

Board Bylaws

ATTORNEY

The Governing Board recognizes the complex legal environment in which districts operate and desires reliable, high-quality legal advice at reasonable rates. In order to meet the district's legal needs, the Board may contract with Schools Legal Service, attorneys in private practice, or appoint legal counsel as a district employee or independent contractor. The Board also supports pursuing collaborative legal efforts with other agencies and districts as appropriate.

(cf. 3320 - Claims and Actions Against the District)
(cf. 3400 - Management of District Assets/Accounts)
(cf. 4312.1 - Contracts)
(cf. 9000 - Role of the Board)
(cf. 9260 - Legal Protection)

Duties of Legal Counsel

The district's legal counsel may: (Education Code 35041.5)

1. Render legal advice to the Board and the Superintendent or designee.
2. Serve the Board and the Superintendent or designee in the preparation and conduct of district litigation and administrative proceedings.
3. Render advice on school bond and tax increase measures and prepare the necessary forms for the voting of these measures.
4. Perform other administrative duties as assigned by the Board and Superintendent or designee.

Contacting Legal Counsel

At his/her discretion, the Board president or Superintendent may confer with district legal counsel subject to any limits or parameters established by the Board. In addition, the Superintendent or Board president may contact district legal counsel to provide the Board with legal information or advice when so directed by a majority of the Board.

Individual Board members other than the Board president may not seek advice from district legal counsel on matters of district business unless so authorized by a majority of the Board.

(cf. 9200 - Limits of Board Member Authority)
(cf. 9321 - Closed Session Purposes and Agendas)

Legal Reference:

EDUCATION CODE

- 35041 Administrative adviser
- 35041.5 Legal counsel
- 35161 Powers and duties of governing board
- 35200-35214 Liabilities, especially:
- 35204 Contract with attorney in private practice
- 35205 Contract for legal services

GOVERNMENT CODE

- 814-895.8 Liability of public entities and public employees
- 995-996.6 Defense of public employees
- 26520 Legal services to school districts
- 53060 Special services and advice

Management Resources:

CSBA PUBLICATIONS

- The Brown Act: School Boards and Open Meeting Laws, rev. 2007
- Maximizing School Board Leadership: Boardsmanship, 1996

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

- Selecting and Working with a School Attorney: A Guide for School Boards, 1997

WEB SITES

- CSBA: <http://www.csba.org>
- California Council of School Attorneys:
<http://www.csba.org/LegislationAndLegal/Legal/CaliforniaCouncilOfSchoolAttorneys.aspx>
- National School Boards Association: <http://www.nsba.org>
- State Bar of California: <http://www.calbar.ca.gov>

Bylaw adopted: **February 14, 2012**

FRUITVALE SCHOOL DISTRICT, Bakersfield, CA