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| Book                | Siskiyou Joint Community College District Administrative Procedures                           |
| Section             | Chapter 3: General Institution  |
| Title               | Claims Against the District   |
| Code                | AP 3810   |
| Status              | Active  |
| Legal               | Government Code Sections 900 et seq., 910 et seq., and 935<br>CA Education Code Section 72502 |
| Cross References    | BP 6540   |
| Adopted             | November 19, 2013   |
| Last Revised        | April 13, 2022  |
| Last Reviewed       | August 6, 2019  |
| Prior Revised Dates | 02/28/2018; 5/8/2019  |
| Origin              | Vice President of Administrative Services   |
| Office              | Administrative Services   |

The College carries insurance to cover claims against the District (See Board Policy 6540 – Insurance).

#### Claim Forms

The designated place for service of claims, lawsuits or other types of legal process upon the District is:

College of the Siskiyous  
Office of the Superintendent/President  
800 College Avenue  
Weed, CA 96094

All claims against the District are to be submitted on the District’s Siskiyou Joint Community College District Claim Form. Claims not submitted on the District’s form will be returned to the claimant and may be resubmitted using the proper form.

Claim forms can be obtained by calling the Vice President Administrative Services Office at 530-938-5220.

Claim forms may be presented in person or deposited in the United States mail, in a sealed envelope, properly addressed, postage prepaid as follows: (If mailing, it is recommended that the claimant send the form by Certified Mail, Return Receipt Requested, and keep the receipt.)

College of the Siskiyous  
Vice President Administrative Services  
800 College Avenue  
Weed, CA 96094

### **Time Limitations**

Claims for money or damages related to a cause of action for death, injury to a person, or personal property, must be presented to the District not later than six (6) months after the accrual of the cause of action.

Claims for money or damages relating to a cause of action other than that stated above must be presented to the District not later than one (1) year from the accrual of the cause of action.

### **LATE CLAIMS**

Claims under "Time Limitations" paragraph, which are filed outside the specified time limitation must be accompanied by an application to file a late claim. Such claim and application to file a late claim must be filed not later than one year after the accrual of the cause of action. 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 Chief Business Officer, may, within 45 days, give written notice that the claim was not filed timely and that it is being returned without further action. The application shall state the reason for the delay in presenting the claim. The Board, while in closed session, shall grant or deny the application within 45 days after it is presented. 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.

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).

### **Response to Claim**

The District has 45 days within which to respond to any claim received. The claim may be allowed in whole or in part, or may be rejected altogether.

The claims, when received by the District, will be date stamped and forwarded to the JPA Claims Administrator for review.

1. Based on recommendations from the liability carrier, the claim form will be placed on the agenda on the next Board of Trustees board meeting for recommended action.
2. The Board of Trustees will take action to reject or approve the claim and refer it to the District's liability carrier for action.
3. The liability carrier will make all decisions relative to honoring the claim, mitigating the costs, or litigation as it deems appropriate.

### **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.

*Note: Education Code Section 81602 specifically authorizes a district to contract for investigative, administrative and claims adjustment services. The contract may provide that the contracting firm may reject, settle, compromise and approve claims within the limits and for amounts specified by the board, including execution and issuing of checks in payment of such claims. The contract may also provide that the contracting firm may employ counsel.*