

**NEW YORK GIRL INJURED IN GYM CLASS
CO-EDUCATIONAL TOUCH FOOTBALL GAME**

SNYDER v. MORRISTOWN CENTRAL SCHOOL DISTRICT NO. 1

563 N.Y.S.2d 258 (App.Div. 1990)

Supreme Court of New York, Appellate Division, Third Department

November 15, 1990

In this case, plaintiff Yvonne Snyder was injured while playing a **coeducational touch football game in gym class**. Snyder **alleged** that defendant Morristown Central School District No. 1 "was **negligent in conducting the activity outside during inclement weather and on a wet, muddy playing field, and in directing a game where the boys were quicker, stronger and of different weight than the girls.**" Following a non-jury trial, the trial court granted judgment to the defendant school district dismissing Snyder's complaint. Snyder appealed. According to the appeals court, **"a school district has a duty to exercise the same degree of care toward its students as would a reasonably prudent parent under comparable circumstances to adequately supervise athletic activities and to assign pupils to exercises which are within their abilities."** Applying this "well-settled" principle to the facts of the case, the appeals court concluded that **the school district "did not breach its duty of care by conducting the gym class outside on this occasion and in directing a coeducational game of touch football."**

Here, Snyder testified, the Supreme Court [i.e. state trial court] properly found, that **in the course of the game she lost her footing when she turned to tag an opposing ball carrier**. As she fell, or immediately after her fall, **one of her own teammates, also in pursuit of the opposing player, stepped on her left instep, causing the twisting injury to her knee** which forms the basis for this action. There is ample support in the record for Supreme Court's finding that the **field was wet from a previous day's rain**, and it may well be that this **condition contributed to Snyder's slip**. However, **we find no basis for imposing liability upon defendant for directing an eighth grade gym class in a game of touch football on a wet or damp playing field**, either as an evaluation of the facts of the case or as a matter of law. Were we to hold otherwise, **school districts would be precluded from utilizing their playing fields during, and for a period of time following, each and every rain and, in fact, until each morning's dew evaporated...** It is worth noting that the **regulations of the Commissioner of Education do not prohibit coeducation physical education classes and, in fact, permit male and female students to participate on the same interschool football team under certain circumstances**. Moreover, in view of the fact that **Snyder did not fall as the result of contact with another player**, we discern **no causal relationship between Snyder's injuries and the participation of male players**. Finally, there is **no competent evidence in the record to support the contention that a failure to perform calisthenics or other warm-up exercises, or the gym teacher's action in moving Snyder's leg or in permitting her to walk to the school nurse's office, contributed to the injury**.

The appeals court, therefore, affirmed the judgment of the trial court in favor of defendant Morristown Central School District No. 1.