

# **Bond Case Briefs**

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## **IMMUNITY - KENTUCKY**

### **Marson v. Thomason**

**Supreme Court of Kentucky - April 17, 2014 - S.W.3d - 2014 WL 1499498**

Parents, individually and on behalf of legally blind middle school student injured in a fall from bleachers brought negligence action against two school principals and a teacher. The Circuit Court, Floyd County, denied defendants' motion for summary judgment, and they appealed. The Court of Appeals affirmed in part and vacated in part. Defendants sought further review.

The Supreme Court of Kentucky held that:

- Middle school principal was entitled to qualified immunity for student's injuries;
- High school principal was entitled to qualified immunity for student's injuries; but
- Teacher did not have qualified immunity for student's injuries.

High school principal's general duty was to look out for the safety of students, and thus, principal was entitled to qualified immunity for injuries sustained by legally blind middle school student who fell from improperly extended bleacher in school gymnasium. Principal had only a general supervisor duty of the high school's use of the gym, which it shared with middle school, and did not participate in the morning routine of the middle-school students.

Teacher's duty to supervise students as they entered gymnasium was ministerial, even though it might have permitted some decision-making during the process, and thus, teacher did not have qualified immunity for the injuries sustained by legally blind middle school student who fell from improperly extended bleacher after being directed to enter gym and to proceed to the section of bleachers assigned to his class. Teacher was given a specific task to do bus duty, which included looking out for safety issues and taking the routine steps that were the established practice for bus duty at school, including directing students to gym, acts that were not discretionary in nature.