

Policy 3320: Claims And Actions Against The District

Status: ADOPTED

Original Adopted Date: 03/01/2009 | **Last Revised Date:** 07/01/2018 | **Last Reviewed Date:** 07/01/2018

The Governing Board desires to conduct district operations in a manner that minimizes risk, protects district resources, and promotes the health and safety of students, staff, and the public. Any and all claims for money or damages against the district shall be presented to and acted upon in accordance with the Government Claims Act or other applicable state or district procedures, as well as the district's joint powers authority (JPA) agreement or other insurance coverage.

Any claim for money or damages not governed by the Government Claims Act (Government Code 810-996.6) or specifically excepted by Government Code 905 shall be presented and acted upon in accordance with district-established procedures consistent with the manner and time limitations specified in the accompanying administrative regulation, unless a procedure for processing such claims is otherwise provided by state or federal law or regulation. (Government Code 935)

Upon notice to the district of a claim, the Superintendent or designee shall take all necessary steps to protect the district's rights under any applicable contractual agreements, including the right to indemnification from its insurance or other coverage provider.

In accordance with Government Code 935.4, the Board delegates to the Superintendent the authority to allow, compromise, or settle claims of \$50,000 or less pursuant to any conditions of coverage in the district's JPA agreement or insurance coverage.

Roster of Public Agencies

Within 10 days of any change in the name of the district, the mailing address of the Board, or the names and addresses of the Board president, the Board clerk or secretary, or other Board members, the Superintendent or designee shall file the updated information with the Secretary of State and the County Clerk. (Government Code 53051)

State	Description
Code of Civil Procedure 340.1	<u>Damages suffered as result of childhood sexual abuse</u>
Ed. Code 35200	<u>Liability for debts and contracts</u>
Ed. Code 35202	<u>Claims against districts; applicability of Government Code</u>
Gov. Code 53051	<u>Information filed with secretary of state and county clerk</u>
Gov. Code 6500-6536	<u>Joint powers agreements</u>
Gov. Code 800	<u>Cost in civil actions</u>
Gov. Code 810-996.6	<u>Government Claims Act</u>
Pen. Code 72	<u>Fraudulent claims</u>
Management Resources	Description
Court Decision	City of Stockton v. Superior Court (2007) 42 Cal. 4th 730
Court Decision	Connelly v. County of Fresno (2006) 146 Cal.App.4th 29

Court Decision	CSEA v. Azusa Unified School District (1984) 152 Cal.App.3d 580
Court Decision	CSEA v. South Orange Community College District (2004) 123 Cal.App.4th 574
Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>California Secretary of State's Office</u>

Code	Description
1330.1	<u>Joint Use Agreements</u>
1340	<u>Access To District Records</u>
1340	<u>Access To District Records</u>
3530	<u>Risk Management/Insurance</u>
3530	<u>Risk Management/Insurance</u>
4119.1	<u>Civil And Legal Rights</u>
4144	<u>Complaints</u>
4144	<u>Complaints</u>
4157.1	<u>Work-Related Injuries</u>
4158	<u>Employee Security</u>
4158	<u>Employee Security</u>
4219.1	<u>Civil And Legal Rights</u>
4257.1	<u>Work-Related Injuries</u>
4258	<u>Employee Security</u>
4258	<u>Employee Security</u>
4319.1	<u>Civil And Legal Rights</u>
4344	<u>Complaints</u>
4344	<u>Complaints</u>
4357.1	<u>Work-Related Injuries</u>
4358	<u>Employee Security</u>
4358	<u>Employee Security</u>
5141.4	<u>Child Abuse Prevention And Reporting</u>
5141.4	<u>Child Abuse Prevention And Reporting</u>
5143	<u>Insurance</u>
5143	<u>Insurance</u>
6163.2	<u>Animals At School</u>
6163.2	<u>Animals At School</u>
9012	<u>Board Member Electronic Communications</u>
9321	<u>Closed Session</u>
9321-E(1)	<u>Closed Session</u>
9321-E(2)	<u>Closed Session</u>
9322	<u>Agenda/Meeting Materials</u>