

File No. 86424

October 18, 1950

Mr. John W. Lewis
Assistant Superintendent
Department of Education
3 East 25th Street
Baltimore - 18, Maryland

Dear Mr. Lewis:

We acknowledge receipt of your letter of October 11, 1950, enclosing page 3 of a "tentative statement of policies and practices governing the health service in the secondary schools of Baltimore" prepared by the Division of Health and Physical Education.

You request an opinion as to the propriety of the statement contained in Section IV-D-3, which reads as follows:

"Private cars may be used in an emergency. Should an accident occur, the owner-driver is not responsible for the passengers if it can be proved that he was proceeding with reasonable care and obeying traffic regulations."

We suggest that this be amended to read as follows:

"Private cars may be used in an emergency. Should an accident occur, the owner-driver is not responsible for the passengers if it can be proved he was without negligence and was proceeding with reasonable care and obeying traffic regulations."

We suggest that the word "physical" be inserted before the word "welfare" in the first line of Paragraph IV-A.

Paragraph D-2 might be clarified by making it read as follows:

"Taxicabs may be used to send a student home or elsewhere for medical treatment when a city ambulance is not available provided the parent has agreed to pay the charges or the school has some funds which may be used for this purpose."

Very truly yours,

/s/ THOMAS N. BIDDISON
City Solicitor

/s/ ALLEN A. DAVIS

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