



Avoid Uber-Liability By Restricting Ridesharing Services On Campus

Insights

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It's 4:30 p.m., school soccer practice has just ended, and 11-year old Cynthia calls her mom to pick her up at school. Her mom tells Cynthia that she is busy at work but has requested an Uber to pick her up. Just as she gets off the phone, a car with an Uber sticker on the window pulls up to your school's pick-up area, and Cynthia enters the stranger's car to be taken home. While the story may end with Cynthia arriving home safely, what if it does not? What responsibility, if any, might your school bear?

An increasing number of students and parents are abandoning yellow school buses and parent carpools for ridesharing services such as Uber and Lyft. While these methods of transportation may be a welcome alternative for parents, you should be aware of the potential liability associated with permitting your students to leave campus using such a service.

Schools Are Responsible For Student Safety

Under the doctrine of *in loco parentis*, schools are charged with the responsibility to provide care and safety for their students. The term "*in loco parentis*" literally means "in the place of the parent." Because of this special relationship, schools have an affirmative duty to protect students from known and foreseeable dangers on school campuses during school hours.

This duty can extend outside school hours when students remain within the school's charge and, in some circumstances, off school premises when the risk of harm is foreseeable. Many courts have determined that schools have a duty of reasonable care to ensure that a responsible person assumes the care and control of the student after dismissal.

Ridesharing Service Policies Prohibit Use By Minors

Ridesharing services, such as Uber and Lyft, are making their way into school carpool lanes. These companies provide 24/7 on-demand car services and allow customers to request private drivers from mobile device applications. The apps are advertised as safe, cost-efficient, and convenient transportation options. The drivers are background-tested and rated by users. There is no exchange of cash and the car's location can easily be tracked and shared with others.

These features have attracted millions of users, including a growing number of parents and students. However, Uber and Lyft have policies specifically prohibiting people under the age of 18

from using the apps or riding unaccompanied by an adult. Despite these policies, many parents continue to permit their children to use the apps and ride alone.

How Can You Mitigate Potential Liability?

Schools should be rightfully concerned that parents' and students' apathy to these policies may result in liability to your institution. You are duty-bound to ensure that students are discharged to the care of a responsible adult after the final bell rings.

There are numerous potential dangers associated with releasing students to unknown third parties. What can you do to protect your students from potential dangers and your institution from potential lawsuits?

Implement A Policy

You should consider implementing a policy that states your school does not condone students leaving campus in third-party car services and, specifically, ridesharing services whose own policies explicitly prohibit minors from using them. The policy should be printed in the parent/student handbook and require a signed receipt by a parent or guardian.

Obtain Waivers

In addition to drafting a clear policy, you may also consider having parents sign a waiver releasing your school from any liability that may result from students' use of ridesharing services. It should be noted, however, that several state courts have held that such pre-injury waivers violate public policy and are unenforceable.

You should consult with counsel to determine if the laws of your state permit this type of waiver. If your school decides to require parent waivers, the waiver should accompany a policy as described above. Absent such a policy, your school may be found to be complicit in the violation of the ridesharing services' policies.

Identify Authorized Persons

You may require parents to identify, by name, those persons permitted to pick up their children from school, and only release students to those designated individuals. Uber and Lyft drivers' identities are unknown until the driver accepts the user's request. Requiring only specifically-identified people to pick up students eliminates the possibility that your school will release students to unknown third parties.

Remain Vigilant

School personnel responsible for supervising the pick-up line should be made aware of your policies regarding third parties. Often Uber and Lyft drivers have stickers identifying their vehicles. Personnel should keep an eye out for these cars and any unfamiliar people on campus.

Conclusion

As ridesharing services grow in popularity, you should be coanizant of your students' use of these

services and the accompanying dangers. You should take steps to keep students safe and mitigate any potential liability to your institution. Having policies in place that prohibit unidentified third-parties from picking up students and informing school personnel to watch for unfamiliar people on campus are just a few of the ways you can protect both students and your school.

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