

# **Bond Case Briefs**

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## **IMMUNITY - MISSISSIPPI**

### **Harris ex rel. Harris v. Board of Trustees of Clinton Public School Dist.**

**Court of Appeals of Mississippi - November 12, 2013 - So.3d - 2013 WL 5976624**

High school student filed tort-claims action against public school district, stemming from incident in which teachers refused to allow student to use restroom during administration of state standardized test.

The Court of Appeal held that:

- Teachers' refusal to allow student to use restroom was discretionary function subject to immunity, and
- Teachers' decision to deny restroom request was for public-policy purpose.

Public school teachers' refusal to allow high school student to use restroom during administration of state standardized test was discretionary function subject to immunity under Mississippi Tort Claims Act (MTCA), since element of choice or judgment was involved in decision to allow restroom use in case of emergency. While school district was required to establish student-testing plan, testing-security procedures of plan were left to discretion of district employees, particularly assigned test administrators, as there was no automatic requirement under plan that administrators allow students to use restroom.

Public school district teachers' decision to grant or deny high school student's restroom request during administration of state standardized test was for public-policy purpose of maintaining integrity and security of test and testing environment, grounded in maintenance of student discipline, safety, and order, as required for immunity from suit under MTCA. Purpose was crucial for administering test in way that gave fair and accurate results as means of measuring student performance, and paramount to ability of protecting integrity and security of test was ability of administrator to have discretion to conduct test and to control classes.