

Bond Case Briefs

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SCHOOLS - MISSISSIPPI

Swindle v. Neshoba County School Dist.

Court of Appeals of Mississippi - September 10, 2013 - So.3d - 2013 WL 4799046

Father of student filed action against school district pursuant to Mississippi Tort Claims Act (MTCA), stemming from incident in which his son was injured during altercation following school-sponsored football practice.

The Court of Appeals held that:

- School district had ministerial duty to supervise students when returning to locker room, and
- Fact issue as to whether school district breached duty precluded summary judgment.

School district had ministerial duty under statute prescribing responsibilities of school personnel and under school's handbook to supervise students returning to locker room after football practice, and did not possess discretion to exercise judgment regarding how to supervise students. Statute required district to maintain discipline, and handbook defined affirmative duty imposed on school personnel to supervise students at all times during extracurricular activities, stating that personnel was responsible for conduct and control of students, for which there was no exclusion for teachers or coaches of football team.