

**Policy 3320: Claims And Actions Against The District**

**Status:** DRAFT

**Original Adopted Date:** 11/27/2012 | **Last Reviewed Date:** 11/27/2012

The Governing Board desires to ensure that the district's ~~conduct district~~ operations are conducted 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 law, Board policy, and administrative regulation ~~the Government Claims Act or other applicable state or district procedures~~, as well as the district's Joint Powers Authority ~~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 Government Claims Act ~~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)**

This policy applies retroactively to any existing causes of action and/or claims for money and/or damages.

**Roster of Public Agencies**

The Superintendent or designee shall file the information required for the Roster of Public Agencies with the Secretary of State and the County Clerk. This information shall include the name of the school district, the mailing address of the Board, and the names and addresses of the Board presiding officer, the Board clerk or secretary, and other members of the Board. (Government Code 53051)

Any changes to such information shall be filed within 10 days after the change has occurred. (Government Code 53051)

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State References**

**Description**

CCP. 340.1	Damages suffered as result of childhood sexual abuse - <a href="https://simbli.eboardsolutions.com/SU/BGhSMfNslshCvTtUEVoUtzrslshA==">https://simbli.eboardsolutions.com/SU/BGhSMfNslshCvTtUEVoUtzrslshA==</a>
Ed. Code 35200	Liability for debts and contracts
Ed. Code 35202	Claims against districts; applicability of Government Code
Gov. Code 53051	Information filed with secretary of state and county clerk
Gov. Code 6500-6536	Joint powers agreements
Gov. Code 800	Cost in civil actions

Gov. Code 810-996.6  
Pen. Code 72

Government Claims Act  
Fraudulent claims

**Management Resources References**

Court Decision  
Court Decision  
Court Decision  
Court Decision  
Website

**Description**

City of Stockton v. Superior Court, (2007) 42 Cal. 4th 730  
Connelly v. County of Fresno, (2006) 146 Cal.App.4th 29  
CSEA v. Azusa Unified School District, (1984) 152 Cal.App.3d 580  
CSEA v. South Orange Community College District, (2004) 123 Cal.App.4th 574  
California Secretary of State's Office -  
<https://simbli.eboardsolutions.com/SU/boqYBvXk4Ayr0VpwsIsh5Z9FA==>

**Cross References**

1330.1  
1340  
1340  
3530  
3530  
4119.1  
4144  
4158  
4158  
4219.1  
4258  
4258  
4319.1  
4344  
4358  
4358  
5143  
5143

**Description**

Joint Use Agreements -  
<https://simbli.eboardsolutions.com/SU/6vO5XmWvh6GiKCURP6C73w==>  
Access To District Records -  
<https://simbli.eboardsolutions.com/SU/Yd0QhypY8zIqBWetfpeDyQ==>  
Access To District Records -  
<https://simbli.eboardsolutions.com/SU/3WHcNUN51FhE5p4Qq0Swzw==>  
Risk Management/Insurance -  
<https://simbli.eboardsolutions.com/SU/AwD0gWC1fp3vplus35CcotDig==>  
Risk Management/Insurance -  
<https://simbli.eboardsolutions.com/SU/ussIshWhTtZbMepJAoA7BVd6g==>  
Civil And Legal Rights -  
<https://simbli.eboardsolutions.com/SU/24DUL3dM9A2IUAAoqbi3Og==>  
Complaints -  
<https://simbli.eboardsolutions.com/SU/KyKD8LDxrB2PwRRY0z7CWA==>  
Employee Security -  
<https://simbli.eboardsolutions.com/SU/NKJ0gbcqQH90dq6IFUplus5tQ==>  
Employee Security -  
<https://simbli.eboardsolutions.com/SU/jVIXyG8eRmdszhOgitD39Q==>  
Civil And Legal Rights -  
<https://simbli.eboardsolutions.com/SU/NNHd7ATUG21WUZfMslshC2esw==>  
Employee Security -  
<https://simbli.eboardsolutions.com/SU/l328Ib63xslshLEHOplusHgt9TA==>  
Employee Security -  
<https://simbli.eboardsolutions.com/SU/0UbvzplusKzjIwXh2CPHfPslsh8A==>  
Civil And Legal Rights -  
<https://simbli.eboardsolutions.com/SU/S3pluswdN4h3ZfGQBHYZ4pWXg==>  
Complaints -  
<https://simbli.eboardsolutions.com/SU/qGrSximwkCHTw02tO8UC4Q==>  
Employee Security -  
<https://simbli.eboardsolutions.com/SU/GCLlslshdWyIshTslshf5SyRDaxw==>  
Employee Security -  
<https://simbli.eboardsolutions.com/SU/jVDlinrb9XSM3NqmaoQUYw==>  
Insurance -  
<https://simbli.eboardsolutions.com/SU/rtKLUSlshJO7Oe0mX6mfMluVw==>  
Insurance -  
<https://simbli.eboardsolutions.com/SU/0TfaQzKDMxfslshFer0llr6sQ==>

- 6163.2 Animals At School -  
<https://simbli.eboardsolutions.com/SU/2slshaMJudOuJTZIHbaplusWU39w==>
- 6163.2 Animals At School -  
<https://simbli.eboardsolutions.com/SU/blYU1pluspYFnsM3QazC1O8Rw==>
- 9012 Board Member Electronic Communications -  
<https://simbli.eboardsolutions.com/SU/hytEYovBqsqMp5UzUoEqvQ==>
- 9321 Closed Session -  
<https://simbli.eboardsolutions.com/SU/eQxvTE4sunzJru8wB8gc1g==>
- 9322 Agenda/Meeting Materials -  
<https://simbli.eboardsolutions.com/SU/HMeZuSH7vnURgKSyn06rcA==>