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PRACTICE AREAS

Workers Compensation

Personal Injury

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Wrongful Death

Injured Children: Are Schools Liable for Injuries Occurring on School Grounds?

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If a child is injured while at school, who bears responsibility for the injuries? Do children assume the risk of horseplay while at school?

As reported at [Coverage Counsel](#), the New York Court of Appeals issued a decision in early April on this issue. In [Trupia v. Lake George Cent. School Dist.](#), the infant plaintiff was injured after sliding down a banister located on school grounds. The Court held that school children do not assume the risks of injuries arising from horseplay that occur on school premises.

The Court explained:

No suitably compelling policy justification has been advanced to permit an assertion of assumption of risk in the present circumstances...

Allowing the defense here would have particularly unfortunate consequences. Little would remain of an educational institution's obligation adequately to supervise the children in its charge (see *Mirand v City of New York*, 84 NY2d 44, 49 [1994]) if school children could generally be deemed to have consented in advance to risks of their misconduct... We do not hold that children may never assume the risks of activities, such as athletics, in which they freely and knowingly engage, either in or out of school... except in the context of pursuits both unusually risky and beneficial that the defendant has in some non-culpable way enabled.

In Illinois, the law is similar to New York's—unless there is evidence of willful and wanton misconduct school districts are immune from liability for [personal injuries](#) sustained by students during school activities. (See: *Weiss v. Collinsville Community Unit School Dist. No.*



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10, 119 Ill. App. 3d 68, 74 Ill. Dec. 893, 456 N.E.2d 614, 14 Ed. Law Rep. 768 (5th Dist. 1983). Thus, schools are generally liable to injured students only where the act that causes the injury was done intentionally or committed under circumstances exhibiting a reckless disregard for the safety of others.

Howard Ankin of Ankin Law Office LLC (www.ankinlaw.com) specializes in [workers' compensation](#) and [personal injury law](#). Mr. Ankin can be reached at (312) 346-8780 and howard@ankinlaw.com.