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**OAKLAND UNIFIED  
SCHOOL DISTRICT**  
Community Schools, Thriving Students

# Memo

**To** Board of Education

**From** Josh Daniels, General Counsel  
Joanna Powell, Staff Attorney

**Board Meeting Date** 10/28/2020

**Subject** Amendment – Board Policy BP 3320 – Claims And Actions Against The District

**Action Requested and Recommendation** Approval of revisions to the Oakland Unified School District’s BP 3320 – Claims And Actions Against The District

**Background and Discussion** The current BP 3320 authorizes the General Counsel to settle Government Code claims up to \$50,000, and is not clear as to whether Board ratification is required thereafter. The revised BP would make the following changes:

- Extend the authority to General Counsel delegates, including but not limited to Executive Director of Labor Relations, Executive Director of Special Education, Deputy General Counsel, and Staff Attorney
- Extend the authority to any and all types of claims against the District, rather than just Government Code claims
- Eliminate the requirement for ratification

In addition, the revised BP would allow the Board to the authority to allow, compromise, or settle any and all claims, lawsuits, causes of action, complaints, demands, and disputes of any kind, up to the amount specified by the Board and including any other conditions imposed by the Board, without need for further approval or ratification by the Board. This is the process already followed for Workers’ Compensation settlements, but is not clearly described within this BP.

The goal is to streamline the settlement process while continuing to ensure adequate Board oversight.

**Fiscal Impact** No direct funding implications

**Attachments** BP 3320 – Redlined  
BP 3320 – Clean

# Oakland Unified School District

## Board Policy

BP 3320

### Business and Noninstructional Operations

#### Claims And Actions Against The District

Any and all claims for money or damages against the District shall be presented to the District and acted upon by the District in accordance with ~~Oakland Unified School District~~ the applicable Board PolicyPolicies and ~~Oakland Unified School District~~ Administrative ~~Regulation~~Regulations.

Compliance with this policy and accompanying ~~Oakland Unified School District~~ 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 District policies and procedures and the claims procedures set forth in the Government Code.

The Governing Board delegates to the General Counsel and any General Counsel's designee, including but not limited to the Executive Director of Labor Relations, Executive Director of Special Education, Deputy General Counsel, and Staff Attorney, the authority to allow, compromise or settle any and all claims-of, lawsuits, causes of action, complaints, demands, and disputes of any kind, where the amount of District funds expended is \$50,000 or less.-(Government Code 935.4), without need for approval or ratification by the Board.

In addition, the Board may, on a case-by-case basis and by a majority vote, delegate to the General Counsel or General Counsel's designee (which may include an outside contractor), the authority to allow, compromise, or settle any and all claims, lawsuits, causes of action, complaints, demands, and disputes of any kind, up to the amount specified by the Board and including any other conditions imposed by the Board, without need for further approval or ratification by the Board.

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

#### Roster of Public Agencies

The Secretary of the Board or the Deputy Secretary shall file the information required for the Roster of Public Agencies with the Secretary of State and the County Clerk. Any changes to such information shall be filed within 10 days after the change in facts. (Government Code 53051)

This information shall include the name of the school district, the mailing address of the Board, and the names and addresses of the Board presiding officer, the Board clerk or secretary and other members of the Board. (Government Code 53051)

#### 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 filed with secretary of state and county clerk

COURT DECISIONS

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

| 7/14/04; 10/28/20A

# **Oakland Unified School District**

## **Board Policy**

BP 3320

### **Business and Noninstructional Operations**

#### **Claims And Actions Against The District**

Any and all claims for money or damages against the District shall be presented to the District and acted upon by the District in accordance with the applicable Board Policies and Administrative Regulations.

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 District policies and procedures and the claims procedures set forth in the Government Code.

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