

Bond Case Briefs

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Brinsmead v. Elk Grove Unified School District

Court of Appeal, Third District, California - September 18, 2023 - Cal.Rptr.3d - 2023 WL 6058526

Parents of deceased 16-year-old high school student brought wrongful death action against school district, seeking to hold district liable for student's death in car crash after getting picked up from the bus stop by a friend when her bus had not arrived for 40 minutes after the scheduled time.

THE Superior Court sustained demurrer without leave to amend and entered judgment of dismissal. Parents appealed.

The Court of Appeal held that:

- Parents sufficiently alleged that district had “undertaken to provide transportation” within meaning of exception to immunity statute;
- Parents adequately alleged that student should have been under district's supervision by time she decided to find other transportation for purposes of the exception to the immunity statute; and
- Parents sufficiently alleged that district failed to exercise reasonable care in performance of its duty to provide transportation to student.

Parents of 16-year-old high school student who died in a car crash when she took a ride from a friend after waiting for school bus that never came sufficiently alleged that school district had “undertaken to provide transportation” within meaning of exception to statute providing school districts immunity from liability for conduct or safety of any public school pupil when pupil is not on school property by alleging that district accepted responsibility of providing student stable and reliable transportation to school when it enrolled her in district's school bus program; district chose to provide bus transportation to students and its duty to transport included students gaining access to the transportation vehicle.

Parents of 16-year-old high school student who died in a car crash when she took a ride from a friend after waiting for school bus that never came adequately alleged that student should have been under school district's supervision by time she decided to find other transportation and at time she was fatally injured, as required for exception to statute providing school districts immunity from liability for conduct or safety of any public school pupil when pupil is not on school property to apply in parents' wrongful death action; parents alleged that district undertook to provide student's transportation to school by accepting her enrollment in school bus program, under which bus had duty to arrive at the designated stop and take student to school, but the bus did not arrive for at least 40 minutes after scheduled arrival time.

Parents of 16-year-old high school student who died in a car crash when she took a ride from a friend after waiting for school bus that never came sufficiently alleged that district failed to exercise reasonable care in performance of its duty to provide transportation to student, so as to withstand district's demurrer to their wrongful death complaint, by alleging that school bus did not timely pick student up and district did not notify her or them of school bus delays or how to react during those

delays.