

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **IMMUNITY - ALABAMA**

### **Ex parte Herring**

**Supreme Court of Alabama - October 27, 2023 - So.3d - 2023 WL 7096598**

Mother, as personal representative of estate of juvenile daughter who was inadvertently shot and killed by a classmate on the campus of public high school, brought wrongful-death action against high school's principal and city superintendent of schools.

The Circuit Court denied defense motion for summary judgment. Principal and superintendent petitioned for a writ of mandamus directing the trial court to enter a summary judgment in their favor on the ground of State-agent immunity.

The Supreme Court held that:

- Provision in board of education's policy manual that required each school to develop and implement evidence-based practices to prevent violence was not sufficiently detailed to qualify as a basis for applying the "beyond authority" exception to State-agent immunity;
- Principal did not violate that provision of the policy manual;
- School system's job description for principals was not sufficiently detailed to qualify as a basis for applying the "beyond authority" exception to State-agent immunity;
- Principal did not abdicate his responsibility to enforce the student code of conduct; and
- Superintendent did not violate statute providing that the superintendent was to see that the laws relating to the schools and the rules and regulations of the city board of education were carried into effect.