

Administrative Regulations

BUSINESS

Claims and Actions Against the District

Time Limitations

- 1.1 Claims for money or damages relating to a cause of action for injury to person, personal property, or growing crops must be presented to the Board of Trustees no later than six (6) months after the cause of action accrued. (Legal Reference: Government Code Sections 905, 911.2)
- 1.2 Certain other claims for money or damages also must be presented to the Board of Trustees no later than six (6) months after the cause of action accrued. These claims include but are not limited to:
 - Claims under the Revenue and Taxation Code or similar legal provisions relating to tax or related assessments;
 - Wages and related employee allowances;
 - Claims for workers' compensation benefits;
 - Claims for money or benefits under any public retirement or pension system; and
 - Claims associated with state unemployment insurance.

A complete list of these additional claims that are subject to a six-month statute of limitations is contained in Government Code Section 905. (Legal Reference: Government Code Sections 905, 911.2, 935)

- 1.3 Claims for money or damages relating to all other causes of action not included in Paragraphs 1.1 and 1.2 above must be presented to the Board of Trustees no later than one year after the cause of action accrued. (Legal Reference: Government Code Sections 905, 911.2)

Procedure for Filing a Claim

- 2.1 Claims must be submitted to the Superintendent's office on a claims form that the Superintendent provides or as prescribed in Government Code Sections 910 and 910.2. Forms are available at the Superintendent's office, which is located at:

Berryessa Union School District
1376 Piedmont Road
San Jose, California 95132-2427

Claims are considered submitted when delivered to the Superintendent's office or deposited in a post office, mail chute, or other similar facility maintained by the U. S. Government in a sealed

envelope properly addressed to the Superintendent's office with postage paid. (Legal Reference: Government Code Sections 915, 915.2)

- 2.2 Claims must contain the following information: (a) the claimant's name and post office address; (b) the post office address to which the person presenting the claim desires notices to be sent; (c) the date, place, and other circumstances of the occurrence or transaction that gave rise to the claim; (d) a general description of the damage or loss; (e) the name or names of the employee or employees causing the damage or loss, if known; and (f) the amount claimed if it totals less than \$10,000. If the amount claimed totals more than \$10,000, no dollar amount needs to be included in the claim. But the claim must indicate whether it would be a limited civil case. See Code of Civil Procedure Section 85 for the definition of a limited civil case. (Legal Reference: Government Code Sections 910, 910.2; Code of Civil Procedure Section 85)
- 2.3 If a claim does not substantially comply with the requirement in Paragraph 2.2, District personnel will inform the claimant that the claim is defective and identify the defects or omissions within twenty (20) days of receiving the claim. The claimant then has fifteen (15) days to correct the deficiency. (Legal Reference: Government Code Sections 910.8, 915.4)

Untimely Claims

- 3.1 Claims that must be filed within six (6) months and that are not filed within six (6) months must be accompanied by an application to file a late claim. The application to file a late claim must be filed not later than one (1) year after the cause of action accrued. Applications for leave to file a late claim are available at the Superintendent's office at the address listed in Paragraph 2.1. (Legal Reference: Government Code Section 911.4)
- 3.2 If a claim that must be filed within six (6) months is filed late and is not accompanied by an application for leave to file a late claim, within forty-five (45) days the Board or Superintendent shall give written notice that the claim is untimely and that it is being returned without further action. (Legal Reference: Government Code Section 911.3)
- 3.3 The application to file a late claim must state the reason for the delay. The Board will grant or deny the application within forty-five (45) days after it is presented. The forty-five (45) day period may be extended by written agreement made before the expiration of the forty-five (45) day period. If the Board does not act on the application within forty-five (45) days, the application will be denied on the forty-fifth (45) 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. (Legal Reference: Government Code Sections 911.6, 911.8, 912.2, 935)

Claim Amendments

- 4.1 Claims may be amended within the time limits described in this policy or prior to final action by the Board, whichever is later, if the claim, as amended, relates to the same transaction or occurrence that gave rise to the original claim. (Legal Reference: Government Code Section 910.6)

Action on the Claim

- 5.1 If the claim is timely, the Board may allow the claim in whole or in part or reject the claim, depending on the circumstances. (Legal Reference: Government Code Section 912.4)
- 5.2 If the District needs additional time to respond to the claim, it may extend the period by written agreement with the claimant. The agreement can be made within forty-five (45) days of the claim's presentation, or after forty-five (45) days if the claimant has not yet filed a lawsuit and the incident or occurrence leading to the claim occurred not more than two (2) years ago. (Legal Reference: Government Code Section 912.4)
- 5.3 If the Board does not take action within the prescribed time limits, the claim shall be deemed to have been rejected and the claimant will be notified by the District in accordance with law. (Legal Reference: Government Code Section 945.6)

Roster of Public Agencies

- 6.1 The Superintendent or his or her designee shall annually verify that all information regarding the 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 District, the Board's mailing address, and the names and addresses of the Board presiding officer, the Board clerk or secretary, and other Board members. (Legal Reference: Government Code Section 53051)

Berryessa Union School District Claims Form

Section 1: Claimant Information

Date _____

Claimant's Name/Telephone Number _____

Person To Whom Information Should Be Sent _____

Mailing Address of Claimant or Person Action On Claimant's Behalf _____

Section 2: Claim Information

Incident Date _____

Incident Location _____

Explain the circumstances that led to the alleged damage or injury. State all facts that support your claim against the District, and why you believe the District is responsible for the alleged damage or injury. If known, provide the name(s) of the District employee(s) who allegedly caused the injury, damage or loss. (If more space is needed, please attach additional pages.)

Dollar amount of claim if it totals less than \$10,000, including the estimated amount of any prospective injury, damage or loss.

If the amount claimed exceeds \$10,000, indicate whether the claim would be a limited civil case (see Code of Civil Procedure Section 85)

If the amount claimed is less than \$10,000, explain how the dollar amount was computed (attach supporting documentation if available)

Signature of claimant or person acting on claimant's behalf

NOTICE – Presenting a false or fraudulent claim with intent to defraud may be punishable as a misdemeanor or felony, depending on the circumstances. Penal Code Section 72.

Berryessa Union School District Application for Leave to File a Late Claim

Under state law, claims relating to causes of action for death or for injury to person or personal property (tort claims) must be presented to the Board no later than six (6) months after the date of the incident. Claims for money or damages for certain other claims also must be presented to the Board of Trustees no later than six (6) months after the cause of action accrued. (See the Administrative Regulation regarding the District Claims Procedures for a list of the claims.) Claims for money or damages relating to all other causes of action must be presented to the Board no later than one year after the cause of action accrued. When filing a claim beyond the six-month or one year period, you must explain the reason for delay in filing the claim.

Reason for the delay: _____

Please attach your claim to this application. In considering your application, the Board will first decide whether to accept or reject the late claim application. The Board will consider the merits of the claim only if it decided to grant the late claim application.

Date _____

Signature of claimant or person acting on claimant's behalf
