



AP 3810

CLAIMS AGAINST THE DISTRICT

References:

Education Code Section 72502;

Government Code Sections 900 et seq., 910 et seq., and 935

A claim should be submitted to the Office of Risk Management using the designated Claim for Damages form prescribed by the Office of Risk Management. A Claim for Damages form may be obtained from the Office of Risk Management. Claims not submitted in writing with all required information to the Office of Risk Management will be returned. Any claim returned may be resubmitted to the Office of Risk Management.

The Office of Risk Management shall review and assess all properly submitted claims. Claims valued at \$10,000 or less shall be resolved by the Superintendent/President or designee. The Office of Risk Management shall present, at the earliest possible date, properly submitted claim(s) to the Board of Trustees for consideration for claims more than \$10,000.

Compliance with these procedures is a prerequisite to any court action, unless the claim is governed by statutes or regulations which expressly relieve the claimant from the obligation to comply with this policy and the claims procedures set forth in Government Code 900 et seq.

Time Limitations

1. Claims for money or damages relating to a cause of action for death, injury to a person or personal property, or damage to growing crops, shall be presented to the Board not later than six months after the accrual of the cause of action. (Government Code Sections 905 and 911.2)
2. Claims relating to any other cause of action subject to the Government Claims Act shall be filed not later than one year after the accrual of the cause of action. (Government Code Section 911.2)
3. Claims relating to any cause of action which is specifically excepted from the Government Claims Act by Government Code 905 but is not governed by any other claim presentation statute or regulation shall be presented to the Board within the item limits specified in paragraphs 1 and 2 above, depending on the



applicable cause of action (Government Code Sections 911.2, 935). This includes, but is not limited to, claims against SBCC by the state or other local agency. Such claims shall further 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 district.

Late Claims

When a claim that is required to be presented not later than six months after accrual of the cause of action, as specified in the section “Time Limitations” above, is not presented within that time, it must be accompanied by an application to file a late claim. Such claim and application to file a late claim must be filed within a reasonable time not later than one year after the accrual of the cause of action in the manner specified in Government Code Sections 915 and 915.2. If a claim under the time limitations paragraph is filed later than six months after the accrual of the cause of action and is not accompanied by the application, the Board or designee, may, within 45 days, give written notice that the claim was not filed timely and that it is being returned without further action. (Government Code Section 911.3)

The application to file a late claim shall state the reason for the delay in presenting the claim. (Government Code Sections 911.4, 915, 915.2) The Board shall grant or deny the application within 45 days after it is presented pursuant to Government Code Section 911.6. By mutual agreement of the claimant and the Board, such 45-day period may be extended by written agreement made before the expiration of such period. If the Board does not take action on the application within 45 days, it 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 Section 911.3)

If the application to present a late claim is denied, the claimant shall be given notice in the form set forth in Government Code Section 911.8. (Government Code Sections 911.3, 911.4, 911.6, 911.8, 912.2, and 935)

Delivery and Form of Claim

A claim, any amendment thereto, or an application for leave to present a late claim shall be deemed presented when delivered to the Office of Risk Management, by email or deposited in a post office, sub-post 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. (Government Code Sections 915 and 915.2)

Claims should be submitted on the District's approved claim form, which may be obtained by emailing the Office of Risk Management or in the Office of Risk Management on the college campus, shall provide all of the information required by Government Code Section 910 and shall be signed by the claimant or a person acting on the claimant's behalf. A claim returned for insufficient information may be resubmitted within the time in which a claim may be presented. (Government Code Sections 910, 910.3, 910.4, and 911.2)

Notice of Claim Insufficiency

The Office of Risk Management, shall have cause to review all claims for sufficiency of information. The Risk Manager or designee may, within 20 days of receipt of claim, either email or mail to claimant a notice stating deficiencies in the claim presented. If such notice is delivered or sent to claimant, the Board shall not act upon the claim until at least 15 days after such notice is sent. (Government Code Sections 910.8 and 915.4)

Amendments to Claim

Claims may be amended within the above time limits or prior to final action by the Board or designee, whichever is later, if the claim, as amended, relates to the same transaction or occurrence which gave rise to the original claim.

Action on Claim

Within 45 days after the presentation or amendment of a sufficient claim, the Board shall take action on the claim. This time limit may be extended by written agreement before the expiration of the 45-day period or before legal action is commenced or barred by legal limitations.

The Superintendent/President or designee shall transmit to the claimant a notice of action taken. If no action is taken by the Board, the claim shall be deemed to have been rejected. (Government Code Section 912.4)

Retroactivity

This procedure shall apply retroactively to any causes of action or claims for money or damages that accrued prior to adoption of this procedure.



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