

1380 NEGLIGENCE: TEACHER: DUTY TO INSTRUCT OR WARN

Question ___ asks whether the defendant, _____, was negligent with respect to instructing or warning the plaintiff, _____, of the dangers present in (conducting the experiment, using the trampoline, etc.).

A teacher occupies a position in relation to his or her pupils comparable to that of a parent to his or her children. A teacher has the duty to instruct and to warn the pupils in his or her custody of any dangers which the teacher knows, or in the exercise of ordinary care ought to know, are present in the classroom (laboratory, gymnasium, etc.) and to instruct them in methods which will protect them from those dangers, whether the danger arises from equipment, devices, machines, or chemicals. A failure to warn the students of such danger or instruct them in means of avoiding such danger is negligence.

COMMENT

The instruction was originally published in its present form in 1967. The comment was updated in 2010 and 2020. The 2020 revision updated case law citations.

Grosso v. Wittemann, 266 Wis. 17, 62 N.W.2d 386 (1954); 32 A.L.R.2d 1163-1186 (1953); Restatement, Second, Torts § 320 (1965); Heuser v. Community Insurance Corp., 2009 WI App 151, 321 Wis.2d 729, 774 N.W.2d 653.