

**Volunteer Parent-Drivers Transporting Students to School Sporting Events**

**QUESTION**

Are parents who volunteer to transport student team members to school sporting events at other schools required to have the same insurance liability coverage as the school system does for transporting its students?

**OPINION**

We have found no statute that requires volunteer parent-drivers to carry the same amount of liability insurance coverage as the school system. Because the local school board, however, has responsibility and control over all schools in its system, we believe that it would be within the school board's discretion to establish a policy requiring volunteer parent-drivers to have a specific amount of liability insurance when, under the auspices of the school involved, they volunteer to transport students to "away" sporting or other similar events.

**ANALYSIS**

These are the facts upon which we base this opinion. A public high school has a soccer team but does not provide transportation for team-member students to and from soccer matches with other schools. Parents provide transportation for team members on a voluntary basis. We further assume for purposes of this opinion that the parents who volunteer for this duty do so with the knowledge and encouragement of school officials and are transporting students other than their own children.

The Tennessee Governmental Tort Liability Act (TGLA), Tenn. Code Ann. §§ 29-20-101, *et seq.*, authorizes governmental entities, such as a public school system, to purchase insurance to cover their liability. Tenn. Code Ann. § 29-20-102(3) and § 29-20-403(a). After July 1, 2002, but before July 1, 2007, the TGLA sets minimum requirements on such policies as follows:

Minimum limits of not less than two hundred fifty thousand dollars (\$250,000) for bodily injury or death of any one (1) person in any one (1) accident, occurrence or act, and not less than six hundred thousand dollars (\$600,000) for bodily injury or death of all persons in any one (1) accident, occurrence or act, and eighty-five thousand dollars (\$85,000) for injury or destruction of property of others in any one (1) accident, occurrence or act. The provisions of this subdivision shall apply to any action arising on or after July 1, 2002, but before July 1, 2007.

Tenn. Code Ann. § 29-20-403(b)(3). Drivers of personal cars, *e.g.*, volunteer parent-drivers, must carry liability insurance as follows:

If proof [of financial responsibility] is required after December 31, 1989, such proof means:

- (i) A written proof of liability insurance coverage provided by a single limit policy with a limit of not less than sixty thousand dollars (\$60,000) applicable to one (1) accident;
- (ii) A split-limit policy with a limit of not less than twenty-five thousand dollars (\$25,000) for bodily injury to or death of one (1) person, not less than fifty thousand dollars (\$50,000) for bodily injury to or death of two (2) or more persons in any one (1) accident, and not less than ten thousand dollars (\$10,000) for damage to property in any one (1) accident;

- (iii) A deposit of cash with the commissioner in the amount of sixty thousand (\$60,000); or
- (iv) The execution and filing of a bond with the commissioner in the amount of sixty thousand dollars (\$60,000).

Tenn. Code Ann. § 55-12-102(12)(C). Thus, the statutory requirement of liability insurance for motor vehicle drivers generally is much lower than the amount of coverage a school system would carry under the TGLA.

Local school boards have broad authority over the administration of the schools in their systems and reasonable discretion in carrying out their duties. *See* Tenn. Code Ann. § 49-2-203(a)(2); *State ex rel. Bobo v. County of Moore*, 207 Tenn. 622, 341 S.W.2d 746 (1960). With the possible exception of students with disabilities, local school boards do not have to provide transportation for public school students. Tenn. Code Ann. § 49-6-2101(a).

If the local board does provide transportation, it must use reasonable and ordinary care under the circumstances. *See Hawkins Co. v. Davis*, 216 Tenn. 262, 391 S.W.2d. 658, 663 (1965). Also, if it does, it must adopt a policy to govern the overall operation of the pupil transportation program. Tenn. Admin. rule, *State Board of Education*, 0520-1-5-.01(6). While the education statutes do not require local school boards to supervise volunteer transportation that is not state-funded, we believe that a school board has sufficient authority to adopt a policy governing liability insurance requirements for volunteer parent-drivers in the circumstances described above.

The request mentions 2004 Public Acts, ch. 299, and suggests that this statute has been interpreted to require that parent-drivers have the same liability insurance coverage as the school system itself does. We have reviewed this act and can find nothing in it that requires such coverage.

We conclude that state statutes do not place liability insurance requirements on volunteer parent-drivers different from those that apply to any other motor vehicle driver. A local school board, however, could exercise its discretion and adopt a policy to govern liability insurance requirements for volunteer parent-drivers in the circumstances described in this request. If the local school board's adoption of such a policy is challenged, the courts will be the final arbiters of whether the board exercised its discretion properly. *State ex rel. Bobo*, 341 S.W.2d at 632.