

Bond Case Briefs

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Smith ex rel. Smith v. Leake County School Dist.

Supreme Court of Mississippi - July 28, 2016 - So.3d - 2016 WL 4051290

Student who was beaten and severely injured by other students on school bus brought action for negligence and negligence per se against school district.

The Circuit Court granted district's motion for summary judgment. Student appealed.

The Supreme Court of Mississippi held that:

- Discretionary-duty immunity provided by Mississippi Tort Claims Act (MTCA) does not apply to violations of statute requiring each superintendent, principal, and teacher to enforce statutes, rules, and regulations prescribed for operation of schools;
- Discretionary-function immunity provided by MTCA does not apply to claims for violations of requirement to prevent bullying; and
- Provision of MTCA granting immunity to acts taken by school officials to maintain control and discipline of students applies only to claims by those students to whom school officials administered control and discipline.