
LIABILITY - LOUISIANA

Green v. East Carroll Parish School District/Board

Court of Appeal of Louisiana, Second Circuit - March 1, 2023 - So.3d - 2023 WL 2289434 - 54,910 (La.App. 2 Cir. 3/1/23)

Mother of a child with a disability filed petition for damages against school board, individually and on behalf of child, alleging that school board was negligent for failing to provide required transportation and services to her wheelchair-using son, and that this failure caused her to fall and be injured on day when she elected to transport him herself since special services school bus equipped with a wheelchair lift was not functioning properly.

The District Court granted school board's motion for summary judgment, finding that the only reason for mother's fall was her own haste and negligence. Mother appealed.

The Court of Appeal held that:

- School board's motion for summary judgment was timely served;
- School board did not owe a duty to mother to prevent her from sustaining an injury while transporting her children;
- Mother's injury was too attenuated from school board's duty to provide safe transportation for child; and
- Trial court properly dismissed child's claims for personal injury against school board.

School board did not owe a duty to mother of student with a disability to prevent her from sustaining an injury while transporting her children, and thus, mother could not prevail on her negligence claim against school board, though she was injured while transporting her disabled student to school on morning special services bus equipped with a wheelchair lift was not working; board owed a duty of care to student pursuant to his individualized education program, but that duty did not extend to student while he was being voluntarily transported in his mother's vehicle, and mother had multiple options when required special services transportation was not available, but did not seek any of them and instead elected to drive her student to school.

Mother's injury, which she sustained while transporting her student with a disability to school, was too attenuated from school board's duty to provide safe transportation for student, pursuant to his individualized education program, to establish school board's liability for negligence, though she elected to transport student to school on morning special services bus equipped with a wheelchair lift was not working; risk of mother falling was not in scope of school board's duty to provide transportation to student.

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