

CLAIMS AND ACTIONS AGAINST THE DISTRICT

Claims Presentation Requirements

California law requires that prior to filing a complaint against the Murrieta Valley Unified School District or its employees, the claimant must present a claim under the California Tort Claims Act. (Government Code 911 et seq.)

Time Limitations to Present Claim

The following time limitations apply to claims against the district:

1. Claims for money or damages relating to a cause of action for death or for injury to person, personal property or growing crops shall be presented to the Governing Board or designee not later than six months after the accrual of the cause of action. (Government Code 905, 911.2)
2. Pursuant to Government Code 935, claims for money or damages that are listed as exceptions in Government Code 905 shall be presented not later than six months after the accrual of the cause of action. Such claims include:
 - a) Claims under the Revenue and Taxation Code or other statute prescribing procedures for the refund, rebate, exemption, cancellation, amendment, modification, or adjustment of any tax, assessment, fee, or charge or any portion thereof, or of any penalties, costs, or charges related thereto;
 - b) Claims in connection with which the filing of a notice of lien, statement of claim, or stop notice is required under any law relating to liens of mechanics, laborers, or material men;
 - c) Claims by public employees for fees, salaries, wages, mileage, or other expenses and allowances;
 - d) Claims for which the workers' compensation authorized by Division 4 (commencing with Section 3200) of the Labor Code is the exclusive remedy;
 - e) Applications or claims for any form of public assistance under the Welfare and Institutions Code or other provisions of law relating to public assistance programs, and claims for goods, services, provisions, or other assistance rendered for or on behalf of any recipient of any form of public assistance;
 - f) Applications or claims for money or benefits under any public retirement or pension system;

CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)

- g) Claims for principal or interest upon any bonds, notes, warrants, or other evidences of indebtedness;
 - h) Claims that relate to a special assessment constituting a specific lien against the property assessed and that are payable from the proceeds of the assessment, by offset of a claim for damages against it or by delivery of any warrant or bonds representing it;
 - i) Claims by the state or by a state department or agency or by another local public entity or by a judicial branch entity;
 - j) Claims arising under any provision of the Unemployment Insurance Code, including, but not limited to, claims for money or benefits, or for refunds or credits of employer or worker contributions, penalties, or interest, or for refunds to workers of deductions from wages in excess of the amount prescribed;
 - k) Claims for the recovery of penalties or forfeitures made pursuant to Article 1 (commencing with Section 1720) of Chapter 1 of Part 7 of Division 2 of the Labor Code;
 - l) Claims governed by the Pedestrian Mall Law of 1960 (Part 1 (commencing with Section 11000) of Division 13 of the Streets and Highways Code);
 - m) Claims made pursuant to Section 340.1 of the Code of Civil Procedure for the recovery of damages suffered as a result of childhood sexual abuse. This subdivision shall apply only to claims arising out of conduct occurring on or after January 1, 2009;
 - n) Claims made pursuant to Section 701.820 of the Code of Civil Procedure for the recovery of money pursuant to Section 26680; and
 - o) Claims made pursuant to Section 49013 of the Education Code for reimbursement of pupil fees for participation in educational activities. (Government Code 905, 911.2, 935)
3. Claims for money or damages as authorized in Government Code 905 and not included in paragraph #1 or paragraph #2 above, including claims for damages to real property, shall be presented not later than one year after the accrual of the cause of action. (Government Code 905, 911.2)

CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)

Claims against the district shall further be subject to the provisions of Government Code 945.4 relating to the prohibition of suits in the absence of the presentation of claims and action thereon by the district.

Late Claims

Any person presenting a claim under item #1 or #2 in the section entitled "Time Limitations to Present Claim" above, any person who presents a claim later than six months after the accrual of the cause of action shall present, along with the claim, an application to present a late claim. Such claim and application to present a late claim shall be presented not later than one year after the accrual of the cause of action. (Government Code 911.4)

If a claim under item #1 or #2 is presented late and is not accompanied by an application to present a late claim, the Board or its designee may, within 45 days, give written notice that the claim was not presented timely and that it is being returned without further action. (Government Code 911.3)

The Board or designee shall grant or deny the application to present a late claim within 45 days after it is presented. This 45-day period may be extended by written agreement of the claimant and the Board provided that such agreement is made before the expiration of the 45-day period. (Government Code 911.6)

The Board or designee shall grant the application to present a late claim where one or more of the following conditions are applicable: (Government Code 911.6)

1. The failure to present the claim was through mistake, inadvertence, surprise or excusable neglect and the district was not prejudiced in its defense regarding the claim by the claimant's failure to present the claim within the time limit.
2. The person who sustained the alleged injury, damage or loss was a minor during all of the time specified for presentation of the claim.
3. The person who sustained the alleged injury, damage or loss was physically or mentally incapacitated during all of the time specified for presentation of the claim and the disability was the reason he/she failed to present the claim.
4. The person who sustained the alleged injury, damage or loss died before the expiration of the time specified for the presentation of the claim.

If the application to present a late claim is denied, the claimant shall be given notice in substantially the same form set forth in Government Code 911.8. (Government Code 911.8)

CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)

If the Board or designee does not take action on the application to present a late claim within 45 days, the application 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. (Government Code 911.6)

Receipt of Claims

A claim, any amendment thereto, or an application to present a late claim shall be deemed presented when delivered to the district office 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 or when otherwise actually received in the district office or by the Board secretary or clerk. (Government Code 915, 915.2)

Claims shall be submitted on the district claim form. The Board or designee may return a claim not using the district's claim form. (Government Code 910.4) The required claim form is attached to this administrative regulation.

