

## BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

### Claims and Actions Against the District

Any and all claims for money or damages against the District must be presented to and acted upon in accordance with the following procedures. Compliance with these procedures is a prerequisite to any court action, unless the claim is governed by statutes or regulations which expressly free the claimant from the obligation to comply with this policy and the claims procedures set forth in Government Code 900 et seq.

#### Time Limitations

1. Claims for money or damages relating to a cause of action for death, injury to person or personal property, or growing crops, shall be presented to the Board of Trustees not later than the 100th day after the occurrence of the cause of action. (Government Codes 905, 911.2)
2. Claims for money or damages as authorized in Government Code 905 that are not included in paragraph 1 above shall be filed not later than one year from the date the cause of action occurs. (Government Codes 905, 911.2)
3. Claims for money or damages specifically excepted from Government Code 905 shall be filed not later than one hundred (100) days after the occurrence of the cause of action. (Government Codes 905, 911.2, 93)

#### Notice of Claim Insufficiency

The Superintendent shall review all claims for sufficiency of information. The Superintendent may, within twenty (20) days of receipt of claim, either personally deliver or mail to claimant a notice stating deficiencies in the claim presented. If such notice is delivered or sent to claimant, the Board shall not act upon the claim until at least fifteen (15) days after such notice is sent. (Government Codes 910.8, 915.4)

#### Amendments to Claim

Claims may be amended within the above time limits or prior to final action by the Board, whichever is later, if the claim, as amended, relates to the same transaction or occurrence which gave rise to the original claim.

#### Action on Claim

Within forty five (45) days after the presentation or amendment of a claim, the Board shall take action on the claim. This time limit may be extended by written agreement before the expiration of the 45 day period or before legal action is commenced or barred by legal limitations. The Superintendent shall transmit to the claimant a notice of action taken. If no action is taken by the Board, the claim shall be deemed to have been rejected. (Government Code 945.6)

Retroactivity of this Policy

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

Roster of Public Agencies

The Superintendent is directed to annually verify that all information regarding the School District and the Board of Trustees is filed accurately with the Roster of Public Agencies in the office of the Secretary of State and the County Clerk. The verified information shall include the name of the School District, the mailing address of the Board of Trustees, and the names and address of the Board presiding office, the Board clerk or secretary and other members of the Board. (Government Code 53051)

Legal Reference:    Education Code  
                          35200    Liability for debts and contracts  
                          35202    Claims against districts; applicability of Government Code  
  
                          Government Code  
                          800        Cost in civil actions  
                          810 et seq. Claims and actions against public entities  
                          900 et seq. Claims against public entities  
                          946.4    Waiver of compliance with claims statute  
                          53051    Information filed with secretary of state and county clerk

Adopted: April 7, 1987