each district to provide chaperones for their students and the responsibility to supervise their respective students on the bus and at the event.
- Requiring each district's students to sit together, facilitating supervision with their assigned chaperones.
- Requiring volunteers/chaperones/supervisors to meet or exceed district standards for those with access to children, such as background checks and training.
- Mutual Hold Harmless language.
- General Liability insurance limits for both parties that meet or exceed the district's exposures, with no less than \$2 million per occurrence and \$5 million aggregate.

The MOU should clearly define each district's roles and responsibilities, avoiding the accidental assumption of "care, custody, and control" for non-district students.

Rental Vehicles

School district employees renting vehicles from commercial rental carriers in the course and scope of their duties are covered by the Washington Schools Risk Management Pool's (WSRMP) insurance coverage, subject to policy coverage and limitations. There is no need to purchase the optional coverage

from the rental agency. WSRMP's non-owned vehicle coverage insures the vehicle as if it were a District-owned vehicle.

If a District employee is involved in an automobile accident while operating a non-owned vehicle (such as a rental car) for district business, WSRMP will cover repairs to that vehicle.

- **If the employee is at fault:** WSRMP will pay for any damages to third-party property or injuries to third parties, as well as any damages to the rental car.
- **If the employee is not at fault:** The driver and owner of the other vehicle are responsible for any damages to the rental car and for injuries sustained by its occupants. This responsibility holds even if the at-fault driver is uninsured or underinsured.

At the District's request, WSRMP can provide "Proof of Insurance" cards for your employees to carry with them in their wallets while driving a rental car (keep proof of insurance cards in all District-owned vehicles). The District should provide an emergency contact number to all District employees traveling in rental cars. If an employee is involved in an accident while using a rental vehicle, they should contact the designated District contact person. This contact person will then be responsible for reporting the accident to WSRMP by submitting an incident report. If the accident is serious, please contact us immediately. The designated District contact person can call our main number if a serious accident occurs after hours. In such cases, the answering service will contact the claims adjuster on call, who will handle the situation and dispatch an adjuster to the scene if necessary.

Take caution while on conferences, field trips, etc., that the rental vehicle is restricted to business use. Any vehicle use outside the Office of Financial Management (OFM) guidelines places it outside the scope of coverage. Under these conditions, the driver's private automobile insurance is primary. To avoid potential coverage issues, the District can consider purchasing the additional liability coverage offered by the rental company.

If your District uses rental vans to transport students, the "10-passenger rule" applies, and the District must comply with Federal and State regulations.

Volunteer Drivers and Rental Vehicles

Occasionally, districts inquire about volunteers driving district-hired rental vehicles. Volunteers driving rental vehicles for District purposes are not excluded from liability coverage. However, WSRMP strongly recommends that only District employees be allowed to drive rental vehicles for District purposes, especially for long-distance trips (e.g., out-of-state travel).

The WSRMP coverage agreement covers liability arising from an automobile hired by the District. Hired automobile includes "any Automobile leased, hired, rented or borrowed by the District [except] . . . any Automobile [the District] lease[s], hire[s], rent[s] or borrow[s] from any District Employee or members of their households." The coverage agreement's definition of a *District* includes volunteers "acting under the direction of Member District personnel and in the course and scope of their assigned Volunteer duties."

Due to the coverage agreement requirements outlined above, the vehicle must be rented in the District's name, and the volunteer must be added as an authorized driver. As with District employees driving rental vehicles, use of the vehicle outside of the scope of their duties with the District or for any personal

detours could place it outside of the scope of WSRMP's coverage, and the driver's personal automobile insurance would then be primary. To avoid potential coverage issues, the District may want to consider purchasing the additional liability coverage offered by the rental company.

WSRMP recommends that the District articulate the full scope of vehicle use in writing. This document should be reviewed and signed by the driver and the District. The document should emphasize that the vehicle is for district use only. We recommend including an itinerary that specifies when the vehicle will be used and its starting and ending destinations. The District will want to document training and receipts in the volunteers' files. In addition, we recommend the following:

- Volunteer drivers are at least 25 years of age and have a minimum of 3 years of driving experience.
- The volunteer's MVR/driver abstract is obtained in advance and meets recommendations regarding moving violations and accidents.

