

Keeping Students Safe at the Crosswalk

Each state has established rules regarding the extent to which school district and governmental bodies are held liable for student injury – in many places, they have immunity against being sued. However, depending on your jurisdiction’s legislation and the type of facility you run, you could be held liable for injuries to students on your property. Among the countless opportunities for injury to children on school grounds is the walk home. Crossing guards are a good way to ensure student safety; however, in some jurisdictions, exposures remain even when you make the investment in hiring them.

Immunity from Liability

Generally, a school district bears the legal duty to exercise reasonable care in supervising students in its charge and may be held liable for injuries proximately caused by the failure to exercise such care.

In many states, a public duty doctrine or similar legislation protects schools against liability for harm to individuals by third parties. However, in certain cases, courts have ruled that this does not protect a public entity from liability for the negligence of a school crossing guard it employs. It is advisable to take steps to prevent student injury even if your facility has legislative immunity.

Immunity Specifically for Crossing Guards

Similarly and more specifically, some jurisdictions have provided immunity from civil liability for school crossing guards and sponsors, which applies to public school districts or any other governmental agency. Generally, willful acts are excluded from this legislative protection.

However, this immunity is not everywhere, and applies only to public entities, so it would not provide protection for private institutions. It is important to learn what legislation exists in your area with legal counsel and determine whether, and to what extent, it applies to you.

Crossing off School Grounds

Even if the street is not located on school grounds, you may be open to some risk, depending on local legislation. A court could hold that if you had knowledge that students cross a public street outside of a crosswalk on the way home from school, for example, your duty of care for the students’ protection may have included you to take steps to correct and monitor this behavior for the students’ safety.

Crossing guards are a good way to promote student safety; however, in some jurisdictions, exposures remain even in their presence.

Preventing Incidents

Whether or not there is legislation in place to protect you from liability, it is important to take steps to ensure your students’ safety. To prevent injury, provide comprehensive training on proper safety procedures to your crossing guards upon hire and at regular intervals. Document best practices, and communicate safety expectations to all crossing guards. Have a system for rewarding safe work – and follow up if you have evidence

Provided by BCG Advisors, Inc.

Keeping Students Safe at the Crosswalk

that a crossing guard is putting children's safety at risk.

Transferring Risk

One valid option to investigate is a private company who can manage crossing guard operations at your facility. If you decide to hire crossing guards directly instead, verify your liability under local legislation and discuss your need for insurance coverage with the professionals at BCG Advisors, Inc.. In this case, a general liability policy may be appropriate.