

**Working Lesson Plan**  
**School Bus Driver Inservice**  
**FSY 2007-2008**

**Title of Lesson: STEERING CLEAR OF LIABILITY**

**Time: 45 - 60 minutes**

**TRAINER NOTES:**

This lesson includes a 17:30 minute video presentation by Peggy Burns. This is a mandatory training module for all authorized school bus drivers. Every school district with a driver trainer will receive a copy of this video at no charge.

Depending on the audience, the trainer may wish to break into small groups, large groups, or simply lead general discussion into alternatives that the subject driver might have taken to resolve or prevent the situation described.

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**Equipment for Lesson:**

- A. LCD projector and external speakers
- B. Laptop computer or DVD player
- C. DVD – “Steering Clear of Liability”

**Objectives of Lesson:**

At the conclusion of this lesson the student will be able to:

1. List three specific tasks drivers should follow to reduce their exposure to liability.
2. Name four contributing factors in determining the merits of granting a request for a new bus stop.

**Introduction:**

An attorney by profession, Peggy Burns is the retired staff counsel for Adams 12 Five Star Schools, a large suburban school district in Colorado. As president of Education Compliance Group, Inc. of Lafayette, Colorado, Peggy is a regular presenter at many national and regional conferences, contributor of numerous articles for industry periodicals, and author of several training video’s including “Confidentiality” and the latest “Steering Clear of Liability”.

Peggy will take us through five specific real-life cases involving varying degrees of responsibility and subsequent liability. She describes the situation, comments on what happened, and provides insight into some of the issues that might have prevented the unfortunate outcomes.

After viewing the video, we too will discuss some of the issues that led to the negligence and some of the alternatives that could have prevented them.

## Presentation:

Show Video.

Post video discussion:

### 1. Student Fights after Discharge

- a. What steps should you take if a student tells you another student has threatened to fight with him or her? Does your answer change if you heard about the threat “through the grapevine” of student rumor? What would you do differently (if anything) if the reporting student is a “whiner”. If the aggressor has a history of violence? If s/he doesn’t?
- b. Of the options presented in the video, which would you have taken?
  - Delay moving the bus to avoid leaving the girls alone?
  - Bring one of the two girls back with you onto the bus?
  - Ask the teacher to stay with the girls?
  - Would you have done something different? If so, what?
- c. **“You may not be held responsible for what you can’t reasonably predict, but you’ll be vulnerable every time when you know danger is likely.”**

### 2. Unauthorized Stops

- a. What is your responsibility to know about district / company policies? How/where would you find out about them?
- b. Think about this scenario in light of a news article that reported a student’s death when a sport-utility vehicle hit her as she crossed a street to get to her home:

*A substitute bus driver was on duty that day. He had been handed an incomplete list of bus stops for a route that originated at the girl’s school. He called to get the other stops, and checked the information he had on the stops already included. While he wrote down the correct intersection for the girl, he failed to write down which side of the road she should exit at.*

- c. How do you balance your desire to provide customer service with the risks of responding to on-the-spot student – or parent – requests.
- d. Where students or parents have submitted stop change request forms, what factors do you think would determine whether the requested location should be granted or denied? What is the importance of each of the following:
  - Age?
  - Maturity?
  - Disability?
  - Time of day?
  - Time of year?
  - Existence of previous incidents at that location?
  - Traffic patterns?
  - Rationale given for request?
  - Possible creation of precedence?
- e. Do you have a role in reporting factors to be considered by supervisors in granting or denying a stop change request? What is your role? What should you report?

### 3. Following Published Schedules

- a. “The driver decided to modify her route.” This driver made the decision to alter her schedule on her own, without any input from dispatch, or anyone else. What would you do – with whom would you consult - if faced with a similar decision?
- b. Do you call parents if you’re arriving early? Pull over to the side and wait? Drop another student off first whose parents *are* home?
- c. How do you ensure you have accurate contact information for parents so you can call them when necessary?
- d. This driver “worried about her decision” and even “missed her next stop” because she was so distracted. Did she have a second chance to prevent tragedy? What should she have done?
- e. What if the student **had** had a key? Would the driver have made the right decision? Why or why not?

- f. If part of the problem here was that the driver deviated from a consistent, published schedule, would the district or company have been better off if it didn't publish a schedule? Why or why not?
- g. What are the advantages of having a published schedule that allows parents to know when their children will arrive? What is your role in communicating that schedule?
- h. What about "early out" days? Who lets parents know if they change during the course of the school year?
- i. Make no mistake: a number of factors came together in this tragic case to result in the lawsuit. Consider ways in which this situation is like – and not like – a day when no one is at the bus stop to meet a student. Is it different if the parent has always been there, even if not required to be? What if you can't reach anyone at school?

### **Summary:**

Peggy Burns has taken us through five real-life situations that resulted in liability exposure to the school bus driver. Oftentimes that exposure was created and perhaps heightened by the driver's decision to act or not act. We have discussed some of the specific cases and some of the alternatives available to drivers faced with similar circumstances.

Probably the most important concepts for a driver is to follow all state laws and codes, follow all district policies and procedures; and follow all the all the above all of the time.

### **Evaluation:**

1. Name three specific tasks drivers should follow to reduce their exposure to liability.

Answer:

1. Follow all state laws and codes
2. Follow all district policies and procedures

3. Follow all state laws and codes, and all district policies and procedures, all of the time, always.
2. Name four contributing factors in determining the merits of granting a request for a new bus stop.

Answer:

1. Age of student(s)
2. Maturity
3. Disability
4. Time of day
5. Time of year
6. Traffic pattern(s)
7. Precedence
8. As a driver, don't make the decision yourself