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Jaquin v. Canastota Central School District

Supreme Court, Appellate Division, Third Department, New York - September 12, 2019 - N.Y.S.3d - 2019 WL 4307946 - 2019 N.Y. Slip Op. 06555

Mother of kindergarten student brought action against school district to recover damages for alleged personal injuries student sustained after she fell while jumping off a mat in her kindergarten gym class.

The Supreme Court, Madison County, denied district's motion for summary judgment, and district appealed.

The Supreme Court, Appellate Division, held that:

- Triable issue of fact existed as to whether school district negligently supervised student, and
- Triable issue of fact existed as to whether any amount of supervision could have prevented student's injury.

Triable issue of fact existed as to whether school district negligently supervised kindergarten student, who had accommodation plan under federal Rehabilitation Act, during activity in gym class in which infant jumped off of 16-inch mat, by allowing student to jump without having teacher in close proximity, precluding summary judgment in personal injury lawsuit brought by student's mother to recover damages for injuries student allegedly sustained when she fell after jumping off of mat.

Triable issue of fact existed as to whether any amount of supervision could have prevented injury which kindergarten student allegedly sustained when she fell after jumping off of mat during activity in gym class, precluding summary judgment in personal injury lawsuit brought by student's mother against school district to recover damages for injuries student allegedly sustained during fall.

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