

BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

Concepts and Roles in Business and Non-Instructional Operations

Claims and Actions Against the County Office of Education

Any and all claims for money or damages against the County Office of Education must be presented to and acted upon in accordance with Superintendent policy and administrative regulation. Compliance with County Office of Education procedures is a prerequisite to any court action, unless the claim is governed by statutes or regulations which expressly free the claimant from the obligation to comply with this policy or the claim is governed by the claims procedures set forth in the California Government Code.

The Superintendent or designee shall have the authority to take action on all claims.

Pursuant to the authority contained in Section 935 of the Government Code of the State, the following claims procedures are established for those claims against the County Office of Education for money or damages now governed by State or Local laws:

- A. Employee claims: Notwithstanding the exceptions contained in Section 905 of the Government Code of the State, all claims by public officers or employees for fees, salaries, wages, overtime pay, holiday pay, compensating time off, vacation pay, sick leave pay, and any other expenses or allowances claimed due from the County Office of Education, when a procedure for processing such claims is not otherwise provided by State or local laws shall be presented within the time limitations and in the manner prescribed by Section 910 - 915.2 of the Government Code of the State. Such claims shall further be subject to the provisions of Section 945.4 of the Government Code of State relating to the prohibition of suits in the absence of the presentation of claims and action thereon.
- B. Contract and other claims: In addition to the requirements of sub-section (a) of this section, and notwithstanding the exemptions set forth in Section 905 of the Government Code of the State, all claims against the County Office of Education for damages or money, when a procedure for processing such claims is not otherwise provided by State or local laws, shall be presented within the time limitations and in the manner prescribed by Section 910 through 915.2 of the Government Code of the State. Such claims shall further be subject to the provisions of Section 945.4 of the Government Code of the State relating to the prohibition of suits in the absence of the presentation of claims and action thereon by the Council.

This policy is intended to apply retroactively to any existing causes of action and/or claims for money and/or damages.

Legal Reference:

EDUCATION CODE

35200 Liability for debts and contracts

35202 Claims against districts; applicability of Government Code

GOVERNMENT CODE

800 Cost in civil actions

810-996.6 Claims and actions against public entities

53051 Information concerning public agency and members of governing board

CSEA v. Azusa Unified School District, (1984) 152 Cal. App. 3d 580