

CLARK COUNTY SCHOOL DISTRICT REGULATION

DISTRICT LIABILITY CLAIM RESOLUTION

- I. The Board of School Trustees authorizes stipulated agreements, settlements, compromises, and payments regarding claims brought against the District, as a self-insurer, provided that conditions applicable to the type of claim under consideration are met. These conditions may include the following:
 - A. Resolution of claim conforms to case law, statutory, or regulatory requirements.
 - B. Examination of claim is made in accordance with the levels of settlement authority outlined in Sections II, III, and IV. Concurrence means agreement that the proposed settlement amount or range is reasonable, prudent, and in the best interest of the District.
 - C. Funds are available from either a self-insurance reserve account or from funds budgeted for that purpose. Funds may be disbursed from a trust account established for settlement and payment by a contract claims administrator on behalf of the District.
 - D. Agreements do not amend existing contracts without the written approval of all parties to the contracts.
 - E. District liability is probable and the claim is determined to be either valid or disputed.
 - F. Compromise of disputed claim is in the best interest of the District.
 - G. Risk Management staff may not authorize payments for cases that are part of their assigned caseload.
 - H. All payment calculations will be verified and reviewed for accuracy by Risk Management claim staff and/or the Office of the General Counsel.
- II. Claim examination and resolution are subject to Board-delegated authority as follows:
 - A. Level One authority for liability claim settlement may be exercised by a Risk Management Claims Examiner along with the concurrence of the appropriate Claims Manager and/or the Office of the General Counsel. The value of any one claimant's award, total settlement, or collective payments may not exceed \$30,000.

- B. Level Two authority for liability claim settlement may be exercised by a Risk Management Claims Manager along with the concurrence of the Risk Management Coordinator and/or the Office of the General Counsel. The value of any one claimant's award, total settlement, or collective payments may not exceed \$50,000.
 - C. Level Three authority for liability claim settlement may be exercised by the Risk Management Coordinator along with the concurrence of the Director of Risk Management and/or the Office of the General Counsel. The value of any one claimant's award, total settlement, or collective payments may not exceed \$80,000.
 - D. Level Four authority for liability claim settlement may be exercised by the Director of Risk Management along with the concurrence of the Office of the General Counsel. The value of any one claimant's award, total settlement, or collective payments may not exceed \$100,000.
 - E. Level Five authority for liability claim settlement may be exercised by the Chief Financial Officer or designee along with the concurrence of the Office of the General Counsel. The value of any one claimant's award, total settlement, or collective payments may not exceed \$150,000.
- III. Award, settlement, or payment for third-party liability claims exceeding \$150,000 will be presented to the Board of School Trustees for action at a regularly scheduled meeting. The Office of the General Counsel will present results of the legal examination of these claims prior to Board action.
- IV. The District recognizes the uncertainties, costs, delays, and other hazards inherent in litigation. To avoid and minimize those hazards, litigated cases may be settled extrajudicially by the Office of the General Counsel as long as the requirements of Sections I and II (A, B, C, D, E, and F) are satisfied. All levels of claim settlement authorization are required before settlement can be paid except in circumstances where Level Five authority has been granted. The Chief Financial Officer or designee can solely approve settlement up to their authority level.
- V. The Superintendent of Schools or designee is authorized, with the approval of the Office of the General Counsel, to agree to the dismissal of any third-party action made against the District provided no further action is required of the District and each party is responsible for its own costs.
- VI. Agreement to settle any nonmonetary claim will be made only if the agreement is subject to Superintendent or designee approval.

- VII. In January of each year, the Office of the General Counsel shall provide the Board of School Trustees a summary of liability claims for the previous calendar year, as required by NRS 41.0385.

Legal Reference:	NRS Chapter 41 Actions and Proceedings in Particular Cases Concerning Persons
Review Responsibility:	Business and Finance Unit
Adopted:	10/23/85
Revised:	11/5/87, 11/22/94, 5/25/00, 12/12/19
Pol. Gov. Review:	3432:6/28/01
Revised:	2/11/10, 5/8/14