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Williams v. Weatherstone

Court of Appeals of New York - May 13, 2014 - N.E.3d - 2014 N.Y. Slip Op. 03425

Mother brought action on behalf of her minor daughter against motorist and school district, seeking recovery for injuries daughter sustained when she was struck by vehicle while waiting for school bus. The Supreme Court, Onondaga County, denied school district's motion for summary judgment. School district appealed. The Supreme Court, Appellate Division, affirmed as modified. School district appealed.

The Court of Appeals held that:

- Student's injuries did not occur during the act of busing itself;
- School district owed student no duty at time of accident;
- Bus driver's act of turning bus around was not the functional equivalent of bus driver waving or signaling to student to cross street; and
- School district did not owe special duty to student based on her individualized education program (IEP).

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