***Grossman v. Santa Monica-Malibu Unified School Dist.* (2019) 33 Cal.App.5th 458**
Under Education Code Section 38134(i)(1), school districts are not liable for injuries resulting from the negligence of an entity using school facilities without the school district's supervision or input.

FACTS/PROCEDURE

On June 1, 2013, Brian M. Grossman was injured at a carnival held on a school campus within the Santa Monica-Malibu Unified School District. Grossman fell off a 27-foot tall inflatable slide, which he alleged was not properly tethered to the ground. Grossman brought suit under Education Code § 38134(i)(1), alleging that the Santa Monica-Malibu Unified School District was liable for negligence in the "ownership or maintenance of the school facilities or grounds." The school district moved for summary judgment on the negligence cause of action, arguing that it was not involved in the operation, supervision, or planning of the carnival; the school district merely approved the use of school facilities and helped advertise the carnival. The trial court granted the school's motion for summary judgment. The trial court also held that under Government Code § 835, a school district is only liable for injuries caused by a dangerous condition of the school grounds. Here, Grossman's complaint merely alleged that the slide was improperly set up, not that the school grounds itself were dangerous.

HOLDING/DISCUSSION

The Court of Appeal for the Second District affirmed. The court held that the school district was not liable under Education Code § 38134(i)(1) because Grossman did not show the school district was negligent with respect to the "ownership or maintenance of the school facilities or grounds." The court relied on a declaration from the school district's director of the facility use department, who stated that school district had no part in the selection, inspection, or supervision of the carnival. Grossman's claim was premised on the negligent set up and operation of the inflatable slide, and not the negligent ownership or maintenance of the school grounds. The court retorted that "this would be a different case had Grossman tripped on a negligently maintained sprinkler head on school grounds." The court also stated its holding was consistent with the legislative history of Section 38134.[1]

The court also held that Grossman could not establish liability under Government Code § 835. Under Government Code § 835, a school district may be held liable for an injury caused by a dangerous condition of the school grounds that was either caused by the negligence of an employee, or the school district had sufficient notice of the dangerous condition. Here, Grossman alleged school employees were negligent in failing to provide the school district's Rules of Use before the carnival. The court rejected Grossman's argument, finding that the Rules of Use would not have prevented the accident anyway. Furthermore, the court found that the school was not put on notice of the dangerous condition, because no one complained about the unsafe condition of the inflatable slide. In conclusion, the court held that summary judgment was properly granted because there was no evidence the school district was negligent under Education Code § 38134(i)(1) or Government Code § 835.

[1] The court examined various legislative documents that concerned the issue of a school district's liability versus the liability of groups or organizations using the school's facilities. The documents demonstrated the legislative's intention to impose separate liability for the negligence of school districts and the negligence of other entities.