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Cleveland v. Taft Union High School District

**Court of Appeal, Fifth District, California - March 25, 2022 - Cal.Rptr.3d - 2022 WL 883855
- 22 Cal. Daily Op. Serv. 3109**

High school student who was shot in stomach by classmate brought action against district, superintendent, principal, and assistant principal, alleging claims for negligence, premises liability, and negligent infliction of emotional distress.

District defendants filed cross-complaint against classmate and his family members for indemnity and apportionment of fault.

After district defendants' motion in limine, seeking to exclude evidence pertaining to district employees' threat assessment of classmate, was granted, the Trial Court entered judgment upon jury verdict against district in amount of \$2,052,000 based on apportioned percentage of district employees' negligence, and thereafter denied district's motion for judgment notwithstanding the verdict, in which district argued that its employees were shielded under statute providing immunity to public employees for failing to make adequate physical or mental examination. District appealed.

As a matter of first impression, the Court of Appeal held that various actions by high school employees in conducting threat assessment were not part of a "mental examination" for which employees had statutory immunity.

Failures by district superintendent, high school principal, and assistant principal to collectively carry out threat assessment of potentially violent student, adequately communicate with student's parents, recommend counseling as intervention technique, monitor student and reassess safety plan, and include school resource officer in threat assessment team, were not part of a "mental examination" for which employees were shielded from liability under statute providing immunity to public employees for failing to conduct or failing to adequately conduct mental examination, in negligence action against district brought by classmate who was shot in stomach by student; "mental examination" was limited to process of inspecting the physical, visual, emotional, and mental state of student.