

**SAN LORENZO  
UNIFIED SCHOOL DISTRICT  
BOARD POLICY**

**Business and Noninstructional Operations**

**BP 3320**

**TORT 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 Governing Board policy and administrative regulation. Compliance with district 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.

The Board delegates to the Superintendent or designee the authority to take action on claims of under \$50,000. (Government Code 935.4)

This policy is intended to apply retroactively to any existing causes of action and/or claims for money and/or damages.

*Legal Reference:*

EDUCATION CODE

*35200 Liability for debts and contracts*

*35202 Claims against districts; applicability of Government Code*

GOVERNMENT CODE

*800 Cost in civil actions*

*810-996.6 Claims and actions against public entities*

COURT DECISIONS

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

**SAN LORENZO  
UNIFIED SCHOOL DISTRICT  
ADMINISTRATIVE REGULATIONS**

**Business and Noninstructional Operations**

**AR 3320(a)**

**TORT CLAIMS AND ACTIONS AGAINST THE DISTRICT**

**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 Governing Board no later than six months after the accrual of the cause of action on the District claim form (see Exhibit A). (Government Code 905, 911.2)
2. Claims for money or damages as authorized in Government Code 905 and not included in paragraph #1 above shall be filed not later than one year after the accrual of the cause of action on the District claim form (see Exhibit A). (Government Code 905, 911.2)
3. Claims for money or damages specifically excepted from Government Code 905 shall be filed not later than six months after the accrual of the cause of action on the District claim form (see Exhibit A). (Government Code 905, 911.2, 935)

**Late Claims**

Claims under paragraphs #1 and #3 above which are filed later than six months after the accrual of the cause of action 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 #1 or #3 is filed late 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. 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. If the Board does not take action on the application within 45 days, it shall be deemed to have been denied on the 45<sup>th</sup> 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 notice. (Government Code 911.3, 911.4, 911.6, 911.8, 912.2, 935)

# **SAN LORENZO UNIFIED SCHOOL DISTRICT ADMINISTRATIVE REGULATIONS**

## **Business and Noninstructional Operations**

**AR 3320(b)**

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

#### **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 designee or deposited in a post office, subpost 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 with postage paid. (Government Code 915, 915.2)

Claims must be submitted on the 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. The Superintendent or designee may, within 20 days of receipt of claim, either personally deliver or mail to 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, if delegated this authority) 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 in accordance with Government Code 913. (Government Code 945.6)