

Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

October 22, 1986

The Honorable William J. Ekstrom, Jr.  
Mohave County Attorney  
315 North 4th Street  
Kingman, Arizona 86401

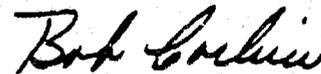
Re: 186-104 (R86-113)

Dear Mr. Ekstrom:

Pursuant to A.R.S. § 15-253(B), this office has reviewed the opinions expressed in your August 27, 1986 letter to Douglas Lutz, Superintendent of the Bullhead City Schools, District 15. We revise your opinion in its entirety.

Mr. Lutz requested an opinion regarding the school district's potential liability for implementing a "safe stop" program for students on their way home from school. We decline to discuss this precise issue for the reason that we believe the governing board has no legal authority to initiate or sponsor a "safe stop" program for students on their way to and from school. School boards have only that authority granted by statute. School District No. 69 of Maricopa County v. Altherr, 10 Ariz.App. 333, 458 P.2d 537 (1969); Oracle School District No. 2 v. Mammoth High School District, 130 Ariz. 41, 633 P.2d 450 (1981). The screening and selection of "safe havens" for students is not authorized by statute. School boards must exercise their authority within the limits permitted by statute and we do not view this proposed program as falling within the ambit of any Title 15 provision.

Sincerely,



BOB CORBIN  
Attorney General

BC:TLM:pnw

# MOHAVE COUNTY ATTORNEY

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WILLIAM J. EKSTROM, JR.  
County Attorney

886 - 113

August 27, 1986

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*Martin*

Douglas Lutz, Superintendent  
Bullhead City Schools  
District 15  
1004 East Hancock Road  
Riviera, Arizona 86442

EDUCATION OPINION  
ISSUE NO LATER THAN  
10-31-86

Dear Doug,

You have requested an opinion regarding the District's potential liability in the event that you implemented a "safe stop" program for students walking home from school. As I understand it the program would provide that certain businesses and residences along the more common walking routes be screened and designated as places where students can seek assistance or safety in emergency situations.

In our litigious society it is virtually impossible to guarantee that lawsuits will not be filed against governing boards or their members or that a jury or judge would not, under some circumstances, award damages. As a rule, however, liability can occur only when there is a duty owed individuals and a breach of that duty, or reckless or negligent action. Establishment of a "safe stop" program should not lend itself to these sort of problems if certain basic precautions are followed.

Certainly, individuals and businesses should be closely screened before the district holds them out to be "safe stops". Moreover the premises should be easily accessible and have no dangerous conditions which could result in injury to children seeking assistance. Appropriate release and waivers should be obtained from those acting as "safe stops" so that the district will not be held liable for injuries incurred on the property or from damage to the participants' property. Finally, as the school does not retain jurisdiction over the children once they leave the campus, this sort of program would be best administered by police and parent groups with the school playing a secondary and educational role.

Mr. Lutz  
August 27, 1986  
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Overall, I believe this sort of program is both desirable and necessary although it does open some windows of liability to the district. To avert those problems it must be closely monitored and have primary involvement of both law enforcement and the community. You may also wish to check with other districts who have implemented similar programs to see if they have encountered problems.

Sincerely,



William J. Ekstrom, Jr.  
Mohave County Attorney

WJE/brb

cc: Attorney General's Office

O P E R A T I O N      S A F E W A L K

Objective: To provide walking students "safestops" on route home.

Rationale: During the 85-86 school year, a Bullhead City fourth grader disappeared after school.

Throughout the remainder of the school year, some walking students felt threatened. It is likely that some students will return to school this year with the same fears.

If selected businesses and houses along the common walking routes were approached and screened, a network of safestops could be provided for the walking students.

Responsible parties: Bullhead City Police Department  
Bullhead City School District 15 - Julie Bare

Areas of responsibility:

1. Drive walking routes and inventory likely safestops.  
(both parties)
2. Approach likely safestops and solicit support.  
(both parties)
3. Supply established safestops with necessary training.  
(either party)
4. Supply safestops with display poster.  
(Bare-BHC Schools)
5. Provide follow up phone check, monthly, to safestops.  
(Bare-BHC Schools)
6. Monitor program monthly, adjust as needed.  
(both parties)
7. Contact local news media for dissemination of information.  
(Bare- BHC Schools)
8. Provide Certificates of Appreciation to safestops at end of school year. (both parties, cooperatively)
9. Evaluate program in May of 1987. (both parties)
10. Reschedule, if successful, for school year 87-88.

