

# **Bond Case Briefs**

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## **LIABILITY - CALIFORNIA**

### **West Contra Costa Unified School District v. Superior Court of Contra Costa County**

**Court of Appeal, First District, Division 5, California - July 31, 2024 - Cal.Rptr.3d - 2024 WL 3593932**

High-school student who was allegedly the victim of sexual assaults by a school district employee brought action against school district, alleging negligence, negligence per se, negligent hiring, retention, and supervision of an unfit employee, negligent supervision of a minor, and negligent failure to warn, train, or educate.

The Superior Court overruled school district's demurrer to the extent it was based on constitutional prohibition of gifts of public funds. School district petitioned for writ of mandate, and contended that law resurrecting extinguished childhood sexual assault claims against public entities violated school district's right to due process under both the federal and California Constitutions.

The Court of Appeal held that:

- Retroactive waiver of Government Claims Act's (GCA) claim presentation requirement was not a gift of public funds;
- Law served valid public purpose; and
- School district lacked standing to assert claim that law violated right to due process.

Retroactive waiver of Government Claims Act's (GCA) claim presentation requirement for consent to suit by law providing a three-year window within which plaintiffs were permitted to bring childhood sexual assault claims that were otherwise barred by a lapsed claim presentation deadline did not create new substantive liability for the underlying alleged wrongful conduct, and thus law was not a "gift of public funds," within meaning of constitutional prohibition against gift of public funds; school district's substantive liability existed independently of GCA's claim presentation requirement when the alleged wrongful conduct occurred, and timely presentation of a claim was a condition to waiver of government immunity, but it was not necessary to render underlying conduct tortious.

Law providing a three-year window within which plaintiffs were permitted to bring childhood sexual assault claims that were otherwise barred by statutes of limitations or lapsed government tort claim presentation deadlines served valid public purpose of providing relief to victims of childhood sexual assault who failed to file timely claims by providing an opportunity for them to obtain compensation from public entities that employed abusers, so that public purpose exception to constitutional prohibition against gift of public funds applied, regardless of any deterrence as to future sexual assaults; class of persons benefited by law was sufficiently defined, even if victims were required to prove their eligibility for compensation in individual lawsuits.

School district forfeited argument that it had standing to assert constitutional rights of current students negatively impacted by potential liability under law that provided a three-year window within which plaintiffs were permitted to bring childhood sexual assault claims against public

entities that would otherwise have been barred because of statutes of limitations or Government Claims Act's (GCA) claim presentation requirements, by making argument for the first time at oral argument.