

Bylaws of the Board

BB 9124(a)

ATTORNEY

Note: AB 1344 and SB 1559 (Ch. 696 and 697, Statutes of 1992) amended Education Code 35041.5, 35204 and 35205, and Government Code 26520 and 26522 and repealed Education Code 35203 and 35206. These changes alter the relationship between school districts and county counsels/district attorneys. District attorneys/county counsels are no longer required to perform certain legal services to school districts free of charge.

The Governing Board recognizes the complex legal environment in which school districts operate and desires reliable, dependable legal advice. The Board also supports collaborative legal efforts with other agencies and districts in order to promote the district's interests.

(cf. 1160 - Political Processes)

Note: CSBA manages the California Council of School Attorneys which provides professional opportunities for school attorneys. CSBA has also established the Education Legal Alliance, a membership organization, which provides school districts with a clearinghouse on legal issues as well as a united voice before the courts.

The Board may use the county counsel, district attorney, or private attorneys to meet the needs of the district.

The district's legal counsel may:

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

The Superintendent may confer with the district's legal counsel at his/her discretion and shall provide the Board with desired legal information when so directed by a majority of the Board. The Board also may authorize a specific member to confer with legal counsel on behalf of the Board.

ATTORNEY (continued)

(cf. 9000 - Role of the Board)
(cf. 9200 - Members)
(cf. 9321 - Closed Session Purposes and Agendas)

Legal Reference:

EDUCATION CODE

35041 Administrative adviser

35041.5 Legal counsel: Relieving duties of county counsel and district attorney

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