



# House of Representatives

General Assembly

**File No. 221**

February Session, 2000

House Bill No. 5610

*House of Representatives, March 23, 2000*

The Committee on Judiciary reported through REP. LAWLOR of the 99<sup>th</sup> Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## ***An Act Concerning The Protection Of Children Being Transported To School.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 52-557 of the general statutes is repealed and the following  
2 is substituted in lieu thereof:

3 In any action brought by any person for personal injuries received  
4 while being transported to or from school in a vehicle owned, leased or  
5 hired by, or operated under contract with, any town, school district or  
6 other municipality, it shall be no defense that such transportation is in  
7 the line of governmental duty or is mandated by the state. In any such  
8 action brought against any town, school district or other municipality,  
9 the defense of sovereign immunity shall not be available and it shall be  
10 no defense that the transportation was being provided by an  
11 independent contractor.

**JUD Committee Vote:** Yea 37 Nay 2 JF

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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***OFA Fiscal Note***

***State Impact:*** None

***Affected Agencies:*** None

***Municipal Impact:*** Potential Cost

***Municipal Impact:***

This bill would disallow the “governmental immunity” defense used by municipalities when special education students are hurt while being transported to school. The removal of this defense will result in potential costs to municipalities with regard to legal costs and claims. Total costs are dependent on actual incidents, which cannot be projected.

**OLR Bill Analysis**

HB 5610

***AN ACT CONCERNING THE PROTECTION OF CHILDREN BEING TRANSPORTED TO SCHOOL.*****SUMMARY:**

This bill allows people, including special education students, to sue school boards, towns, or municipalities when they are injured going to or from school in state-mandated transportation. It preserves the state's immunity from suit.

Because state law mandates that local governments provide transportation for special education students, it appears that these students currently cannot sue their city, town, or local school board for their injuries. But those injured while being taken to or from regular education programs can.

Under the bill as under current law, any person claimed to be responsible for injuries can be sued, and, in most circumstances, the local body that provided the service must pay damages for (indemnify) its negligent employees' acts.

EFFECTIVE DATE: October 1, 2000

**BACKGROUND****Sovereign Immunity**

The doctrine of sovereign immunity protects states from being sued. It generally does not protect towns and local governments. But our Supreme Court has held that school boards implementing state-mandated special education programs are acting as agents of the state, and are thus immune from suit (*Cheshire v. McKenney*, 182 Conn. 253, 258 (1980)). And several trial courts have ruled that sovereign immunity bars special education students' suits against school boards

for injuries occurring in vehicles the board provided to take them to school (*Todd M. v. Richard L.*, 44 Conn. Sup. 527 (1995)).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Report

Yea 37    Nay 2