

Liability 201



Sara Zimmerman, JD
Technical Assistance Director



Liability 101:

Quick Review of Liability Basics



**Goal:
Healthy, Happy,
Thriving Kids**



What is liability?

**In this context,
what we mean by liability is
negligence**

Negligence:



**A practical, common-sense
concept**

*The key: has a person behaved
with reasonable care in the
situation in question?*

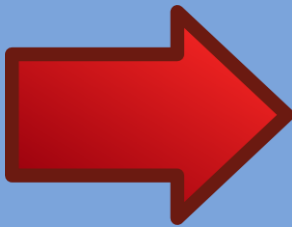
Elements of Negligence



Duty



Breach



Causation



Damages

Duty

- What does duty mean?
- Legal duties \neq moral imperatives
- Districts may increase their liability by taking on new areas of responsibility
- But if benefits outweigh risks, it's likely worth it





The Upshot:

No Liability Unless...

- **Someone did not act with reasonable care**
- **That carelessness caused the injury**

Approach to Liability Risk

Step One: Relax

Liability risks are *exaggerated*.



No known lawsuits based on injuries from a SRTS program.

Step Two: Be Responsible

Being responsible
is the key to
acting with
reasonable care



Step Three: Have a Back Up Plan



Liability in Practice



Overview:

Be Responsible

- Use **reasonable care** in setting up and running programs.
- Anticipate **potential dangers** and take **reasonable steps** to avoid them.
- **Communicate** about roles and responsibilities.



Walking School Buses





First consideration: Who is running the program?

- ✓ School
- ✓ PTA
- ✓ Nonprofit/other agency
- ✓ Informally organized parents



Identify hazards and adopt reasonable precautions

- ✓ Hazards on the route
- ✓ Screen, train, and monitor volunteers
- ✓ Train kids on pedestrian safety rules



Communicate about roles and responsibilities

- ✓ Make roles clear
- ✓ Who is responsible for kids when?
- ✓ Let families know

Supportive Policies

What are they?

- School district policies that declare support for Safe Routes to School
- Informal policies supporting walking and bicycling

What are the liability risks of supportive policies?

- ✓ Little to none
- ✓ Districts immune when simply making discretionary policy decisions



Safe Routes to School District Policy Workbook



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to School
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Safe Routes to School District Policy Workbook

Welcome to the interactive [Safe Routes to School](#) Policy Workbook! It is designed to help school board members, administrators, families of students, and community members create and implement policies that support active transportation [1] and Safe Routes to School programs. The workbook will walk you through a series of policy options to help you build your own customized Safe Routes to School policy, which you can download and use in your community.

Introduction

Safe Routes to School is a burgeoning movement that encourages students to walk, ride bicycles, or use other forms of active transportation to and from school. Active transportation improves health, increases livability of a community, and helps to protect the environment. Making it easy for students to walk or bike to school requires action from many community stakeholders, including schools, students and their families, municipalities, neighborhood businesses, planners, transportation engineers, and community groups. The Safe Routes to School Policy Workbook helps schools make lasting change in their communities.

Model language

Support for Safe Routes to School

Explanation: Safe Routes to School programs and activities encourage physical activity, bolster student safety, reduce traffic congestion at the beginning and end of the school day, and even have been shown to improve students' concentration.[31] School districts that do not explicitly support Safe Routes to School through clear policy language can inadvertently discourage walking, bicycling, and other forms of active transportation. Providing supportive language within school district policy ensures that all schools will promote and plan for Safe Routes to School programs and activities.

Click an option box below that contains the element to include in your policy. In some cases, there will be only one option.

Option 1: District supports Safe Routes to School programs and activities because active transportation can:

1. Increase physical activity levels for students,[32]
2. Improve student health,[33]
3. Decrease automobile congestion and related danger of injury to students,[34]
4. Reduce air pollution and related greenhouse gas emissions,[35]
5. Reduce costs related to busing,[36] and
6. Improve attendance rates and student achievement.[37]

District further supports efforts to increase participation in Safe Routes to School programs and activities in those schools with the fewest resources, and among low-income students, students with health challenges, and those with physical and mental disabilities.

Rating: ★★ ⓘ

Supportive policies can **assist** with liability risks:

- ✓ Clarify roles and responsibilities around student transport, reducing hazards from miscommunications
- ✓ Avoid hazards of a district misunderstanding its responsibilities

Back Up Plans



Have a Back Up Plan (Step Three)



Immunity

Indemnification

Insurance

Some tips about:

*Insurance
for
nonprofits*

changelabsolutions.org | nplan.org



Covering Your Bases

Basic Tips About Insurance for Nonprofit Organizations

Insurance coverage is one of the basic ways that nonprofits can protect themselves from the

Nonprofit organizations like ChangeLab Solutions engage in a wide variety of activities that bring great benefits to local communities – organizing farmers’ markets, managing Safe Routes to School

Liability Takeaways

- **Being thoughtful about how you set up and run activities helps avoid liability**
- **Steps you take to make sure children are safe also protect you from liability**
- **Balance benefits versus the risks**



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Sara Zimmerman

Technical Assistance Director

sara@saferoutespartnership.org

