

ARIZONA SUPREME COURT ADDRESSES SCHOOL'S DUTY TO PROTECT STUDENTS FROM TANGIBLE RISKS OF HARM

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Dinsmoor v. City of Phoenix et al.

Arizona Supreme Court | August 6, 2021

By: [Petra Lonska Emerson](#)

Matthew, a high school sophomore in the Deer Valley Unified School District, shot and killed Ana, his schoolmate and girlfriend, and then himself. The tragedy took place at a friend's home where Matthew invited Ana after school to discuss an earlier dispute over Raven, Matthew's former girlfriend. School personnel knew that Ana planned to meet Matthew that day. They also knew that Matthew had been violent with Raven and had possibly threatened Raven the previous day. School personnel reviewed text messages, which they found to be vague and non-threatening, and interviewed both girls. Ana did not express worry for herself, only for Raven. The school personnel did not take any action to protect Ana.

The Supreme Court unanimously held that, under the circumstances, the school did not owe Ana a duty of care. The Court confined a school's duty to its three distinct roles at the core of the school-student relationship: 1) a custodian, 2) a land possessor, and 3) a quasi-parental figure. The Court reasoned that it is only within those roles that a school is able to identify and eliminate risks, and even then, only "known and tangible" risks. Once students safely leave the school's control, the special relationship ends, and students are simultaneously released to their parents' or guardians' full custodial care, relieving the school of a duty to affirmatively protect students from any hazards they encounter.

The Court declined to draw a bright-line rule, however, and envisioned "unique circumstances" that could extend the school's duty to risks that result in harm to students who are outside school supervision and control. The Court described several examples of such unique circumstances: ensuring students' reasonably safe means of ingress into and egress from campus; placing a school bus stop on a heavily traveled street; or addressing an active shooter in the school's neighborhood. But the school's duty must still arise from within the confines of the relationship—while student is under the school's custody and control. The Court also clarified its earlier precedent and held that superior courts must consider facts in determining whether a duty exists; but such facts resolve only whether an unreasonable risk of harm arose within the scope of a special relationship, and do not include case-specific facts on breach of duty or causation (including whether the injury was foreseeable).

In the case of Matthew and Ana, no evidence suggested that Matthew posed a threat to Ana before she left school to meet him at a friend's home. Because a known and tangible risk of harm did not arise within the scope of the school-student relationship, the Court affirmed the superior court's grant of summary judgment in favor of the School District.

[Read the Court Opinion](#)

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