

Bond Case Briefs

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Clark County School District v. Payo

Supreme Court of Nevada - October 26, 2017 - 403 P.3d 1270

Former middle school student, who sustained eye injury while playing floor hockey during his physical education class, brought action against school district alleging negligence and negligent supervision.

After jury found in favor of student and awarded him damages, the District Court entered post-verdict order allowing student to recover past medical expenses and reducing student's damages and entered judgment in favor of student. School district appealed.

The Supreme Court of Nevada held that:

- Student did not voluntarily expose himself to the dangers of physical education, and thus, the implied assumption of risk doctrine did not apply to preclude student from alleging negligence and seeking to recover damages from school district for his injury;
- As matter of first impression, physical education teacher's supervision of floor hockey unit and decisions to allow more players on the floor than indicated in the rules, play with different type of ball than set forth in the rules, and supervise the class in the manner that the teacher did were not based on policy considerations, and thus, discretionary-function immunity doctrine did not apply to bar student's claims for negligent supervision or instruction during floor hockey class;
- School district's decisions to add floor hockey class to the physical education class curriculum and to not provide safety equipment were policy-based and discretionary, and thus, discretionary-function immunity doctrine barred student's negligence claims; and
- Physical education teacher's alleged lack of instructions and his decisions to allow more players on the floor and to play with different type of ball than indicated in floor hockey rules were not the proximate cause of student's eye injury, and thus, school district was not negligent in its administration of floor hockey class.