

CHARTER SCHOOLS DO NOT OWE A DUTY OF CARE TO STUDENTS TRAVELING TO AND FROM SCHOOL

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Monroe v. Basis School, Inc.

Arizona Ct. Appeals, Div. Two, February 10, 2014

Authored by the [JSH Appellate Team](#)

A student filed a negligence action against a charter school for injuries she received when she was struck by a truck at an intersection crosswalk while riding her bicycle home from school. The intersection was located approximately one block from the school and was equipped with marked crosswalks and traffic lights. The student claimed the school had been negligent in failing to post a crossing guard at the intersection. The trial court granted summary judgment to the school, finding it owed no common law or statutory duty to the student.

The court of appeals affirmed, holding that the school did not owe the student a duty of care to protect her from an unreasonable risk of harm while traveling to and from school. The school lacked the special, student-school relationship from which a duty might otherwise arise because the school no longer had custody of the student when she suffered her injury. The school did not assume a duty because it did not voluntarily undertake to provide protection at the intersection by, for example, establishing a marked crosswalk or providing a crossing guard. The school's mere proximity to a busy intersection did not give rise to a duty.

Nor did the school have a statutory duty. The court of appeals rejected the student's attempt to base a duty on the Arizona Department of Transportation's manual entitled Traffic Safety for School Area Guidelines, holding the guidelines were not "rules" or "regulations" with which charter schools must comply for purposes of A.R.S. § 15-183(E)(1). Finally, the court of appeals held public policy did not support recognition of a duty of care under the circumstances.