



TRANSPORTATION SHORTAGE AND PARENTAL REIMBURSEMENT

Student transportation has become a struggle for many school entities this year due to a shortage of bus drivers. The shortage is compounded by COVID-19 exposures and layoffs that occurred while students were receiving instruction remotely. Some schools have responded by paying parents/guardians to transport students to school as an alternative to providing transport by the school transportation department or its contracted vendor. In some of these instances, the district is reimbursing mileage to the parent/guardian of a student without any formal agreement/contract.

Although we understand the desire to get students back into the school buildings, we do have concerns with this approach. By pseudo-employing parents to transport students, school districts may be creating a liability exposure. If your district is considering this approach, we urge you to consult with your solicitor to discuss documentation review, contract and hold-harmless language, and policy outline.

If parents are receiving a stipend for transportation, we recommend that parents not transport any children other than their own. In the event of an accident, we see the potential for a lawsuit filed by a parent who has entrusted another parent to transport his or her child. The suit could claim the driving parent is an employee of the school. While we can't predict the outcome of such a lawsuit, it is possible the driving parent could be viewed as an independent contractor working for the school to transport students. Therefore, we do not think the driving parent's personal auto policy would provide coverage, as they are acting as a livery service.

We strongly encourage districts to provide contracts for each parent as they would with any bus/transportation company, including the usual insurance language/additional insured and proof of insurance.

The Philadelphia School District has developed a [Parent Flat Rate Program](#) that includes parent guidelines and a liability policy.