Morgan Hill USD
Board Policy
Claims And Actions Against The District

BP 3320
Business and Noninstructional Operations

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.

(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 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 or designee 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

~~The Superintendent or designee shall file~~***Note: Government Code 53051 requires public agencies, such as school districts, to register the information ~~required for~~specified below, including the ~~Roster~~names of ~~Public Agencies~~all Board members, with the Secretary of State and ~~the~~ County Clerk. ~~This~~If the information ~~shall include~~on file is not accurate or if no information is on file, the court may allow a person to proceed with a claim against the district even if the time limit for filing such a claim has expired. Thus, it is imperative that all required information be current and accurate.***

Within 10 days of any change in the name of the ~~school~~ district, the mailing address of the Board, ~~and~~or the names and addresses of the Board ~~presiding officer~~president, the Board clerk or

secretary, ~~and~~or other Board members ~~of~~, the ~~Board. (Government Code 53051)~~
Superintendent or designee shall file the updated
~~Any changes to such~~ information ~~shall be filed within 10 days after the change has occurred.~~
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
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 MORGAN HILL UNIFIED SCHOOL DISTRICT~~
~~adopted: November 13, 2012 Morgan Hill, California~~ (3/09 3/10) 7/18