

CLAIMS AND ACTIONS AGAINST THE COUNTY OFFICE OF EDUCATION

The County Superintendent of Schools desires to ensure that the Santa Cruz County Office of Education's (SCCOE) operations are conducted in a manner that minimizes risk, protects the SCCOE's resources, and promotes the health and safety of students, staff and the public. Any and all claims for money or damages against the SCCOE shall be presented to and acted upon in accordance with law, County Board of Education (CBE) policy, and administrative regulation as well as the SCCOE's Joint Powers Authority (JPA) agreements or insurance coverage.

Any and all claim for money or damages not governed by the Government Claims Act (Government Code 810-996.6) or excepted by Government Code 905 shall be presented consistent with the manner and time limitations in the Government Claims Act, unless a procedure for processing such claims is otherwise provided by state or federal law.

Upon notice to the SCCOE of a claim, the County Superintendent of Schools or designee shall take all necessary steps to protect the SCCOE's right under any applicable contractual agreements, including the right to indemnification from its insurance or other coverage provider.

In accordance with Government Code 935.4, the CBE delegates to the County Superintendent the authority to allow, compromise, or settle claims of \$50,000 or less, pursuant to any conditions of coverage in the SCCOE's JPA agreement or insurance.

Roster of Public Agencies

The County 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 County Office, the mailing address of the County Office, and the names and addresses of the County Board's presiding officer, the County Board clerk or secretary, and other members of the County Board (Government Code 53051)

Any changes to such information shall be filed within 10 days after the change has occurred. (Government Code 53051)

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.

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

935 Authority to enact local claims procedures

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

State of California v Superior Court (Bodde) (2004) 32 Cal.4th 1234

Tapia v County of San Bernardino (1994) 29 Cal.App.4th 375

Management Resources:

WEB SITES

California Secretary of State's Office: <http://www.sos.ca.gov>

Adopted: November 20, 2014

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