

5.74 DUTY OF TEACHERS AND SCHOOL PERSONNEL TO STUDENT (Approved 9/80)

School personnel owe a duty to exercise reasonable care for the safety of students entrusted to them. This duty extends to supervisory care required for the student's safety or well-being as well as to reasonable care for the student at school-sponsored activities in which the student participates.

The standard of care is that degree of care which a person of ordinary prudence, charged with comparable duties, would exercise under the circumstances.¹

The duty may be violated not only by the commission of acts but also in the neglect or failure to act.

The theory behind the duty is that the relationship between the child and school authorities is not a voluntary one but is compelled by law. The child must attend school and is subject to school rules and discipline. In turn, the school authorities are obligated to take reasonable precautions for his/her safety and well-being.²

¹ *Caltavutro v. Passaic*, 124 N.J. Super. 361 at 366 (App. Div. 1973).

² *Jackson v. Hankinson & Bd. of Ed. of Shrewsbury*, 51 N.J. 230 (1968).

The school personnel are accountable for injuries resulting from failure to discharge that duty.

A teacher owes his/her pupils the duty of supervision and will be liable for injuries caused by failure to discharge that duty with reasonable care.³

³ *Titus v. Lindberg*, 49 N.J. 66 (1967).