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Weisbecker v. West Islip Union Free School Dist.

Supreme Court, Appellate Division, Second Department, New York - August 28, 2013 - N.Y.S.2d - 2013 N.Y. Slip Op. 05743

Father of high school student who was attacked by another student on an athletic field owned by school district brought action to recover damages for personal injuries, alleging district's failure to provide adequate security and to lock access gates constituted negligence.

The Supreme Court, Appellate Division, held that:

- School district did not have duty to protect student who was attacked on athletic field after school hours, and
- School district's failure to lock gates to athletic field was not the proximate cause of student's injuries.

School district did not have duty to protect student who was on athletic field at night, and thus was not liable for injuries student incurred when he was attacked by another student; district did not make direct assurances regarding security to student and student did not rely on the provision of security in deciding to congregate with others on the field.

School district's failure to lock gates accessing athletic field upon which student was attacked was not the proximate cause of the student's injuries, as required to support a claim of negligence against school district based on acts performed in a proprietary capacity, since the assault was not a foreseeable act of failing to lock the gates.

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