Review of Contents of the Claim

The Superintendent or designee shall review any claim received to ensure that the claim contains all of the following information as specified in Government Code 910 and 910.2:

1. The name and post office address of the claimant.
2. The post office address to which the person presenting the claim desires notices to be sent.
3. The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted.
4. A general description of the indebtedness, obligation, injury, damage, or loss incurred insofar as it may be known at the time of presentation of the claim.
5. The name(s) of the public employee(s) causing the injury, damage, or loss if known.
6. The amount claimed if it totals less than \$10,000 as of the date of the presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds \$10,000, the dollar amount shall not be included in the claim and the claimant shall indicate whether the claim is a "limited civil case."

CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)

7. The signature of the claimant or the person acting on his/her behalf.

Notice of Claim Insufficiency

If the claim is found insufficient or found not to satisfy the form requirements under Government Code 910.4 and 910.2, the Board or its designee shall, within 20 days of receipt of the claim, either personally deliver or mail to the claimant, at the address stated in the claim form, a notice stating the particular defects or omission in the claim. (Government Code 910.8, 915.4)

If such a notice is delivered or sent to the claimant, the Board or designee shall not act upon the claim until at least 15 days after such notice is given. (Government Code 910.8)

Amendments to Claim

Within the time limits provided under section entitled "Time Limitations to Present Claim" above or prior to final action by the Board or designee, whichever is later, a claim may be amended if, as amended, it relates to the same transaction or occurrence which gave rise to the original claim. (Government Code 910.6)

Action on Claim

Within 45 days after the presentation or amendment of a claim, the Board or designee shall take action on the claim. This time limit may be extended by written agreement between the district and the claimant before the expiration of the 45-day period or before legal action is commenced or barred by legal limitations. (Government Code 912.4)

The Board or designee may act on the claim in one of the following ways: (Government Code 912.6)

1. If the Board or designee finds that the claim is not a proper claim against the district, or its employees, the claim shall be rejected.
2. If the Board or designee finds that the claim is a proper charge against the district and is for an amount justly due, the claim shall be allowed.
3. If the Board or designee finds that the claim is a proper charge against the district but is for an amount greater than is justly due, Board or designee shall either reject the claim or allow it in the amount justly due and reject it as to the balance.
4. If legal liability of the district or the amount justly due is disputed, Board or designee may reject or compromise the claim.

CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)

5. If the Board or designee takes no action on the claim, the claim shall be deemed rejected.

If the Board or designee allows the claim in whole or in part or compromises the claim and the claimant accepts the amount allowed or offered to settle the claim, the Board or designee may require the claimant to accept it in settlement of the entire claim. (Government Code 912.6)

The Board or designee shall transmit to the claimant written notice of action taken or inaction which is deemed rejection. The notice shall be in the form set forth in Government Code 913 and shall either be personally delivered or mailed to the address stated in the claim form. (Government Code 913, 915.4)

If no action is taken within the prescribed time limits, the claim shall be deemed to have been rejected. (Government Code 912.4, 945.6)

All claimants are encouraged to promptly seek the advice of an attorney so as to protect their legal rights with respect to any claim or potential claim.

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.

Regulation
approved: March 25, 2010
revised: June 21, 2018

MURRIETA VALLEY USD
Murrieta, California

**MURRIETA VALLEY UNIFIED SCHOOL DISTRICT
CLAIM FORM**

Send completed claim form to:

Murrieta Valley Unified School District
Attn: Director of Risk Management
41870 McAlby Court
Murrieta, CA 92562

1. Claims for death, or for injury to person or to personal property must be presented to the District not later than six (6) months after the occurrence (Govt. Code, Section 911.2), including those claims detailed in Board Policy 3320 and Administrative Regulation 3320.
2. Claims for damages to real property or for breach of contract must be presented not later than one year after the occurrence (Govt. Code, Section 911.2)
3. Please carefully read the Murrieta Valley Unified School District Board Policy 3320 and Administrative Regulation 3320 regarding the presentation of a claim.

Name of Claimant DOB Phone No.

Address / City / Zip

Name and Address where notices shall be sent: _____

State the **DATE** the injury or damage occurred: _____

WHERE did damage or injury occur? _____

HOW and under what circumstances did damage or injury occur? _____

WHAT particular action by the district or its employees caused the alleged damage or injury: (Include names of employees, if known) _____

WHAT sum do you claim: Include the estimated amount of any prospective loss insofar as it may be known at the time of the presentation of this claim, together with the basis of computation of the amount claimed; attach estimates or invoices, if possible. (If amount claimed exceeds \$10,000, no dollar amount shall be stated).

_____ \$ _____
_____ \$ _____
_____ \$ _____
Total Amount Claimed \$ _____

If total amount claimed exceeds \$10,000, is this a Limited Civil case? Yes No

NAMES and addresses of witnesses, doctors and hospitals:

_____ _____
Date **Signature of Claimant**

NOTICE: Section 72 of the California Penal Code provides that every person who, with intent to defraud, presents for payment to any School District any false or fraudulent claim, is guilty of a felony punishable by fine and/or imprisonment.