

## ***I.C. v. Compton Unified School District***

Cal. Ct. App., Jan. 15, 2025, No. B322148

California Court of Appeal, Second Appellate District, Division 8.

“The standard of care imposed upon school personnel in carrying out this duty to supervise is identical to that required in the performance of their other duties. This uniform standard to which they are held is that degree of care which a person of ordinary prudence, charged with [comparable] duties, would exercise under the same circumstances.” *C.A. v. William S. Hart Union High School Dist.* (2012) 53 Cal.4th 861, 869.)

### **ISSUE**

1. Was there sufficient evidence to establish that the School District properly trained its teachers on physical intervention?

### **HOLDING**

Yes, “plaintiff neither presented, nor proffered any evidence, that the District's training was different from that provided anywhere else, or that it was necessary to provide school teachers with demonstrative training on ‘restraints or physical intervention.’” *I.C. v. Compton Unified School District* (Cal. Ct. App., Jan. 15, 2025, No. B322148) 2025 WL 414242, at \*6, as modified (Feb. 18, 2025)

### **FACTS/PROCEDURAL HISTORY**

In September 2016, plaintiff was a student, almost 16 years old, when he and a friend turned a round of “slap-boxing” into a fistfight during their art class. The teacher, who weighed 375 pounds intervened to prevent the two boys from hurting themselves or someone else. While pulling the larger boy away from plaintiff—and being hit himself by plaintiff, who continued to throw punches after the other boy stopped—the teacher lost his balance and fell onto plaintiff, breaking plaintiff's leg<sup>1</sup>. One of the other students recorded the teacher's intervention in the fight.<sup>2</sup>

Plaintiff sued the teacher and the school district for negligence. Plaintiff contended the teacher should not have tried to stop the fight because of his weight and physical condition, and he should have done something else, sooner, to prevent the fight. Plaintiff also contended the school district had failed to train its teachers how to safely intervene in physical altercations between students. After 15 days of trial, the jury, who viewed the video of the incident many times during the trial, concluded that neither the teacher nor the school district was negligent, and that plaintiff and the other boy were each 50 percent responsible for the harm to plaintiff.

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<sup>1</sup> His leg was bleeding, and the bone was protruding from his skin.

<sup>2</sup> Yes, I did try to find the video. No luck.

Plaintiff appealed, contending the trial court should have granted his motion for judgment notwithstanding the verdict (JNOV); erred in refusing multiple special instructions plaintiff requested; and erred in excluding an expert witness. We find no error and affirm the judgment.

## **DISCUSSION**

The training provided:

1. Trained employees in non-violent crisis prevention and intervention.
2. CPI Manual: workbooks concerning non-violent crisis intervention and Non-Violet Crisis Intervention, Integration Positive Behavior Interventions and Support.
3. CPI training: nonverbal communication, paraverbal communication, and de-escalation techniques.
4. Materials were provided on the risks of restraining but were excluded from the lectures.
5. Teachers were required to read the entire manual, including the section on restraining and to adhere to the policy of acting in the best interest of the safety of the student.

The teacher in this case received training in 2014 and 2016. The principal testified that in his 22 years of working for schools he had never “seen a policy that articulates specifically a recipe or instruction on how to handle a physical altercation between students.” He stated it would be irresponsible to come up with a formula because “every altercation between students is situational, and you don’t know necessarily what could happen if you follow a script...” He also stated that it is absolutely typical for educators to use their discretion to intervene in physical fights. The trial court did not let either side have an expert that would have opined on what should have occurred in the classroom on the day of the accident because the jury was fully capable of watching the video of the fight for themselves and Plaintiff had already offered what training there was.

Plaintiff tried to argue that the District had “abdicated its duty to train and there was insufficient evidence to support [the District's] position that its lack of training was reasonable.’ The Court viewed this as a convoluted attempt to place the burden on the District to prove that its lack of training was reasonable. The court rejected this out of hand because the District does not have the burden—Plaintiff must show that the District failed to do something that a reasonable careful person would do because the case was a simple one of negligence. Something the court found Plaintiff failed to do.

The court also rejected Plaintiff’s argument that the teacher failed to act with due care. Plaintiff tried to argue that the CPI manual warns teachers of the risk of physical intervention that must be considered and the teacher failed to do that. However, the court noted that the teacher had a split second to act and, as the principal had pointed out, the teachers are in the best position to make a snap judgment as to whether they should physically intervene.