

YATES ET AL., APPELLANTS, v. MANSFIELD BOARD OF EDUCATION, APPELLEE.

[Cite as *Yates v. Mansfield Bd. of Edn.*, 99 Ohio St.3d 48, 2003-Ohio-2461.]

Discretionary appeal allowed — Briefing to proceed to Proposition of Law No. I — Proposition of Law No. II allowed and cause reversed and remanded for further proceedings consistent with Hubbard v. Canton City School Dist. Bd. of Edn. — Political subdivision tort liability.

(No. 2002-2242 — Submitted March 25, 2003 — Decided May 16, 2003.)

APPEAL from the Court of Appeals for Richland County, No. 02 CA 27, 2002-Ohio-6311.

{¶1} The discretionary appeal on Proposition of Law No. I is allowed. Briefing is to proceed on Proposition of Law No. I.

{¶2} The cause is allowed on Proposition of Law No. II. The judgment is reversed, and the cause is remanded for further proceedings on Proposition of Law No. II consistent with *Hubbard v. Canton City School Bd. of Edn.*, 97 Ohio St.3d 451, 2002-Ohio-6718, 780 N.E.2d 543.

MOYER, C.J., RESNICK, F.E. SWEENEY, PFEIFER, LUNDBERG STRATTON and O’CONNOR, JJ., concur.

COOK, J., dissents.

Robert J. Vecchio Co., L.P.A., and Robert J. Vecchio, for appellants.

Lutz & Oxley Co., L.P.A., Fred M. Oxley and Erin N. Cahill, for appellee.