Public Transit

The use of public transit is an acceptable practice by schools. Supervision and communication pose additional challenges when using public transit. WSRMP recommends, at minimum, that the District does the following before using this means of transportation:

1. Inform guardians and students about this transportation method (guardian permission slips).
2. Educate the students on safety rules that must be followed when using public transit.
 - a. Do not cross in front of a Metro bus at a bus stop. Wait until the bus leaves the stop, then cross carefully or cross at the nearest crosswalk once clear.
 - b. Discuss personal safety (this discussion varies based on the age of the students).
 - i. Stay with a friend or chaperone.
 - ii. Report anything that makes you feel uncomfortable.
3. Educate chaperones and staff who are supervising students.
 - a. Do not cross in front of a Metro bus at a bus stop. Wait until the bus leaves the stop, then cross carefully or cross at the nearest crosswalk once clear.
 - b. Count the students getting on and off the bus to ensure no one is left behind.
 - c. Take immediate and appropriate action if you believe a student, chaperone, or staff member is in a threatening or unsafe situation.
 - d. Know what to do in the event of an emergency.
 - e. Keep copies of student permission slips with you at all times.
 - f. Establish a means of communication between adults before getting on the bus.
 - g. Consider having adults wear identifiable clothing (e.g., reflective vests) so students can easily spot them.

Taxis

Some districts occasionally use taxis to transport students home from school (e.g., in emergencies) or to transport students who are not on a regular school bus route (e.g., McKinney-Vento). Guardians must be advised before using taxis and must provide written approval.

It is recommended that your District establish a contract for services before using a taxi service. The contract needs to dictate that the drivers used to service the District do not have any crimes against children and that the taxi company has a current driver's abstract and background check on file. You also

need to require evidence of insurance. We recommend requiring a minimum of \$2,000,000 in commercial automobile coverage.

Ride-share Companies

Ride-sharing companies have increasingly gained popularity in the last few years. Companies like Lyft and Uber allow anyone who owns a car to sign up as a driver. Uber & Lyft require all applicants to complete a DMV and criminal background check before being approved to drive. Once approved, drivers are not considered employees but more like contractors and determine their hours and territories.

Several incidents have occurred where people have pretended to be ride-share drivers to lure people into their cars. The vehicles are privately owned with no apparent markings besides a sticker the driver can put on their windshield, making it easy for people who are not checking the license plate of their assigned driver with the car in front of them to get into the wrong car.

While ride-sharing programs can be convenient to use, they are not an appropriate form of student transportation and should not be utilized by school districts. The drivers are not screened to the desired level, and the vehicle's maintenance history is unknown and not monitored by Uber or Lyft. While a parent can choose to utilize ride-share companies to transport their child on their personal time, school districts should not release a student into the care of a ride-share driver nor endorse using ride-sharing companies for students. In fact, it violates both Lyft and Uber's company rules for drivers to transport minors without a parent or guardian present.

Uber has a new teen program for minors aged 13 to 17. It allows teens to have their own account linked to a guardian's Uber account. The program requires teen users to complete mandatory safety training through the app but does not require drivers who opt-in to transport them to undergo additional screening. This feature is meant to be implemented and used by a teen's guardian and should not be utilized by a school district.

The student is in the District's care, custody, and control during school hours or activities. Therefore, the District should not release the student into the care of anyone except a parent, guardian, or authorized adult.

Hop, Skip, Drive

An exception to traditional ride-share companies is Hop, Skip, Drive. WSRMP asserts that the school bus is the safest mode of school-sponsored transport for students. However, Hop, Skip, Drive provides a ride-share service with comprehensive driver vetting protocols and tools for transporting children. Like taxi services, we recommend the District establish a contract for services with Hop, Skip, Drive before using the service. The agreement should outline each party's responsibilities and dictate that the organization's auto liability and sexual misconduct insurance extend to independent contractors. (Note that adding independent contractors to Hop, Skip, Drive's policy for auto liability and sexual misconduct is usually done by adding an endorsement to their insurance policy). Hop Skip Drive should also provide proof of coverage for auto liability and sexual misconduct with minimum limits of \$2,000,000 per occurrence (for independent contractors) by providing a copy of the endorsement for the District's files. We recommend that the District be named as an additional insured on the certificate of insurance.

Transporting Students with Special Needs

Special consideration and planning must be provided when transporting some students with special physical, mental, or behavioral disabilities.

- Customize transportation and handling for each student based on their unique needs, such as medical fragility, behavioral issues, capabilities, or predatory tendencies.
- Consult with the student's teacher, school nurse, and parents or guardians for guidance.
- Only share necessary information about the student with drivers and chaperones to ensure the student's safety and privacy (the specific diagnosis may not be needed).
- Establish rules to safeguard the student's information and privacy.
- Ensure that the child's Individualized Education Program (IEP) is amended before switching them from a regular bus to a special education bus, or vice versa, to comply with the Rehabilitation Act and the Individuals with Disabilities Education Act (IDEA).
- Although not mandated by law, door-to-door service may be needed based on the student's demonstrated unique needs (not for the guardian's convenience).
- A student's medical needs may require personnel to accompany the student during transportation to and from school.
- Always refer to the child's IEP and understand their needs before transporting a special needs student.
- When in doubt about how to transport a student, use special equipment, or handle a specific situation, drivers must consult their supervisor and prioritize safety.
- Restrain a child only when there is a clear and present danger of serious harm to the student or another person, serious property damage, or when the use and duration of the restraint are provided in the I.E.P. Staff should be trained in proper restraint and de-escalation techniques.
- Provide and document training on operating a hydraulic lift, securing a wheelchair, and restraining students.

