



LAW OFFICES OF YOUNG, MINNEY & CORR, LLP

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## Students, Coming & Going: How Far Do a School's Duties Reach?

In a January 21, 2015 unpublished decision of the Second District California Court of Appeal in *Campos v. Escalante*, Defendants Dr. Olga Mohan High School (“OMHS”) and Alliance College Ready Public Schools (“Alliance”) (jointly “charter school”), represented by Young, Minney & Corr, LLP, prevailed with the Court affirming in all respects the trial court decision entering judgment in favor of the charter school. The charter school had been sued for negligence when one of its students was hit by a commercial vehicle and injured when crossing a street without a crosswalk at a distance from the school site. The accident location was less than 600 feet from a school building and/or the grounds, but not visible or otherwise accessible from the only entrance/exit location of the charter school. The trial court had entered judgment in favor of the charter school concluding that Plaintiff had failed to allege a legal duty under the circumstances against the charter school.

The Court of Appeal agreed, holding “that Campos has failed to state a viable theory of duty” against the charter school. While the Plaintiff argued that the charter school’s only entrance/exit gate funneled students in the direction of dangerous roadways, the Court concluded that the location of the charter school’s entrance/exit did not increase or intensify any existing danger from the unmarked crosswalks located around the block from the school.

The Court also concluded that Vehicle Code section 21368 which establishes the color of crosswalks contiguous to a school building or its grounds was inapplicable and failed to create a duty because “[t]here is no ‘natural relationship’ between the crossing [where the accident occurred] and the school.” Here, “the subject crosswalk is around the corner from the school and separated by several buildings, including a Staples store .... with no part of it touching the school grounds.” The Court concluded that “contiguous” in section 21368 does not simply mean near, rather it means physically touching.

Plaintiff also argued that complying with recommendations in the California Traffic Manual, the federal Manual on Uniform Traffic Control Devices and discretionary provisions of the California Vehicle Code are ways the school could have satisfied its duty of care to plaintiff. The Court noted that such advisory materials do not impose a mandatory duty and are not binding. The Court noted that schools generally are not liable for injuries off campus and not during school hours “unless they result from the school’s negligence occurring on school grounds or as a result of a specific undertaking performed in a negligent manner,” citing *Bassett v. Lakeside Inn, Inc.* (2006) 140 Cal.App.4th 863, 872.

The Appellate Court concluded it did not need to resolve Plaintiff’s argument that the charter school was not a public entity and therefore not entitled to the immunities available to traditional School Districts. “[W]hether we view the School as a private entity or as a public entity, the traffic manual and Vehicle Code do not impose mandatory duties on the School.”

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However, the decision firmly limited the Plaintiff's attempt to expand the boundaries of student supervision beyond the intent of the Legislature and consequently the liabilities attributable to schools in this regard.

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