

Jane Doe v. Anderson Union High School District
78 Cal. App. 5th 236 (2022)

A school district does not have a duty to review alarm data and video recordings in order to constantly monitor all teachers, students, and campus visitors nor is a duty owed to monitor a specific teacher and student, unless the District knows or should have known of improper conduct, because imposing such a duty would be unreasonable.

FACTS/PROCEDURE

Schafer, a teacher at a high school in the Anderson Union High School District had a sexual relationship with one his students, plaintiff Jane Doe. Plaintiff was 17 years old, and the sexual relationship lasted about 3 months. The relationship began with handholding and texting in the teacher's classroom. Plaintiff eventually started going to the teacher's classroom in the evening and during summer break, they also met up at the teacher's home and engaged in sexual activities. Plaintiff told her best friend and the District learned of the sexual relationship from the mother of plaintiff's best friend. A janitor once saw Plaintiff alone with Schafer after school in his classroom (but did not see any inappropriate conduct between the two). The janitor notified the school receptionist, but the receptionist did not tell the principal until after the District learned of the relationship and got the teacher's resignation. Schafer was a teacher in the school district since 2012 and he was vetted through education/law enforcement agencies. When the District hired Schafer, there was no information within the District's knowledge that he had ever engaged in an improper relationship. The District trained him on sexual harassment and child abuse.

The District maintained security cameras outside the school, including a camera that recorded the doors to the teacher's classroom. The policy was to review the footage only if there was an incident that would be on video. The District also maintained an alarm system that covered the teacher's classroom and each teacher had a code to deactivate the alarm. The District did not request data from the alarm company regarding who was deactivating the alarms and when – essentially, teachers had unrestricted access.

Plaintiff sued the District, the principal and the superintendent for negligent hiring and negligent supervision. The trial court (Shasta County) granted the District's MSJ and found that there was no evidence that the District knew or should have known that Schafer posed a risk of harm to students. Plaintiff appealed and argued that the District had a duty to supervise and monitor the teacher and student and whether the District breached its duty is a question for the jury.

HOLDING/DISCUSSION

A school district and its employees have a special relationship with the district's pupils, a relationship arising from the mandatory character of school attendance and the comprehensive control over students exercised by school personnel, analogous in many ways to the relationship between parents and their children. Because of this special relationship, imposing obligations beyond what each person generally owes others...the duty of care owed by school personnel includes the duty to use reasonable measures to protect students from foreseeable injury at the hands of third parties acting negligently or intentionally. The duty to students relating to hiring, retaining, and supervising a school employee has limits. And ultimately, a district's liability must be based on *evidence* of negligent hiring, supervision or retention, not on assumptions or speculation. That an individual school employee has committed sexual misconduct with a student or students does not of itself establish, or raise any presumption, that the employing district should bear liability for the resulting injuries. Doe urged a distinction between a school district's duty in hiring as opposed to supervision. She claimed the duty

in hiring considers whether the school district knew or should have known that the teacher posed a risk of harm to students, whereas the duty of supervision does not. The 3DCA disagreed. Even if the legal analysis in a hiring case might be different than the analysis in a supervision case, both require a reasonably foreseeable risk of harm to support a duty. If the court concludes the injury was not reasonably foreseeable, there is no duty. The California Supreme Court has rejected the proposition that sexual misconduct is foreseeable any time a minor and an adult are alone together in a room. (*John R. v. Oakland Unified School Dist.* (1989)) Here, the District did not know Schafer would have sex with Doe, and it had no information to support a conclusion that it should have known. Affirmed.