STELLA CALLOWAY, INDIVIDUALLY : NUMBER: 561,799, “B”

AND AS NATURAL TUTRIX AND LEGAL

GUARDIAN OF THE MINOR CHILD, D.A.

VERSUS : FIRST JUDICIAL DISTRICT COURT

CADDO PARISH SCHOOL BOARD : CADDO PARISH, LOUISIANA

**REASONS FOR JUDGMENT**

The Court has the following motions for decision:

1. Motion for Summary Judgment, filed June 12, 2013 by Caddo Parish School Board (CPSB); and
2. Motion for Summary Judgment, filed July 12, 2013 by Stella Calloway.

The Court has thoroughly reviewed the exhibits supporting each motion, the memoranda, and oral arguments of counsel held July 29, 2013. For reasons that follow, the Court concludes that the motion by CPSB is granted and the motion by the plaintiff is denied.

There are certain undisputed facts:

(1) On February 17, 2012, D.A. was 15 years old and a special education student in the ninth grade at Woodlawn Leadership Academy (Woodlawn);

(2) As a special education student, D.A. had the benefit of an Individual Education Plan (IEP) which was regularly monitored by a team of education specialists to guide D.A. in accordance with law and policy;

(3) Tragically, on February 7, 2012, after school hours and off campus, while she was walking home from school, D.A. was raped; and

(4) D.A. and her family lived less than one mile (0.63 miles) from Woodlawn and pursuant to La. R.S. 17:158, she was not legally entitled to bus transportation.

In her motion and in her opposition to CPSB’s motion, plaintiff counsel has claimed that because D.A. is a special needs child, a heightened duty existed for CPSB in transporting D.A. to and from school and, further, that CPSB assumed a duty through communications taking place during IEP meetings between D.A.’s parents and educational specialists. As CPSB points out, the IEP records, as exhibits in the summary judgment record, demonstrate the opposite: that D.A.’s mother expressly rejected transportation and that her signature on the IEP documents signifies her agreement with all aspects of the plan.

There are no genuine issues of material fact. Under the circumstances of this case, there is no automatic heightened duty by CPSB and it did not assume any duty other than what the law requires. Moreover, CPSB’s duty of reasonable supervision does not extend to the risk of third party criminal acts that occur off campus after school hours. More particularly, because D.A. lived less than a mile from Woodlawn, she was not legally entitled to bus transportation under R.S. 17:158, and there is no competent evidence in the record that Woodlawn, through its agents, assumed any duty to transport D.A. to and from school. While the reprehensible and violent act committed against this child is tragic, the necessary elements of a negligence civil action against CPSB are not present in this case. Therefore, CPSB is entitled to summary judgment as a matter of law.

**CPSB’s motion is granted, and obviously, based upon the above rationale, the plaintiff’s motion is denied.**

Formal Judgment shall be submitted in accordance with this Court’s conclusion and La. Dist. Ct. R. 9.5.

Signed this 31st day of July, 2013 in Shreveport, Caddo Parish, Louisiana.

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SCOTT J. CRICHTON

DISTRICT JUDGE

DISTRIBUTION:

Terri Kay Oliver, Counsel for Stella Callaway, Individually and as Natural Tutrix and Legal Guardian of the minor child, D.A.

Dale G. Cox, Counsel for Caddo Parish School Board