

Bond Case Briefs

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LIABILITY - LOUISIANA

Waterstraat v. Vernon Parish School Bd.

Court of Appeal of Louisiana, Third Circuit - December 30, 2014 - Not Reported in So.3d - 2014-623 (La.App. 3 Cir. 12/30/14)

Pedestrian was struck by high school teacher/football coach when he left the school grounds during school hours to fetch an undershirt to wear under his coaching uniform.

The trial court found that teacher was acting in the course and scope of his employment with the School Board at the time of the accident, and that the School Board was liable to pedestrian for the damages she sustained in the accident pursuant to the doctrine of respondeat superior. School board appealed.

A lengthy, amusing analysis of the nature and role of the undershirt ensues.

The Court of Appeal affirmed, finding no error in the trial court's ruling that teacher's act of driving home, during school hours, to secure an undershirt, was a reasonably foreseeable act actuated by a desire to serve his employer.

In reaching this conclusion, the court also noted that the school policy as set forth in the Teacher Handbook did not provide mandatory language, but rather requested that a faculty or staff member not to leave during school hours, and to sign out and obtain permission of the principal before doing so. The would seem to suggest that School Boards could strengthen their arguments that an employee was acting outside the scope of his/her employment by requiring, rather than requesting, that they obtain permission and sign out prior to leaving school grounds.