

Business and Non-Instructional Operations

Claims and Actions Against the District

Any and all claims for money or damages 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 the Government Code.

**Time Limitations**

1. Claims for money or damages relating to a cause of action for death or for injury to person, personal property or growing crops shall be presented to the Board of Education no later than six months after the accrual of the cause of action. (Government Code §§ 905, 911.2.)
2. Claims for money or damages as authorized in Government Code section 905 and not included in paragraph No. 1 above shall be filed not later than one year after the accrual of the cause of action. (Government Code §§ 905, 911.2.)
3. Claims for money or damages specifically excepted from Government Code section 905 shall be filed not later than six months after the accrual of the cause of action. (Government Code §§ 905, 911.2, 935.)

**Late Claims**

Claims under paragraphs No. 1 and No. 3 above, which are filed outside the specified time limitations must be accompanied by an application to file a late claim. Such claim and application to file a late claim must be filed not later than one year after the accrual of the cause of action.

If a claim under paragraphs No. 1 or No. 3 is filed later than six months after the accrual of the cause of action and is not accompanied by the application, the Board or Superintendent or designee shall, within 45 days, give written notice that the claim was not filed timely and that it is being returned without further action.

The application to file a late claim shall state the reason for the delay in presenting the claim. The Board shall grant or deny the application within 45 days after it is presented. By mutual agreement of the claimant and the Board, this 45-day period may be extended by written agreement made before the expiration of such period.

## **BP 3320(b)**

If the Board does not take action on the application within 45 days, it shall be deemed to have been denied on the 45th day unless such time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement.

If the application to present a late claim is denied, the claimant shall be given proper notice. (Government Code §§ 911.3, 911.4, 911.6, 911.8, 912.2, 935.)

### **Delivery and Form of Claim**

A claim, any amendment thereto, or an application for leave to present a late claim shall be deemed presented when delivered to the office of the Superintendent or deposited in a post office, sub-post office, substation, or mail chute or other like facility maintained by the U.S. Government in a sealed envelope properly addressed to the District office to the attention of "District Superintendent" with postage paid. (Government Code §§ 915, 915.2.)

Claims may be submitted on a District claim form or as prescribed in Section 910 and 910.2 of the Government Code. (Government Code §§ 910, 910.2, 910.4.)

### **Notice of Claim Insufficiency**

The Superintendent or designee shall review all claims for sufficiency of information. The Superintendent or designee may, within 20 days of receipt of claim, either personally deliver or mail to the 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 15 days after such notice is sent. (Government Code §§ 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 45 days after the presentation or amendment of a claim, the Board (or Superintendent or designee) shall take action on the claim. (Government Code § 912.4.)

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. (Government Code § 912.4) The Superintendent or designee shall transmit to the claimant a notice of action taken. (Government Code § 913.)

If no action is taken within the prescribed time limits, the claim shall be deemed to have been rejected and the claimant notified by the Superintendent or designee in accordance with Government Code § 913. (Government Code § 912.4.)

**Claims Not Exceeding \$50,000**

The Superintendent or designee may take actions on claims that do not exceed \$50,000. Prior to taking action, the Superintendent/designee shall notify the Board. (Government Code § 935.4.)

**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 or designee shall annually verify that all information regarding the District and the Board 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 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.)

Legal Reference:

EDUCATION CODE

- 35200 Liability for debts and contracts
- 35202 Claims against districts; applicability of Government Code

GOVERNMENT CODE

- 800 Costs in civil actions
- 810 - 996.6 Claims and actions against public entities
- 53051 Information filed with secretary of state and county clerk

Adopted: 02-07

ORANGE UNIFIED SCHOOL DISTRICT  
Orange, California