

Keeping Students Safe at the Crosswalk



School is back in session and students are again walking to and from school. Each state has established rules regarding the extent to which school district and governmental bodies are held liable for student injury during transit—in many places, they have immunity against being sued. 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.

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. For example, 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, 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.

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 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 FFB Insurance.



Mark Muscatiello

Managing Director, Education
markm@ffbinsurance.com
Office: (212) 933-9050 x1818
Cell: (646) 265-0662