

Bond Case Briefs

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Parsons v. Mullica Tp. Bd. of Educ.

Superior Court of New Jersey, Appellate Division - March 30, 2015 - A.3d - 2015 WL 1400996

Student, by her parents, brought negligence action against township board of education and nurse, who was employed by board and who conducted a screening test for visual acuity on student, arising out of delay in notification to student's parents of student's failure in vision testing, alleging that delay proximately caused the loss of sight in student's right eye. Board and nurse moved for summary judgment. The Superior Court denied motion. Defendants appealed.

The Superior Court, Appellate Division, held that:

- Health screening of student for visual acuity by school nurse was a "physical examination," as could support finding that nurse and board of education were immune from student's negligence action under the Tort Claims Act;
- Provision of the Tort Claims Act immunizing the failure of a public entity or public employee to make an adequate physical examination includes the failure to provide adequate notification of the examination results; and
- Such provision immunizes ministerial as well as discretionary acts.