



## School Liability Case Study

### Background and Summary

The lawsuit<sup>1</sup> stems from an injury that occurred during the High School track team's after-school practice. The plaintiff was running in one lane of the track, and other teammates were running adjacent to him, using parachutes tied to their wrists to increase resistance for conditioning. The coach had instructed the athletes to remove the parachutes from the track after they completed their workout; however, one of the students failed to do so. This led to an unsecured parachute being blown by a gust of wind into the path of the plaintiff, who tripped, fell, and suffered serious injury.

### Incident Details

- As a result of the incident, the injured student (Plaintiff) and his parents sued the Town and School District, alleging negligence in organizing, supervising, coaching, and conducting the high school track team.
- In response to the lawsuit, the Town and School District sought to obtain a Motion for Summary Judgment based on governmental immunity, as supervision of the team involves discretionary acts.
- The Plaintiff sought to defeat the Town and School District's Motion for Summary Judgment by explaining that the directive to remove parachutes from the track following the conclusion of the exercise came from the coach and, thus, the directive should be considered a ministerial act.
- The court determined that the coach's directive was clear but discretionary because it did not come from the school's policymaking official, the Athletic Director.
- The Plaintiff argued that the Connecticut Interscholastic Athletic Conference (CIAC)<sup>2</sup> Medical Handbook **requires** schools to plan, supervise, and maintain safe conditions during athletic events and practices, and to train and supervise coaches in these protocols.
- The court noted that the generic directives **would not** form a basis for a ministerial act sufficient to defeat Discretionary Act Immunity, as they **did not prescribe a specific manner** in which these goals were to be accomplished.
- The identifiable person-imminent harm exception also did not apply because, although the Plaintiff was a student injured at school, the incident occurred during an extracurricular activity that the student was not required to attend.

### Legal Definitions and Terminology

- **Negligence** – Negligence is the failure to behave with the level of care that a reasonable person would have exercised under the same circumstances. To prove negligence, a plaintiff must establish four (4) core elements:
  - A duty of care existed,
  - The defendant breached that duty,
  - The breach caused the injury and/or damage, and
  - The injury and/or damage occurred.
- **Identifiable Person** – In a legal context, an identifiable person is a victim who is part of a narrowly defined class (such as a student during school hours) or an individually identifiable person.
- **Identifiable Person - Imminent Harm Exception** – The identifiable person-imminent harm exception is one of three exceptions to discretionary act immunity that Connecticut courts have carved out. Where defendants' acts are discretionary, they may invoke governmental immunity, barring a plaintiff's claim against the governmental entity. However, the identifiable victim-imminent harm exception applies when the circumstances make it apparent to the public officer charged with exercising discretion that his or her failure to act would likely subject an identifiable person to imminent harm.

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<sup>1</sup> *Dunn v Coventry* 2025 WL 2963105 (2025)

<sup>2</sup> The CIAC is a private, not-for-profit, 501(c)3 organization that serves as the sole governing body for inter-scholastic athletic activities in Connecticut.



- **Motion for Summary Judgement** – A motion for summary judgment is a motion asking the court to issue summary judgment on at least one claim. If the motion is granted, a decision is made on the claims involved without holding a trial.
- **Discretionary Act** – Discretionary acts are not governed by regulations, but rather by persons in roles of authority who judge each specific case, which means an act (such as review by the court of a particular matter) is at the free choice or judgment of the court.
- **Discretionary Act Immunity** – Discretionary immunity is a legal protection that shields government employees from liability for certain actions taken in the course of their official duties. This immunity applies when the actions in question involve personal judgment or discretion, allowing employees to make decisions without the fear of civil lawsuits.
- **Ministerial Act** – A ministerial act is an act performed in a prescribed manner and in obedience to a legal authority, without regard to one’s own judgment or discretion.

### Key Takeaways and Recommendations

- Ensure that ministerial acts are determined by the policymaker (i.e., Athletic Director) and that mid-level supervisors (i.e., Coaches) are allowed discretion through the manner in which they are implemented.
- Consider developing and regularly reviewing practice plans with an emphasis on safety by separating drills, activities, and exercises, whenever feasible. Consider referencing the CIAC guidelines and policies, as needed.
- Regularly train staff in best practices related to supervising students, and maintain proper documentation of their completion of the training.