



PROCEDURES FOR THE USE OF PRIVATE VEHICLES TO TRANSPORT STUDENTS

Administrative Procedure #APE006

This Administrative Procedure addresses the use of vehicles driven by parents, volunteers or teachers to transport students to authorized school events such as athletic events, educational excursions, (daily overnight +), etc. Proper procedures are to be followed to ensure that the drivers of private vehicles are covered by the Board's Non-Owned Automobile Liability Policy.

REFERENCES

- Board Policies
E-19 - Educational Excursions
E-2 - Use of Private Vehicles

PROCEDURES

Please note:

1. These drivers are covered up to twenty four million dollars (\$24,000,000) in excess of their personal auto policy **if proper procedures are followed**, the trip is an **authorized school activity** and the **driver in question is authorized** by the principal.
2. Please follow these procedures:
 - 2.1 **Before the excursion**, the person organizing it must complete:
 - 2.1.1 the approval forms for the Educational Excursion (**Appendix 1**) indicating that private vehicles will be used and naming the driver(s).
 - 2.1.2 the parent/guardian permission (**Appendix 2**)
 - 2.1.3 Driver/Vehicle Information (**Appendix 3**)
 - 2.1.4 Authorization Form to transport (**Appendix 4**)
 - 2.2 **Before the excursion**, the principal must sign and submit the forms to the Board Office.
 - 2.3 **Before the excursion**, it must be authorized by the Superintendent of Education.

- 2.4 These procedures must be followed for all excursions using private vehicles involving school related events in order to ensure protection for the volunteer.
3. Students must not be used as excursion drivers. For the most part, students are in the high-risk category of drivers (i.e. licensed less than 3 years, “inexperience, combined with immaturity is a high risk exposure”).
4. The Non-Owned Automobile coverage applies **only when the vehicle is being used on Board Business**. To be designated a “excursion driver” an individual must be asked to drive others to a school activity by someone in authority, and presumable following Board procedures. A student, who drives himself to an activity, **is not** covered by the endorsement.
5. Special Note: In the case of an emergency, where a teacher were to drive a sick student home or to the hospital, without getting the required approvals, the Non-Owned Vehicle Automobile Coverage would still protect the teacher. The teacher, in this situation, would be deemed to be working within the scope of duties for the Board.
6. Air Bags: Please be aware of the risks involved in the use of air bags for children, twelve years of age and under. The back seat is the safest place for children.
7. Principals are asked to familiarize staff, particularly those involved in extra-curricular activities where private vehicles are likely to be used.

Staff or Volunteers who use personal vehicles for Board Business are protected by the Board’s Non-Owned Automobile Liability Coverage.

This coverage is in **EXCESS** of the insurance on the vehicle.

The auto policy in Ontario is legislated and makes the insurance purchased on the vehicle **primary** coverage.

If a Teacher or Volunteer is carrying students in her/his vehicle on a Board approved trip and an accident occurs which results in a law suit against the owner of the vehicle, the liability insurance on the vehicle would respond first and the Board’s Non-Owned Coverage would respond when primary insurance is exhausted (i.e. a \$3,000,000 law suit, owner carried \$1 million, \$2 million on Board’s insurance).

If a Teacher or Volunteer were carrying students in their vehicles occasionally, they are automatically covered under terms of auto insurance. If there is any doubt on the term "occasionally", the owner of the vehicle should check with their own insurance broker to clarify coverage and determine if the vehicle is properly rated for the use.

8. Summary of Insurance Coverage:

8.1 Volunteer Supervisors on School Outings

The Board's liability insurance policy protects both staff and volunteers who are working within the scope of their duties for the Board. This coverage responds to law suits that are brought against staff or volunteers who are supervising school events and provides protection to the \$ 24 million policy limit.

8.2 Volunteer Drivers for School Activities

Ontario Legislation makes automobile insurance compulsory in the Province of Ontario. This same legislation makes the vehicle insurance primary coverage. In other words, the insurance on the vehicle responds to claims first.

