

# **Bond Case Briefs**

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## **POLITICAL SUBDIVISIONS - MISSOURI**

### **State ex rel. Blue Springs School District v. Grate**

**Missouri Court of Appeals, Western District - May 21, 2019 - S.W.3d - 2019 WL 2178595**

School district petitioned for writ of prohibition against circuit court judge who denied district's motion for summary judgment in action alleging sexual harassment action and assault of elementary school student.

The Court of Appeals quashed preliminary writ on issue of sovereign immunity for discrimination claim, and made writ permanent as to common law claims. Following transfer, the Supreme Court retransferred case to Court of Appeals for reconsideration.

The Court of Appeals held that:

- School district was a "person" under Missouri Human Rights Act (MHRA), and thus could be held liable for sex discrimination, and
- Purchase of liability insurance did not waive school district's sovereign immunity against common law tort claims.

School district's purchase of liability insurance did not waive district's sovereign immunity against common law tort claims arising from alleged sexual harassment and assault of elementary school student, where policy provided coverage "for public officials and employees" but did not provide coverage for respondeat superior liability.

School district was a "person" under Missouri Human Rights Act (MHRA), and thus could be held liable for sex discrimination in violation of provision prohibiting "any person" from denying any other person public accommodation on basis of sex, in action by student who asserted that she was sexually harassed and assaulted by other students at her elementary school.