

# OFFICE OF THE SOLANO COUNTY SUPERINTENDENT OF SCHOOLS

## Series 3000 – BUSINESS AND NONINSTRUCTIONAL OPERATIONS

### Policy 3320

#### **Receipt of Claim, Summons, Action, or Complaint**

Any and all claims for money or damages against the Solano County Office of Education (SCOE) shall be presented to and acted upon in accordance with SCOE policy and administrative regulation.

Compliance with this policy and accompanying administrative regulation 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 SCOE policies and procedures and the claims procedures set forth in the Government Code.

Claims and lawsuits (Summons and complaints) can be served on SCOE, its agents, or employees, either in person or by mail. The Claimant's attorney may request an "Acknowledgement of Receipt" be signed and returned. The following steps should be taken whenever a Claim or Summons and Complaint is received:

1. Regardless of method of service, note the date and time of receipt and name of person receiving service on the cover sheet.
2. If acknowledgement of receipt is requested by mail, it is suggested that it be signed and returned by either the Risk Manager (North Bay School Insurance Authority – NBSIA), or the Associate Superintendent or designee, with steps 3 and 4 taken immediately. In any event, all Claims and Summons and Complaints must be given to the Risk Manager immediately.
3. Individual site administrators should never accept service of a Summons and Complaint. Tell the person serving the Summons and Complaint that you are not authorized to accept service on behalf of the County Superintendent or County Board of Education, and that s/he must serve the Summons and Complaint at the official address.
4. All contact with claimant's attorney should be referred to the Risk Management office (NBSIA office).
5. If an employee is named in a summons and Complaint and is personally served, the employee must notify his/her supervisor immediately and immediately forward the original Summons and Complaint to the Risk Management office, keeping a copy for himself/herself. The supervisor will immediately notify the Superintendent's office.

#### Legal Reference:

##### EDUCATION CODE

35200 Liability for debts and contracts

35202 Claims against districts; applicability of Government Code

##### CODE OF CIVIL PROCEDURE

340.1 Damages suffered as a result of childhood sexual abuse

##### GOVERNMENT CODE

800 Cost in civil actions

810-996.6 Claims and actions against public entities

53051 Information filed with secretary of state and county clerk

##### PENAL CODE

72 Fraudulent claims

##### COURT DECISIONS

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