

**CLAIMS AND ACTIONS AGAINST THE DISTRICT**

The Board of Education desires to 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 as well as the district's Joint Powers Authority (JPA) agreement or 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 excepted by Government Code 905 shall be presented consistent with the manner and time limitations in the Government Claims Act, unless a procedure for processing such claims is otherwise provided by state or federal law.

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 the authority to allow, compromise, or settle claims pursuant to any conditions of coverage in the district's JPA agreement or insurance. The power to authorize settlement of unlitigated general liability claims up to \$50,000 is delegated to the Manager, Insurance and Risk Services, or Chief Business Officer. The power to authorize settlement of litigated and general liability and other monetary claims up to \$125,000 is designated to the General Counsel. The power to authorize settlement of litigated and general liability and other monetary claims in excess of \$125,000 and up to and including \$150,000 is delegated to a committee composed of the General Counsel, Chief Business Officer, and Manager, Insurance and Risk Services.

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)

**CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)**

*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

*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  
adopted: December 12, 2017  
Effective: February 1, 2018  
Revised: October 24, 2018

**SAN DIEGO UNIFIED SCHOOL DISTRICT**  
San Diego, California