

Local Public Entities Have “Unambiguous Power” to Impose Their Own Claim Presentation Requirements

04.03.2018

ATTORNEYS

Robert C. Ceccon

Local public entities possess the unambiguous power to adopt their own claim presentation requirements - even as to claims that are statutorily exempt from those requirements. In an important ruling for local public entities, the California Court of Appeal ruled that the claim presentation requirements adopted by a school district compelled a former student to present a claim for childhood sexual abuse, even though such a claim is exempted from presentation under the Government Claims Act.

In actions against local public entities, Government Code section 905 requires plaintiffs to present all claims for money or damages before commencing judicial action. Section 905 also provides a list of 15 claims that are “exempted” from the presentation requirement. However, section 935 affords local public entities the power to adopt their own claim presentation requirements, so long as they do not conflict with other statutes or regulations.

In *Big Oak Flat-Groveland Unified School District v. The Superior Court of Tuolumne County*, a school district adopted its own claim presentation requirements, which required that all claims, even those exempted under section 905, must be presented no later than six months after the accrual of the cause of action.

In a complaint for injuries suffered at the hands of a teacher, a former student failed to present a claim for “childhood sexual abuse” against the school district. The trial court overruled the school district’s demurrers for failure to present a government claim, ruling that the statutorily exempted claims under section 905 - which includes claims for childhood sexual abuse - were not subject to the provisions of section 935.

The Court of Appeal reversed and ruled that the demurrers should have been sustained; determining that section 935 provides local public entities with the power to impose their own claim presentation requirements - even as to claims

exempted under section 905. The Court of Appeal recognized that “the special status of public entities” afforded under the Government Claims Act allowed the school district to impose its own claim presentation requirements, even as to claims of childhood sexual abuse.

This case bolsters and acknowledges the power vested in local public entities to adopt their own claim presentation requirements.

For more information on *Big Oak*, claim presentation requirements, or the Government Claims Act in general, please contact **Robert Ceccon** or **Charles “Chase” Bakaly**.