



# CLIENT NEWS BRIEF

February 2010

Number 5

## “FIELD TRIP IMMUNITY” STATUTE DOES NOT PROTECT SCHOOL DISTRICTS AGAINST LIABILITY FROM FEDERAL CIVIL RIGHTS CLAIMS

In Roe v. Gustine Unified School District (E.D. Cal. Dec. 22, 2009) \_\_\_ F.Supp.2d \_\_\_ (“Gustine”), the United States District Court for the Eastern District of California recently ruled that school districts’ statutory immunity from liability for injuries occurring during or by reason of a field trip or excursion does not protect districts against liability from civil rights claims brought under federal law.

In Gustine, a male student filed suit against the Gustine Unified School District and several of its employees and agents. The student claimed that he had been sexually harassed and hazed by other male student football players at a school-sponsored football camp. The camp was supervised and operated by Gustine High School coaches in conjunction with coaches from another school district’s high school football program. The student asserted violation of his rights to equal protection under the United States Constitution, sexual harassment/discrimination under Title IX, and several state law claims.

While the court’s decision addressed a variety of issues, in particular the court resolved an issue of first impression regarding the scope of immunity provided by Education Code section 35330 for school districts and their agents participating or supervising school-sponsored field trips and excursions. The defendants argued that the field trip immunity for school districts and their agents provided by Education Code section 35330 barred all of the student’s state law and federal claims. Section 35330, subdivision (d), provides in relevant part, “All persons making the field trip or excursion shall be deemed to have waived all claims against the district . . . for injury, accident, illness, or death occurring during or by reason of the field trip or excursion . . .”.

The Gustine decision was issued by a district court and is not a federal appellate ruling. Therefore, the decision does not have statewide precedential effect. However, the court’s decision provides useful guidance to school districts regarding the scope of field trip immunity provided under Education Code section 35330.

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For questions on this or any other subject relating to field trip immunity under the Education Code or any other student matters, please contact one of our [seven offices](#) located statewide.

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