

# LODI UNIFIED SCHOOL DISTRICT

## 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.

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.

The Board delegates to the Superintendent the authority to allow, compromise or settle claims of \$50,000.00 or less.

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.4<sup>th</sup>  
730  
Connelly v. County of Fresno (2006) 146 Ca.App.4<sup>th</sup>  
29  
CSEA v. South Orange Community College District  
(2004) 123 Cal.App.4<sup>th</sup> 574  
CSEA v. Azusa Unified School District, (1984) 152  
Cal.App.3d  
State of California v. Superior Court (Bodde) (2004)  
32 Cal.4<sup>th</sup> 1234  
Tapia v. County of San Bernardino (1994) 29  
Ca.App.4<sup>th</sup> 375

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