



# Huntington Beach Union High School District Board Policies and Administrative Regulations

BP 3320  
Page 1 of 3

## 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 the following procedures. Compliance with these 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 Government Code 900 et seq.

### Time Limitations

1. Claims for money or damages relating to a cause of action for death, injury to person or personal property, or growing crops, shall be presented to the Board not later than the 100th day after the accrual of the cause of action. (Government Codes 905, 911.2)
2. Claims for money or damages as authorized in Government Code 905 that are not included in paragraph 1 above shall be filed not later than one year from the date the cause of action accrues. (Government Codes 905, 911.2)
3. Claims for money or damages specifically excepted from Government Code 905 shall be filed not later than one hundred (100) days after the accrual of the cause of action. (Government Codes 905, 911.2, 935)

### Late Claims

Claims under "Time Limitations" paragraphs 1. and 2. above which are filed outside the specified time limitations, 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 later than the 100th day after the accrual of the cause of action and is not accompanied by the application, the Board or Superintendent may, within forty-five (45) days, give written notice that the claim was not filed timely and that it is being returned without further action. The notice shall be in the form as set forth in Exhibit A.

Claims and Actions Against the District (continued)

Late Claims (continued)

The application shall state the reason for the delay in presenting the claim. The Board shall grant or deny the application within 45 days after it is presented. By mutual agreement of the claimant and the Board, such 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 45th 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 in the form set forth in Exhibit B. (Government Codes 911.3, 911.4, 911.6, 911.8, 912.2, 935)

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 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 Codes 915, 915.2)

Claims may be submitted on the district claim form or as prescribed in Section 910 and 910.2 of the Government Code. (Government Codes 910, 910.2, 910.4)

Notice of Claim Insufficiency

The Superintendent shall review all claims for sufficiency of information. The Superintendent may, within twenty (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 fifteen (15) days after such notice is sent. (Government Codes 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.

Claims and Actions Against the District (continued)

Action on Claim

Within forty-five (45) days after the presentation or amendment of a claim, the Board shall take action on the claim. 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. The Superintendent shall transmit to the claimant a notice of action taken. If no action is taken by the Board, the claim shall be deemed to have been rejected. (Government Code 945.6)

The Board delegates to the Superintendent the authority to take action on claims under twenty thousand dollars (\$20,000). (Government Code 935.4)

Retroactivity of this Policy

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

Roster of Public Agencies

The Superintendent is directed to annually verify that all information regarding the school district and the Board is filed accurately with the Roster of Public Agencies in the office of the Secretary of State and the County Clerk. The verified information shall include the name of the school district, the mailing address of the Board, and the names and address of the Board presiding officer, the Board clerk or secretary and other members of the Board. (Government Code 53051)

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 et seq. Claims and actions against public entities  
900 et seq. Claims against public entities  
946.4 Waiver of compliance with claims statute  
53051 Information filed with secretary of state and county clerk

Policy  
adopted: 1/13/87