

# Davis Joint USD

## Board Policy

### Claims And Actions Against The District

BP 3320

#### Business and Noninstructional Operations

The Governing Board of Education desires to ~~conduct~~ ensure that the district's 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.

(cf. 3530 - Risk Management/Insurance)

(cf. 5143 - Insurance)

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, as well as any other party or person owing the district or its employees a defense or indemnity under a contract or right of equity.

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.

~~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)~~

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)

Legal Reference:

EDUCATION CODE

35200 Liability for debts and contracts

35202 Claims against districts; applicability of Government Code

CODE OF CIVIL PROCEDURE

340.1 Damages suffered as result of childhood sexual abuse

GOVERNMENT CODE

800 Cost in civil actions

810-996.6 Claims and actions against public entities

6500-6536 Joint exercise of powers

53051 Information filed with secretary of state and county clerk

PENAL CODE

72 Fraudulent claims

COURT DECISIONS

Big Oak Flat-Groveland Unified School District v. Superior Court of Tuolumne County, (2018)

21 Cal.App.5th 403

City of Stockton v. Superior Court, (2007) 42 Cal. 4th 730

Connelly v. County of Fresno, (2006) 146 Cal.App.4th 29

CSEA v. South Orange Community College District, (2004) 123 Cal.App.4th 574

CSEA v. Azusa Unified School District, (1984) 152 Cal.App.3d 580

Management Resources:

WEB SITES

California Secretary of State's Office: <http://www.sos.ca.gov>

Policy DAVIS JOINT UNIFIED SCHOOL DISTRICT

adopted: January 6, 2011 Davis, California