

Claims or Actions Against the Humboldt County Office of Education or any of its Officers and Employees

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

Contract, Tort and All Other Claims for Money or Damages

Unless a procedure for processing claims for money or damages is otherwise required by law, and notwithstanding any of the exceptions set forth in Section 905 of the Government Code, all claims for money damages, including any claim for indemnity or contribution, alleged to be due from the Office of Education, or any of its officers or employees, including claims by the State of California, or any of its agencies, or claims by any other public entity or public agency, shall be presented within the time limitations and in the manner prescribed by sections 910 through 915.2 of the Government Code. All such claims shall also be subject to the provisions of Section 945.4 of the Government Code relating to the prohibition of suits in the absence of the presentation of claims and action thereon by the Board.

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

This policy applies retroactively to all potential claims and any existing causes of action, including any claims that may have accrued as of the effective date of this policy.

Employee Claims for Money or Damages

Unless a procedure for processing employee claims is otherwise required by law, and notwithstanding any of the exceptions set forth in Section 905 of the Government Code, all claims by public officers or public employees for salary, wages, overtime pay, holiday pay, compensating time off, vacation pay, sick leave pay, or any other expense, fee, allowance or money alleged to be due from the Office of Education, or any of its officers or employees, shall be presented within the time limitations and in the manner prescribed in

Sections 910 through 915.2 of the Government Code. All such claims shall also be subject to the provisions of Section 945.4 of the Government Code relating to the prohibition of lawsuits in the absence of the presentation of claims and action thereon by the Board.

This policy is retroactive and shall apply to all potential claims, including any that may have accrued as of the date of this policy.

Roster of Public Agencies

The Superintendent of 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 Office of Education, the mailing address of the Board, and the names and addresses of the Board presiding officer, the Board clerk or secretary and the other members of the Board.

Any changes to such information shall be filed within 10 days after the change has occurred.

*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*