

Student Labor Concerns

Ladders, Heavy Equipment, and Machinery in Student Hands

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In 1998, The Colorado Supreme Court decided *Walton v. State of Colorado*, which involved a student injury sustained while using an extension ladder. Ms. Walton suffered injuries when, at the request of her art class instructor, she was cleaning a space used for storage located high above the sculpture shop floor and the extension ladder she was using slipped out from underneath her. The court ruled that Ms. Walton's lawsuit was not barred by the Colorado Governmental Immunity Act because it fell under the dangerous condition of a public building waiver.



Problems can arise when Member employees ask students to move equipment or furniture, or to operate motorized equipment for which the student lacks training. Often the furniture is heavy or awkward and students can become injured or damage property.

Never allow students to move heavy equipment. Students have been severely injured while attempting to move heavy furniture, such as pianos, wrestling mats, or cafeteria tables. Custodians and/or maintenance staff are trained and have the necessary equipment to safely move these types of heavy items. Typically, maintenance staff has adequate time to make alternative arrangements with a professional moving company to move wrestling mats or pianos from one building site to another. Make these arrangements in advance.

Never allow students to operate expensive equipment, such as telescoping bleachers, motorized basketball hoops and wrestling mat hoists. Too often, the athletic coach or P.E. teacher hands the keys to a student and asks them to lower the baskets, take out the bleachers, or hoist up the mats. Unfortunately, improper use can cause extensive damage to this expensive equipment. Serious injury can also occur if this equipment is operated incorrectly by the student. In addition, if the equipment is not secured adequately, serious injury or damage may occur the next time that the equipment is used.

Staff members are responsible for the safe operation of equipment under their supervision. Staff should never allow students to operate motorized equipment but should operate this equipment themselves.

Another area that creates potential liability for school districts is allowing students to operate manlifts or power machinery, such as lawn mowers, weed whackers, or chain saws. Allowing students to operate any equipment that requires them to work off the ground, or where they are required to wear personal protective equipment (except vocational education classes) exposes the district to undue liability. Students are often injured using these types of equipment due to lack of training, not wearing personal protective equipment such as eye goggles or fall height protection, and lack of supervision. Never allow students to use powered or motorized machinery, or ride in manlifts, cherry pickers or hoists. Keep them off scaffolding. Always have trained employees perform these types of operations.

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Sometimes, CSDSIP Members consider hiring students to work in cafeterias or place special education students on cafeteria duties as part of their IEP. Consider the risks of student injury, ensure proper supervision, and obtain parental consent in the event you decide to take on this kind of risk. Also consider possible ramifications of student injury while performing these duties. Is that student considered an “employee” eligible for workers compensation benefits and has the district addressed this subject with the workers compensation carrier?

Punishment or action taken against students committing vandalism or misconduct causing property damage should not involve the students making repairs or cleaning up because of the potential for student injury.

Utilizing students in these situation increases your liability exposure significantly and is not recommended by CSDSIP.