The School Board's liability policy contains an endorsement, called the Non-Owned Automobile Endorsement, which extends liability coverage to those who are using personal vehicles on the business of the Board. In accordance with legislation, this coverage is excess to the insurance on the vehicle. For example, if an accident occurred while the vehicle was being operated on a school outing, and the vehicle was insured for \$1 million of liability insurance, and there was a successful suit against the owner of the vehicle for \$3 million, the Board's liability insurance would respond to the \$2 million in excess of the \$1 million carried by the owner.

There is no coverage under this endorsement for damage to the vehicle itself. It is liability insurance only.

Passengers who are injured would recover accident benefits under their own automobile policies. Thus, students injured in an automobile accident, would report the injuries to their parents' auto insurer. (This should also be reported on an OSBIE incident report form because it happened during a school event) If there is no automobile insurance policy in the family, the injured passenger could collect benefits under the accident benefits portion of the auto policy in place on the vehicle in which they were riding at the time of the accident, or any other vehicle involved in the accident.

9. Personal Automobile Insurance Coverage:

For the personal protection of Volunteer Drivers, it is recommended that drivers carry a minimum of \$1 million in liability insurance. If there is any doubt about the insurance coverage carried, or the use of the vehicle to transport students, volunteers should review their coverage with their insurance brokers.

Staff or Volunteers who use personal vehicles for Board Business are protected by the Board's Non-Owned Automobile Liability Coverage.

The auto policy in Ontario is legislated and makes the insurance purchase on the vehicle **primary** coverage.

A teacher or Volunteer carrying students in their vehicles on a Board approved excursion, and an accident occurred, which resulted in a law suit against the owner of the vehicle, the liability insurance on the vehicle would respond first, the Board's Non-Owned Coverage would respond when primary insurance is exhausted (i.e. a \$3 million law suit, owner carried \$1 million, \$2 million on Board's insurance).

If a Teacher or Volunteer were carrying students in their vehicles occasionally, they are automatically covered under terms of auto insurance. If any doubt, the owner of the vehicle should check with their own insurance broker to clarify coverage and determine if the vehicle is properly rated for the use.

10. Licensing and Vehicle Requirements for School Purposes:

Seating capacity is the key determination, not the number of passengers actually being carried.

10.1 5 passenger seats plus the driver:

The only requirement is that the driver carries a valid driver's license with a "G" classification.

10.2 6 to 9 passenger seats plus the driver:

As far as the Ministry of Transportation is concerned, any form of remuneration (i.e. mileage, gas allowance, flat fee, etc.) paid by the Board to anyone to transport students enters a contract with the Board. Therefore, any vehicle in this category owned, leased or rented by a volunteer, teacher, employee, parent, student, etc. used to transport students in return for some form of remuneration is deemed to be under contract with the Board.

Regulation 611 defines compensation as: "...any rate, remuneration, reimbursement, or reward of any kind, payable or promised or received or demanded, directly or indirectly."

10.3 10 to 24 passenger seats plus the driver:

If the vehicle is owned, leased or rented in the name of the Board or under contract with the Board, the driver must carry a Class "E" license and the vehicle must meet all of the "school purposes bus" regulations under the Highway Traffic Act.

If the vehicle is owned, leased or rented by a volunteer, teacher, parent, student employee, etc...and no payment is made by the Board for the occasional transportation of the students, then the driver must carry a Class "F" license, if the vehicle will seat more than 11 passengers and the vehicle need not meet the "school purposes bus" regulation under the Highway Traffic Act.

Regulations under the Highway Traffic Act are very stringent and violation of these regulations could result in a fine, license suspension or such other penalty as permitted by the Highway Traffic Act.

11. Remuneration:

If the vehicle is owned, leased or rented in the name of the Board, or operated under contract with the Board, the driver must carry a valid Class "G" license and the vehicle must have safety inspection stickers, carry a log book and conform to Regulation 611.

"Under contract" is a key phrase. We all know that legal consideration (compensation) always forms an integral part of a contract.

12. No Remuneration:

A Class "G" license is required by the driver.

If no remuneration is paid Regulation 611 does not apply.

Director of Education:

Glenn Sheculski

Date:

July 24, 2013