Safe Routes to School Resources

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Overview of liability fears and Safe Routes to School

Safe Routes to School: Minimizing Your Liability Risk

Some schools have been reluctant to support Safe Routes to School (SRTS) programs due to concerns about being sued if an injury or problem arises. But such fears are largely unwarranted. By acting responsibly and understanding the liability issues in question, schools, nonprofits, and parent groups can help students reap the health and academic benefits of SRTS programs while minimizing the risk of a lawsuit. In fact, well-run SRTS programs can even reduce schools’ risk of liability by identifying potential dangers and putting measures in place to protect children against injury.

Because nonprofits, parent groups, and schools may all be involved in SRTS programs, it can be important for each of these groups to understand SRTS and liability. This fact sheet explains why liability fears shouldn’t stop school districts from supporting SRTS programs, provides an overview of liability and negligence, and offers practical tips on how school districts and others can reduce their risk of liability.

Because liability issues vary from state to state, consulting with a local lawyer may be helpful in understanding your specific issues, as well as in structuring SRTS programs to minimize liability concerns.
Tips for Reducing Risk

- general guidelines
- creating maps with recommended routes
- walking school buses and bike trains

Reduction of Liability Risk: Practical Tips

This checklist offers suggestions to reduce liability and increase children’s safety for anyone running a SRTS program—school districts, community and parent groups, or local agencies. For specific recommendations and considerations for school districts, see “Special Tips for Schools” on page 4.

For any SRTS program:

- Think through the possible dangers that exist near your school.

- If it is reasonably easy to eliminate or avoid the danger, do so. Is there something broken or poorly designed that can reasonably be fixed? By working with the city or county, you can potentially increase traffic safety considerably near the school. Children may be able to avoid the danger by entering or leaving the school through a different door or gate, or by taking a different route.

- Take other reasonable actions to reduce the danger. Encouraging certain behaviors—such as holding a buddy’s hand while walking past a mild danger—can also keep children safer. You’ll have to use your judgment to decide whether encouraging a specific action is a good idea under the circumstances.

- Educate students so that they act safely. Local police are often available to provide bicycle, pedestrian, and traffic safety training to students, as are trainers from local bicycle shops and nonprofit organizations.

- If you’ve put meaningful effort into reviewing and addressing possible hazards, document the steps you’ve taken.

- Comply with relevant school district policies or state and local laws.

- Where possible, make sure your insurance covers your SRTS activities. In some states, such as California, PTA insurance may provide coverage for some SRTS liability risk if the PTA has endorsed a SRTS program.

If your SRTS program creates maps with suggested routes to school:

- Engage your city or county staff—especially transportation, law enforcement, and public works officials—in identifying suggested routes. Providing good routes to schools is part of local government’s responsibility, and the collaboration may also help you form relationships that will lead to improved infrastructure and law enforcement near your schools.

- Explain that parents remain responsible for getting their children to and from school safely, and that the school is not taking responsibility for those travels by providing suggested routes.

- Emphasize that new hazards or conditions may arise, and that parents and children should exercise common sense in following the maps.

- Refer to routes as “recommended” or “suggested” routes, rather than “safe routes.”

If you are implementing a “walking school bus” or “bicycle train” program:

- Identify any hazardous areas on the routes prior to beginning the program and adopt reasonable precautions to avoid or protect against danger.

- Screen, train, and monitor volunteers. (See NPLAN’s fact sheet on Volunteers and Liability for more information about liability protections for volunteers.)

- Develop safety rules for the walking school bus or bicycle train, and educate children who are participating about the rules, bearing in mind the ages of the children who will participate. Children’s ability to comply with safety rules varies with their age, and negligence laws take these differences into account.

Reducing Risks Through SRTS

Before adopting any school program, districts assess the risks and benefits. In SRTS programs, the risks are manageable, while the benefits for children’s short-term and long-term health are considerable. As with other school programs, risk management—the process of analyzing exposure to risk and determining how best to handle it—can help school districts adopting SRTS programs minimize their risk. SRTS programs can play an important role in risk management for districts. SRTS programs identify possible dangers to children as they travel to and from school and institute reasonable precautions to protect against these dangers. By reducing the number of cars near schools, and making sure they drive at slower speeds, SRTS programs make areas near schools safer for children. The programs also educate children about traffic safety, and SRTS infrastructure upgrades help eliminate hazards for bicyclists and pedestrians. As a result, SRTS programs actually decrease the likelihood of an injury occurring in the first place, and can reduce the risk of liability if there is an injury—not only for children who begin walking as a result of a new SRTS program, but also for children who are already walking or bicycling to school without a formal program in place.
Specific Tips for Districts

• little to no risk in sponsoring SRTS
• okay to plan and run SRTS programs
• be clear about new duties

In Summary

School districts and nonprofit can manage the risks of liability associated with setting up and running SRTS programs—risks that are often exaggerated—by taking common-sense precautions and addressing hazards responsibly. Supporting and implementing SRTS programs can help schools and other organizations decrease their liability exposure while giving children the physical activity they need to be healthy and learn well.
SRTS Related Materials

School sitting materials, including policies for school districts

Factsheet on volunteers and liability

www.nplan.org
Wide range of questions

- Crossing guard issues
- Ridesharing
- School transportation funding and incentives
- Local policies that support SRTS
- Balancing walkability and diversity in school siting

www.nplan.org
Array of Resources for Schools on Joint Use

Factsheets, model contracts, checklists, legal research

www.nplan.org