



SPECIAL MEMBER ALERT

STUDENT SAFETY - TRANSPORTATION

This Special Student Safety Alert addresses **transportation** issues relating to the reopening of schools following the COVID-19 shut down. This limited Alert supplements the detailed [Student Safety Considerations Alert](#), which Members are strongly encouraged to review and share with their staff regarding legal obligations for onsite/offsite student safety, including on-campus and off-campus exposures.

Regarding transportation, Members face challenges with respect to social distancing obligations imposed by local, state, and national health agencies, as well as our State Constitution and statutes that require campuses and transportation options to be “safe, secure and peaceful.” (*Cal. Const., Art. I, § 28, subd. (c)*; Ed. Code §§ 32280, et seq.). To assist Members with safety and compliance, **and with NBSIA prepared to address any questions/concerns you might have in these important areas**, we note the following standards:

Off-Site / Travel Obligations – No busses available

If Members sponsor or permit an offsite activity (offsite sport or club events; field trips, etc.), the Member is responsible for ensuring (i) the student can get to and from the event, and (ii) the method of transportation is safe and secure. To ensure compliance with both duties – recognizing “free education” and participation mandates – Members must ensure:

- Students are accounted for in advance of the trip (generally starting off collectively at the school);
- The transportation is safe (**volunteer/student drivers, approved through the required form submission and approval process**, who agree to comply with all COVID protection rules);
- The transportation only involves approved drivers and approved students, with the Coach/Supervisor confirming in writing which student is going in which car, and with which approved driver; and
- The student is returned to the starting point to be accounted for by the Coach/Supervisor after the event (the student leaves the event in the approved manner, arrives at the school to be picked up/self-transported so that there are no “adverse” events or detours of concern on the route back).

These are nondelegable duties on the Member/Coach/Supervisor. Immunity provisions may not apply/fully apply, and medical payment or other adverse consequences may occur if not followed.

Provided Transportation (Applicable also to on-site issues in general)

A Member providing transportation to/from school or to/from field trips or other excursions must do so reasonably. Members and their staff must ensure that students (and staff) engage in safe practices getting on/off the bus/vehicle, or while in transit, including wearing masks and social distancing to the extent possible under the circumstances.

When a Member becomes aware through any reliable source of a foreseeable threat of harm or injury to a student/group of students/staff based on location or actual/threatened conduct of others, liability can attach (e.g., *Thompson v. Sacramento City USD* (2003) 107 Cal.App.4th 1352, 1369). Consequently, busses, vans, or other vehicles must be properly sanitized, and all staff and students must conduct themselves in the manner required by health officials. That may mean (as President Biden stated in his recent Town Hall, and as noted by the [CDC](#)) alternating seating – one student per seat, with alternating locations in rows to promote social distancing. This imposes difficult standards for ensuring adequate transportation for all impacted students. Those challenges may increase with changes to school start/stop times or staggered classes within a single day.

Whether in a bus, van, or car, given proximity of all involved and limited or no immunity/defense options when identified protective measures are not fully imposed, special care is needed in this area.