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Estate of Smith v. Western Brown Local School Dist.

Court of Appeals of Ohio, Twelfth District, Brown County - January 20, 2015 - N.E.3d - 2015-Ohio- 154

Estate of high school student who committed suicide filed wrongful death action against superintendent, principal, and assistant principal. The Court of Common Pleas granted summary judgment in favor of school officials. Estate appealed.

The Court of Appeals held that:

- Trial court acted within its discretion in finding that professor was not qualified to testify as an expert;
- Student's suicide was not foreseeable under the circumstances, and thus parents failed to support wrongful death action; and
- School officials were entitled to immunity from tort liability.

Trial court acted within its discretion in finding that professor was not qualified to testify as an expert in wrongful death action as to duty of school district superintendent, principal, and assistant principal to notify parents of high school student who committed suicide of threatening notes student had allegedly received. Professor had relative unfamiliarity with subject matter central to issues involved, although professor was principal investigator on survey assessing whether schools were complying with bullying policy, survey did not explore or link effects of policy and likelihood of student suicide, and professor's experience with bullying policies was not relevant to circumstances surrounding student's suicide, as it appeared student was the author of the notes as part of a ruse.

High school student's suicide was not foreseeable under the circumstances, and thus school district superintendent, principal, and assistant principal did not have a duty to inform student's parents of situation involving student, girlfriend, and apparent rival at time officials were notified of threatening notes, as was required to support parents' wrongful death action. School officials acted quickly and efficiently to gather information about notes, by the next afternoon officials had formulated the suspicion that student was the author of the notes as ruse to draw girlfriend closer to student, student had not exhibited any signs of suicide at that time, student's threatening text messages to rival were unknown to officials, and threat to kill rival and then himself had yet to occur.

There was no evidence that school district superintendent, principal, or assistant principal acted in wanton or reckless manner with respect to situation involving high school student who committed suicide, student's girlfriend, and apparent rival, which involved investigation into threatening notes, and thus school officials were entitled to immunity from tort liability generally applied to employees of a political subdivision, in wrongful death action by student's parents. Although student's death was tragic and an immense loss, school officials had gone to great lengths to gather information, assess the nature of threats contained in the notes, and ultimately to contact student's parents.

