



Lincoln Public Schools
Lincoln, MA 01773

BUSINESS AND PERSONNEL TRANSPORTATION INSURANCE

Additional Information to Consider

 **File: EEA - STUDENT TRANSPORTATION SERVICES**

The major purpose of the school system's transportation services is to aid students in getting to and from school in an efficient, safe, and economical manner.

The school system will contract for transportation services. The School Committee will award contracts on a competitive bid basis. Bus contractors and taxi contractors, who will be held responsible for the safe operation of school buses, will comply with all applicable state laws and regulations, including but not limited to:

1. Specifications for school bus design and equipment
2. Inspection of buses
3. Qualifications and examinations of bus drivers
4. Driving regulations
5. Small vehicle requirements, if applicable
6. Insurance coverage
7. Adherence to local regulations and directives as specified in bid contracts

The Superintendent, working with the bus contractor and other appropriate administrators, will be responsible for establishing bus schedules, routes, stops, and all other matters relative to the transportation program.

SOURCE: MASC

LEGAL REFS.: M.G.L. [40:5](#); [71:7A](#), [B](#) and [C](#); [71:37D](#); [71:48A](#); [71:68](#); [71:71A](#); [71B:4](#); [71B:5](#); [71B:8](#); [74:8A](#); [76:1](#); [76:12Bi](#); [76:14](#)

 **File: EEAG - STUDENT TRANSPORTATION IN PRIVATE VEHICLES**

School buses will be used for the transportation of students participating in co-curricular or extracurricular activities. However, when buses are not available, private vehicles may be permitted to transport students to or from school activities that fall within the academic day or extend the school day provided all of the following conditions are met:

1. The activity has the approval of the Superintendent of Schools (Principal??).
2. All drivers have completed the requirements of a C.O.R.I. check.
3. The owner of the vehicle being used in transporting students must file evidence with the Superintendent (Principal?) of personal liability insurance coverage on the vehicle in the amounts of \$100,000 - \$300,000 or more.
4. The parents of students to be transported in this manner will be fully informed as to this means of transportation and will sign a statement to this effect.

SOURCE: MASC

1. Does the Town of Lincoln policy with MIIA provide coverage for a staff member who has an accident while driving a student home after a missed bus, or for some other reason during the day? I include injury to the student in this scenario, and assume that the transport is official.

The person who is driving and their vehicle insurance coverage would be the primary coverage if there were an accident. MIIA does provide Excess Auto Liability once the person's liability limits are exhausted. However, this is only Liability Coverage. MIIA does not provide Physical Damage Coverage or Deductible Reimbursements. That would not be covered.

2. Same scenario as above, except that the event is public service at the Cor Unum soup kitchen in Lawrence, a Saturday event where a number of 8th graders are transported in teachers' cars to and from Lincoln. **Same as above. Excess Liability Coverage only once the person's insurance liability limits are exhausted.**

2. The Outdoor Club, an official student activity, takes trips several times a year. For transport, one of the teachers/club advisers, a school employee, rents a van on his credit card, and we reimburse him through a pre-approved school purchase order. Whose insurance covers the van and the potential liability? **If the School rents a van and MIIA knows about the rental, we cover the liability for the Town/School. Any damage would be subject to the Town/School's Auto Deductible for Collision or Comprehensive Coverage. I would recommend taking out additional coverage from the rental company. Sometimes they included waiver of deductible insurance. MIIA does not.**

I would recommend that the School doesn't use Teachers Vehicles to transport students around Town or out of Town or anyplace for that matter. The reason being is that the Town/School does not know the maintenance record of that vehicle. You do not know how much insurance the teacher carries. And here is a Question for you: Do you know the teachers driving history? Do they have a valid license?

MIIA highly recommends Waivers for any Student's participation in any activity that is outside the usual classroom activity including, but not limited to: Sports, Clubs, Field Trips, Volunteering, etc. Sample waiver attached. The reason for this is that MIIA excludes Students from the Town/Schools Insurance unless there is negligence on the part of the Town/School. Our reason is that Students are covered by the parents own medical coverage. Note: Athletic Participation is Excluded from coverage. Any type of athletic injury would not be covered by the Municipal Insurance. The Student's injury would be covered by the parent's insurance or a separate Student Accident/Sports Accident Type of Policy. We currently write Separate Student/Sports Accident Policies through a separate insurance company. We write one for the Regional School District, but not the primary schools through the Town. If you are interested in a quote let us know.

**Voluntary School Release Form
(SAMPLE CONSENT AND RELEASE FORM)**

I, the undersigned (insert legal relationship to student, e.g., “parent,” “guardian”) of (insert name of student) (“my child”), a minor, do hereby consent to my child’s participation in voluntary athletic or recreation programs of the Town/City or Public School of _____ (insert name of municipality).

I also agree to forever release the Town/City or Public School of _____, the School Committee, and all their employees, agents, board members, volunteers and any and all individuals and organizations assisting or participating in voluntary athletic or recreation programs of the Town/City or Public Schools (“the Releasees”) from any and all claims, rights of action and causes of action that may have arisen in the past, or may arise in the future, directly or indirectly, from personal injuries to my child or property damage resulting from my child’s participation in the Town/City or Public School of _____ voluntary athletic or recreation programs.

I also promise, to indemnify, defend, and hold harmless the Releasees against any and all legal claims and proceedings of any description that may have been asserted in the past, or may be asserted in the future, directly or indirectly, arising from personal injuries to my child or property damage resulting from child’s participation in the Town/City or Public School of _____ voluntary athletic or recreation programs.

I further affirm that I have read this Consent and Release Form and that I understand the contents of this Form. I understand that my child’s participation in these programs is voluntary and that my child and I are free to choose not to participate in said programs. By signing this Form, I affirm that I have decided to allow my child to participate in the Town/City or Public School’s athletic or recreation programs with full knowledge that the Releasees will not be liable to anyone for personal injuries and property damage my child or I may suffer in voluntary Town/City or Public School athletic or recreation programs.

Signed:

Parent or Guardian of:

Date: _____



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BUSINESS AND PERSONNEL TRANSPORTATION INSURANCE

All school buses shall be insured against injury to riders.

Teachers shall be urged to carry insurance which will protect them against liability for injury to students while under their individual supervision.

Adopted at School Committee Meeting of September 28, 1981
Revised at School Committee Meeting of January 21, 1985
Revised at School Committee Meeting of _____