Pre-K or Head Start- Early Childhood Learning and Knowledge Center Transportation Requirements

Districts have varying arrangements for Head Start programs on campus. Some run programs internally, while others lease space to the program. This section focuses on districts with transportation exposures for these programs. Traditional school bus standards, requirements, and design are intended for the K-12 environment. As such, WSRMP does not recommend transporting non-school-aged children on traditional school buses.

Head Start programs have specific child transportation requirements under [Transportation, 45 CFR §1303 Subpart F](#), including but not limited to:

- Additional Driver Qualifications
 - A check of the applicant's record through the [National Driver Register](#).
 - Instruction on the topics listed in §[1303.75](#) related to transportation services for children with disabilities.
 - Annual evaluation of each vehicle driver used to provide such services includes an on-board observation of road performance.
- Community Assessments
- Child Restraint Systems
- Mandatory bus monitors

While districts are not required to provide transportation for Head Start programs, if it does, please review the [transportation requirements](#) on the U.S. Department of Health and Human Services website.

Student Drivers

WSRMP recommends that student transportation be provided by school district buses, district-owned vehicles, or by competent, insured adults in private vehicles as defined above. If school bus transportation is provided, students are expected to ride the school bus to and from school or the school-sponsored event unless written guardian permission is obtained or the student is released to a legal guardian or authorized adult.

To obtain parking permits, require high school students to have written guardian permission slips to park their vehicles on school property. Include appropriate hold harmless language. Inform students and guardians in writing of their rights and responsibilities regarding student transportation and driving privileges. Include in this notice that there should not be an expectation of privacy in the parking lot and that the vehicles are subject to search on a reasonable suspicion basis. The District will not be responsible for vehicle damage or theft of vehicles or contents.

Inform students of their rights and responsibilities regarding student transportation and driving privileges. Include these regulations in your student handbook and enforce them to the fullest extent possible. If you are aware of an unsafe situation, take affirmative steps to rectify the situation. Do not ignore it – your District is on notice and could be held liable.

- *Never* allow students to drive district vehicles.
- *Never* have students run errands for the District by car. This makes the student an agent of the District and makes the District wholly liable for their actions.
- *Never* direct a student to ride with another student. Let guardians make carpool arrangements or provide district transportation.

Collision Review Committees

A collision is any incident involving a school district vehicle that results in property damage and personal injury, regardless of who was injured, what property was damaged, to what extent, where it occurred, or who was at fault or legally liable.

According to the [National Safety Council](#), a preventable collision occurs when the driver fails to do everything that reasonably could have been done to avoid the collision. A collision's preventability does not determine who is "at fault" or "legally liable." The collision may be classified as preventable even though the other driver received a traffic citation.

Collision Review - After a collision has occurred, been thoroughly investigated, and correctly reported, the next step is to review it. Collision review (with appropriate follow-up) is important for several reasons:

- It becomes a mechanism for actively and objectively assessing the cause of each driving collision.
- It can help prevent similar collisions from happening.
- It helps identify driver training needs, individually and for the entire group of drivers.
- It identifies necessary modifications to facilities, equipment, and routes or roads.

Collision review should include all collisions and incidents in the review process. More minor incidents can lead to more severe collisions if appropriate corrective action is not taken. Include all district vehicle collisions, including food services, maintenance, administration, and driver's education vehicles, not just those involving school buses.

A thorough collision investigation includes information about events leading up to the collision, the facts relating to the collision, and the post-collision events. Share all the information gathered in the collision investigation and the collision review process.

Transportation Collision Review Committee

The purpose of a transportation collision review committee is:

- To review collisions objectively.
- To provide a peer review of the collision (experienced drivers are the best judge of an accident's preventability).
- To determine if the collision was preventable or non-preventable.
- To recommend necessary corrective action.

