

Business and Noninstructional Operations

**CLAIMS AND ACTIONS AGAINST THE DISTRICT**

The Governing Board desires to conduct District operations 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 the Government Claims Act or other applicable state or District procedures, as well as the District's 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 sections 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 section 935)

Upon notice to the District of a claim, the Superintendent/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 section 935.4, the Board delegates to the Superintendent/designee the authority to perform all functions of the Board permitted by section 935.4, including the authority to reject or 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**

Within ten (10) days of any change in the name of the District, the mailing address of the Board, or the names and addresses of the Board president, the Board clerk or secretary, or other Board members, the Superintendent/designee shall file the updated information with the Secretary of State and the County Clerk. (Government Code 53051)

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

Roster of Public Agencies

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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

Policy

Adopted: 11/13/90

Revised: 02/10/04

Revised: 05/08/19

Revised: 05/18/22

CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
Chula Vista, California