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SCHOOLS - PENNSYLVANIA

Roquet v. Kelly

United States District Court, M.D. Pennsylvania - October 9, 2013 - Slip Copy - 2013 WL 5570269

Student was rendered a paraplegic as a result of a vicious assault by a classmate. Mother sued the school and the attacker's mother, citing a lengthy, documented, pattern of bullying. As the court noted, "Regardless of the legal merits of her claims, Roquet is rightfully aggrieved by the calamity that has befallen her son, Sam, at the hands of Sam's classmate at the middle school, James."

This case is notable in that it represents the most extreme case of bullying imaginable, and a very sympathetic court, yet resulted in a finding of not liability on the part of the school.

The mother's allegations show that the school district defendants "might have done more" to protect Sam from James, not that they "created or increased the risk itself." Accordingly, the mother's claim pursuant to the state-created danger theory of liability must be dismissed.