

Court: Students must be protected from insect-borne diseases



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HARTFORD, Conn. (AP) — The state Supreme Court, ruling in the case of a private school student who became ill and suffered brain damage on a trip to China, said on Friday that schools must warn and protect students from the risk of insect-borne diseases when organizing trips abroad.

Justices said in the 5-0 ruling that a \$41.5 million verdict awarded to the student in a federal court lawsuit should not be reduced.

The student, Cara Munn, who attended the Hotchkiss School in Salisbury, contracted tick-borne encephalitis on a 2007 school trip to northeastern China. The New York City resident, who was 15 at the time, was the first reported case of the disease in a U.S. traveler to China, according to the federal Centers for Disease Control and Prevention.

Besides suffering brain damage, Munn lost the abilities to speak and move the muscles in her face and has considered suicide, her lawyers said.

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Munn sued the boarding school, saying school officials failed to warn students about the risks of insect-borne diseases in China before the trip and failed to protect them and take precautions such as using insect repellent during the trip. A federal court jury in Bridgeport awarded her \$41.5 million in 2013.

The school appealed the verdict to the 2nd U.S. Circuit Court of Appeals in New York. Lawyers for the school said the award was too large and Connecticut's public policy should not require schools to warn students and protect them against the risk of insect-borne diseases for trips abroad when that risk is undeniably remote as it was during the trip to China.

The federal appeals court sent the case to the state Supreme Court with questions that were answered Friday. The case now heads back to the 2nd Circuit.

Connecticut Chief Justice Chase T. Rogers wrote that schools have a general obligation to protect students from foreseeable harms.

"We believe," she wrote, "that the normal expectations of participants in a school sponsored educational trip abroad, involving minor children, are that the organizer of the trip would take reasonable measures to warn the participants and their parents about the serious insect-borne diseases that are present in the areas to be visited and to protect the children from those diseases."

The ruling noted that a Hotchkiss official viewed a webpage of the CDC for travelers to China before the trip. The page said tick-borne encephalitis occurs in forested regions of northeastern China and urged travelers to protect themselves against insect bites.

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When the students visited Mt. Pan, where Munn's lawyers say she was infected, no one warned them to wear clothing that would protect against insect bites or to apply insect repellent, Rogers wrote.

When the group arrived at the mountain, a Hotchkiss teacher left insect repellent on the bus, after having applied it to students on a previous occasion during the trip, Munn's lawyers, Antonio Ponvert III and Alinor Sterling, wrote in court documents.

A Hotchkiss School lawyer, Wesley Horton, declined to comment on the ruling Friday.

Ponvert, Munn's lawyer, said Friday's ruling sends a clear message to people and organizations that care for children that they must take measures to protect them from harm.

Several groups including the American Camp Association and a YMCA camp had urged the court to rule against the Munn family, saying the case could result in "an unreasonable and untenable heightened duty owed to children."

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