

Bond Case Briefs

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Srouy v. San Diego Unified School District

Court of Appeal, Fourth District, Division 1, California - February 24, 2022 - Cal.Rptr.3d - 2022 WL 557183 - 2022 Daily Journal D.A.R. 1868

Former high school student brought action against public school district seeking declaration that school district was obligated to indemnify student for his defense costs in underlying personal injury action that referee brought against student, following graduation, for injuries referee received during an "away" varsity football game in which student might have made a late hit on another athlete.

The Superior Court granted school district's demurrer without leave to amend and dismissed. Student appealed.

The Court of Appeal held that:

- Free school guarantee of State Constitution did not impose a mandatory duty on school district to provide student a free legal defense;
- School district's refusal to defend student did not result in student's incurring a statutorily-prohibited charge for an extracurricular activity;
- School district did not have mandatory duty to defend based on Education Code section governing liability for activities off school grounds; and
- Student did not have a viable equal protection claim.