

LODI UNIFIED SCHOOL DISTRICT

REVISION

Policy 3320

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 Board of Education policy and administrative rule which have been adopted by the Board of Education pursuant to Government Code Section 935. Compliance with these district claim procedures is a prerequisite to any court action, including specifically those claims excepted by Government Code Section 905, 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.

The Board of Education intends that the district's operations minimize risk, protect district resources, and promote the 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 Board policy and rule, as well as the district's joint powers authority (JPA) agreement or other insurance coverage.

Claims for money or damages not governed by the Government Claims Act or excepted by Government Code 905 shall be presented consistent with the manner and the limitations in the Government Claims Act, unless a procedure for processing such claims is otherwise provided by state or federal law. Such compliance is a prerequisite to any court action consistent with the provisions of Government Code 945.4.

This policy is effective immediately and applies retroactively to any and all claims, including to claims which accrued prior to the enactment of this policy. 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.

Legal References: EDUCATION CODE
35200 Liability for debts and contracts
35202 Claims against districts; applicability of
CODE OF CIVIL PROCEDURE
340.1 Damages suffered as result of childhood sexual
abuse
GOVERNMENT CODE
800 Cost in civil actions
935 Authority to enact local claims procedure
810-996.6 Claims and actions against public entities
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 Ca.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
State of California v. Superior Court (Bodde) (2004)
32 Cal.4th 1234
Tapia v. County of San Bernardino (1994) 29
Ca.App.4th 375

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