

No Immunity For Schools Hosting Sports Events

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Schools hosting interscholastic athletic events may be liable for injuries sustained by members of a visiting team if the injury is caused by a dangerous condition found on the hosting school's property. A California Court of Appeal recently clarified that the field trip immunity did not prevent a visiting player from pursuing a claim against a district which hosted a volleyball tournament. (*Anselmo v. Grossmont-Cuyamaca Community College District* (2018) 25 Cal.App.5th 948.) It held the field trip immunity defense was not available to the hosting district because it did not conduct or operate the student's school's travel, but rather, as the receiving or hosting site, it had the responsibility to provide a safe facility.

Background

A member of the Pierce College Women's Volleyball team, which had traveled to Grossmont College to participate in an intercollegiate beach volleyball tournament, was injured when her knee hit a rock that was in the sand during the tournament. She filed claims for negligence and dangerous condition of public property against Grossmont-Cuyamaca Community College District. The trial court dismissed her claims, citing the field trip and excursion immunity. She appealed, arguing that the immunity did not apply to the district hosting the event.

Decision

The Court of Appeal reversed the lower court's ruling. It held that field trip immunity did not extend to claims by a student of one college against another college hosting a sporting event for students when the injury sustained was due to a dangerous condition on the athletic facility provided by the hosting college.

Previous cases recognized that the Legislature granted immunity for field trips and excursions to enhance and enrich the educational goals of schools by reducing costs caused by the exposure to additional liabilities which may accrue. (Ed. Code, § 35330.) For example, in *Sanchez v. San Diego County Office of Education* (2010) 182 Cal.App.4th 1580, the Court of Appeal applied this immunity to claims by a student attending a camp run by a county office of education.

The Court in *Anselmo* found the facts distinguishable because the hosting college did not



DANNIS WOLIVER KELLEY

Attorneys at Law

conduct or operate the student's school's travel and, as the receiving or hosting site, it had the responsibility to provide a safe beach volleyball court in accordance with any applicable regulations. The Court also looked at the regulatory authority for community college districts to conduct "field trips or excursions." (Cal. Code Regs., tit. 5, § 55220.) It found that the hosting district did not conduct a "field trip" for the student within the meaning of section 55220 and *Sanchez*.

Finally, the Court reiterated the California Supreme Court's holding in *Avila v. Citrus Community College District* (2006) 38 Cal.4th 148, 162, that a district which hosts an interscholastic athletic event owes "a general duty to all participating teams—both home and visitor—to avoid acts or omissions that materially increase the risks to participants beyond those inherent in the sport." The Court further reasoned it was incongruous for the hosting district to acknowledge it would have lacked immunity from liability had one of its own students been injured on the same rock, but then assert immunity for an injury to a visiting athlete. Accordingly, the Court determined the trial court should not have dismissed the claims and remanded the case for further litigation.

Impact

This case clarifies the scope of the field trip immunity by explaining that the immunity will not apply to protect a district hosting an athletic event from claims by visiting student athletes who are injured while using the athletic facilities provided. This serves as a reminder that any district hosting an interscholastic athletic event and other activities for visiting students needs to be vigilant and ensure that their property and athletic facilities are maintained in a serviceable and safe condition to avoid liability. If you have any questions about this case or other liability matters related to student athletics or field trips, please contact a DWK attorney.

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