

If a claim under item #1 or #2 is filed late and is not accompanied by an application to file a late claim, the Governing Board or Superintendent (collectively referred to as the “Board”) shall, within 45 days, give written notice that the claim was not filed timely and that it is being returned without further action.

The “Board” shall grant or deny the application to file 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” shall grant the application to file a late claim under any one of the following circumstances: (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 of the claim by the 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 the form set forth in Government Code 911.3. (Government Code 911.3) If the “Board” does not take action on the application to file 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)

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 the Superintendent 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. (Government Code 915, 915.2)

Claims must be submitted on the district claim form. The “Board” 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.

Notice of Claim Insufficiency

The Superintendent or designee shall review all claims for sufficiency of information.

If the claim is found insufficient or found not to satisfy the form requirements under Government Code 910.4, the "Board" may, 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 with particularity the 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" shall not act upon the claim until at least 15 days after such notice is given. (Government Code 910.8)

Amendments to Claim

Claims may be amended within the time limits provided under section entitled "Time Limitations" above or prior to final action by the "Board," whichever is later, if the claim, as amended, 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" may 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. (Government Code 912.4)

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

1. If the "Board" finds that the claim is not a proper claim against the district or its employees, the claim shall be rejected.
2. If the "Board" finds that the claim is a proper claim against the district and is for an amount justly due, the claim shall be allowed.
3. If the "Board" finds that the claim is a proper claim against the district but is for an amount greater than is justly due, the "Board" 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, the "Board" may reject or compromise the claim.

If the "Board" 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" may require the claimant to accept it in settlement of the entire claim. (Government Code 912.6)

The Superintendent 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.

Regulation District Name
Approved: INSERT DATE City, California

Keenan & Associates is not a law firm and no opinion, suggestion, or recommendation of the firm or its employees shall constitute legal advice. Clients are advised to consult with their own attorney for a determination of their legal rights, responsibilities and liabilities, including the interpretation of any statute or regulation, or its application to the clients' business activities.

CLAIM FOR INJURY, DAMAGE and/or INDEMNITY

Official Name of NCSIG MEMBER (not school site)

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

DATE STAMP WHEN RECEIVED FROM CLAIMANT:

CLAIMANT INFORMATION:

| | | |
|---|------------|----------------------|
| Name of Claimant | Age | Date of Birth |
| Claimant Social Security Number (if claim for bodily injury) | | |
| Does the Claimant have Medicare coverage? | | |
| Residence Address of Claimant | | |
| Name of Responsible Parent / Guardian | | |
| Name of Other Person for Legal Notification | | |
| Legal Mailing Address | | |
| Telephone Number(s) | | |

ACCIDENT / LOSS INFORMATION (attach additional pages if necessary):

| | |
|--|--------------------|
| Date of Accident or Loss | Time of Day |
| Location of Accident or Loss | |
| Name(s) of person(s) causing the accident or loss (if any) | |
| 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.) | |

AMOUNT CLAIMING (Include 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.):

| Type | Dollar Amount | Briefly Describe |
|--------------------|---------------|------------------|
| Medical Expense | \$ | |
| Property Loss | \$ | |
| Other | \$ | |
| TOTAL CLAIM | \$ | |

WITNESSES (include doctors & hospitals):

| Name | Address | Phone # |
|------|---------|---------|
| | | |
| | | |

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.

Signature of Claimant or Representative

Date

Attention School Personnel: Date stamp and mail to Erik Knak, NCSIG Claims Administrator, Knak & Company, PO Box 990520, Redding, CA 96099-0520

NCSIG 5/2016