Who Should Serve on a Transportation Collision Review Committee? The National Safety Council recommends a management representative, a transportation supervisor, a vehicle maintenance representative, and two professional drivers. WSRMP recommends including at least the driver-trainer, two experienced bus drivers (with or without union representation), and a non-bus driver employee who may drive, such as a principal, food service worker, or maintenance employee, along with the transportation supervisor and mechanic. Consider including the District's risk manager or safety officer. The experienced drivers on this committee should be collision-free for at least one year. Professional bus drivers are utilized to judge other drivers because determining whether a driver did everything reasonable to avoid the collision is a matter of professional opinion.

How large your District's committee should be and who should serve on it should be determined by your situation and needs. Larger districts tend to have larger committees, and union representation is often an issue. As discipline is an administrative function and not part of the committee's charge, union representation is not required. However the committee is set up, make it work for your District. Make sure you train the committee members for the role they will be fulfilling. Part of a collision review committee's role is to recommend corrective action for the driver and equipment, routes, or facilities. The recommendation(s) for corrective action is to be sent in writing to the transportation supervisor/manager and the manager of the employee to be addressed. Include recommendations for corrective action, such as driver retraining, changes or modifications to the routes or stops, or mechanical modifications to the vehicle. The collision follow-up is not complete until corrective action is taken.

The committee's role is to:

- Respectively interview the driver, mechanics, and others who can shed light on the root cause of the collision.
- Determine if the collision was preventable (and if so, how it could have been prevented) or non-preventable (e.g., a bus legally parked and hit by a passing vehicle).
- Report to the Transportation Director recommendations to prevent future collisions from occurring (e.g., change the route to eliminate left turns).

What if the driver disagrees with the committee's determination?

Although the District tries to have a fair and objective evaluation, someone involved may not agree. Establish a process to allow the driver to appeal or otherwise have the committee's recommendations evaluated.

An indirect part of collision follow-up is sharing what is learned through the collision investigation (both good and bad) with other drivers so that everyone can learn from the process. Always omit the employee's name and disciplinary action. What is important to share is how the situation could have been handled best to eliminate the collision.

Sharing can be accomplished by posting the Collision Investigation Committee meeting minutes. (Eliminate the driver's name and bus number on the staff bulletin board). Lessons learned through the committee review can be included in future driving in-service training programs and department newsletters.

Additional Resources

The National Safety Council's guidelines on preventable and non-preventable transportation collisions can be found in its publication, "A Guide to Determine Motor Vehicle Accident Preventability." It is available for purchase on its [website](#).

This booklet contains sections on The Successful Fleet Safety Program, Using Preventability and Defensive Driving as the Basis of Accident Review, Setting up the Accident Review Committee, Setting a Standard for Safe Driving Performance, Outlining Committee Procedures, and Using National Safety Council Guidelines for Determining Accident Preventability, as well as 20 different case studies.

School Bus Use for Non-District Activities

Washington State school buses are purchased using taxpayers' dollars. For that reason, the State wishes to ensure that school buses are used as the taxpayers intended and not in a way that increases liabilities or reduces the buses' life expectancy. [RCW 28A.160](#) dictates how and when school buses can be used. These laws prohibit school districts from using school buses for purposes other than student transportation except under particular circumstances.

Districts may lease or rent out buses only to:

- Non-profit organizations to transport children with disabilities and elderly persons, PROVIDED that commercial bus transportation is not reasonably available for such purposes and that no school district funds are used for this purpose. ([RCW 28A.160.040](#))
- Governmental agencies for emergency purposes ONLY, such as in the event of major forest fires and floods. The District must be reimbursed for all costs and expenses related to this use and be provided an indemnity agreement protecting the District. ([RCW 28A.160.080](#))
- Governmental entities to provide non-emergency service for public or other non-common school purposes, PROVIDED that commercial bus transportation is not reasonably available. The District must be reimbursed for all related costs and expenses. ([RCW 28A.160.120](#))
- Transport the general public to interscholastic activities PROVIDED that commercial bus transportation is not reasonably available for such purposes. The District must be reimbursed for all costs and expenses related to this use. ([RCW 28A.160.100](#))

The law does not allow churches, boys' and girls' club organizations, scouting organizations, non-school district-sponsored ski schools, or commercial businesses to rent school district-owned buses.

It is important that your school board develop a written policy on the use of district-owned buses per [RCW 28.A.160](#).

Other Resources:

- [OSPI School Bus Specifications Manual 2023](#)
- [School Bus and Traffic Safety Education Vehicle Inspection Manual 2019](#)
- [OSPI School Bus Driver Handbook 2019](#)
- [OSPI 2021 Safe Routes to School Support and Resources](#)
- [SRTS Selecting School Bus Stop Locations: A Guide for School Transportation Professionals](#)

For questions about recommendations or issues addressed in this article, don't hesitate to contact our Risk Services Department at riskservices@wsrmp.com.