

Transfer of Responsibility from School Bus Driver to Parents

As you will recall your question related to the transfer of responsibility when students are bused home and there is nobody at home to look after them. I believe that your question was at what point does the responsibility of the bus driver end and the parent begin. I recall that this was particularly important in situations with younger students.

Part of my research into this area included a survey of other school board risk managers in other jurisdictions across Canada. We have developed a web based communication link that allows us to correspond with each other in an efficient way. The responses that I received were consistent from all jurisdictions. I will attempt to summarize the responses for you.

The Education Act is a guiding legislation that basically states that the school board (through the principal) shall act in "loco parentis" while students are in the care and custody of the school. It also states that school boards MAY provide transportation for students (they do not HAVE to do this), but in cases where school boards choose to provide transportation, the school bus is considered an extension of the classroom, is subject to the principal's discipline, code of conduct, etc. However, once the children leave the bus, they are no longer considered in the care/custody of the school, and technically the school's responsibility ends, and theoretically, the parent's begins.

The caveat to all this, is that although the school board's responsibility ends when the children leave the bus, there is an implied responsibility or duty of care not to place any child in a dangerous situation and in cases of small children, or even dropping older students off in severe weather conditions, a "prudent person" would be expected to identify situations that could endanger a child, and take reasonable steps to prevent the situation.

Given the nature of school bus transportation, small children and the fact that parents may be delayed from meeting their children at a bus stop, it is foreseeable that these situations can occur, and the school board should have a contingency plan in place that addresses these situations. Beyond that, in most cases the school board's responsibility ends when they leave the bus.

I have had this information reviewed by our legal department for comments as per your request. I trust you will find this response in order.

If you have any questions related to this issue please feel free to give me a call.

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