



ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 1720

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CATEGORY: **General Administration, Legal Processes**

EFFECTIVE: **3-13-78**

SUBJECT: **Liability Claims Against the School District**

REVISED: **09-18-08**

A. PURPOSE AND SCOPE

1. To outline procedures for receiving, reviewing and responding to claims for money that are filed against the district or district employees, governing board members, or district agents. This procedure does not apply to employee injury claims that are compensable under Workers' Compensation.

2. **Related Procedures:**

Employee liability	7180
Legal process including subpoenas, summonses, and complaints	1710
Mandatory reports for employee injury or illness on the job	5170

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: B-2700, I-1800, I-1900, K-8000, K-8300, K-8700; Government Code Sections 810 *et seq*; Board bylaw on claims for fees, salaries, wages, mileage or other expenses.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Office of General Counsel.
2. The type of general liability claim against the District for money that this procedure applies to includes, but is not limited to, the following:
 - a. Death, personal injury or damage to personal property
 - b. Breach of contract or damage to real property
 - c. District employee compensation claims (for example: wages, salaries, sick leave, vacation, other employee benefits, etc.)
 - d. Special education costs claims by district pupils or their parents/guardians
 - e. Claims based on liability created by statute
3. Administrative claim presentation requirements
 - a. General

- (1) Pursuant to Government Code sections 910.8, 911.3 and 935.4, the General Counsel is authorized to receive claims for money filed against the district, its employees, governing board members, and agents, and to act upon and respond to such claims pursuant to Government Code section 910 et seq., as deemed necessary.
 - (2) A claim must comply with all of the content and timeline filing requirements in California Government Code section 910 et seq. Claims for wages, salaries etc. must also comply with all requirements in district Board of Education Bylaw 1032. A claim form is available in the Office of General Counsel for this purpose.
- b. Claims for death, personal injury, or damage to personal property
- (1) A written claim must be filed with the district's General Counsel within six months from the date of the event or incident on which the claim is based.
- c. Claims for breach of contract, damage to real property or liability created by statute
- (1) A written claim must be filed with the district's General Counsel within one year from the date of the event or incident on which the claim is based.
- f. District employee compensation claims (for example: wages, salaries, sick leave, vacation, other employee benefits, etc.)
- (1) Pursuant to Government Code section 935 and district Board of Education Bylaw 1032, a written claim must be filed with the district's Office of General Counsel within one year from the date of the event or incident on which the claim is based.
- g. Special education costs claims by district pupils or their parents/guardians
- (1) These claims must be submitted to the district special education department. If the claim is disputed by the district, and if the claim is not settled, the merits of the claim will be determined in a special education due process hearing and in appeals, if any, from that hearing decision.

4. Delegation of authority to settle claims

- a. The Director of Insurance and Risk Services, the Chief Business Officer, and the Chief Financial Officer are each authorized to settle and approve payment on claims, for which a lawsuit has not been filed, in an amount not to exceed twenty-five thousand dollars (\$25,000).
- b. The General Counsel is authorized to settle claims and litigation on claims, and to approve payment on such claims and litigation, in an amount not to exceed fifty thousand dollars (\$50,000).
- c. The Director of Insurance and Risk Services (“Risk Services”), the General Counsel, and the Chief Financial Officer, jointly as a committee, are authorized to settle claims and litigation on claims, and to approve payment on such claims and litigation in amounts greater than fifty thousand dollars (\$50,000) and up to and including seventy-five thousand dollars (\$75,000), except for special education costs claims by district pupils or their parents/guardian (see paragraph C.4.d.).
- d. The payment of claims in amounts greater than the settlement authority delegated under this procedure must be approved by the Board of Education. Payment of special education costs claims by district pupils or their parents/guardians in amounts greater than fifty thousand dollars (\$50,000) must be approved by the Board of Education.

5. Claims processing

- a. Persons indicating to school sites, or district departments, that they want to make a claim for money against the district should be referred to the district’s Office of General Counsel for direction and assistance in filing their claim.
- b. Claims received by General Counsel will be initially reviewed to determine whether they are complete and timely. If a claim is complete and timely it will then be reviewed as to its merits. A copy of the claim will be forwarded to Risk Services for investigation.
- c. If a claim remains unresolved following investigation and review of the claim by Risk Services, Risk Services will notify General Counsel that its review of the claim is complete and that the claim remains unresolved. Risk Services will provide General Counsel with a recommendation for the disposition of the claim.
- d. General Counsel will send written notice to the claimant as to the District’s response to the claim.

6. Notice to the Board of Education of claim payments
 - a. Once each quarter (January, April, July, and October) Risk Services will provide the Board of Education, at a regularly scheduled public meeting, a summary list of payments made on money damages claims administered by Risk Services. Each quarterly report shall be for the immediately preceding quarter. The special education department will make similar quarterly reports for payments on special education pupil cost claims.

D. IMPLEMENTATION (Section C.)

E. FORMS AND AUXILIARY REFERENCES

F. REPORTS AND RECORDS

G. APPROVED BY



Joan McRobbie, Interim Chief of Staff
San Diego Unified School District