

SCHOOL BOARD BYLAWS

Legal Counsel

The School Board will secure legal advice and counsel in accordance with the Code of Virginia as quoted in the legal reference to this Bylaw.

A School Board Member may consult with the School Board ~~Attorney Legal Counsel~~ at any time. Requests for informal legal opinions will be made in writing and shared with all School Board Members. Legal advice regarding an informal legal opinion or resolutions for the School Board to consider will be provided to all School Board Members.

School Board Members may request formal written legal opinions regarding matters related to the School Board and the School Division by providing the School Board ~~Attorney Legal Counsel~~ and all School Board Members with a written copy of such request. The School Board may discuss the request in closed session and may amend the request. The legal opinion will be provided to all School Board Members and, if not prohibited by the School Board, will be provided to the Superintendent. Waiver of attorney client privilege for legal advice provided to the School Board may only be done after a majority vote of the School Board authorizes such waiver.

A request by a School Board Member for a written personal conflict of interests opinion shall be made directly by the School Board Member to the School Board ~~Attorney Legal Counsel~~ or the Commonwealth's Attorney in accordance with Bylaw 1-24. Conflict of Interests opinions requested by a School Board Member shall not be shared with the School Board Chair~~man~~ or any other School Board Member except upon consent of the School Board Member making the request.

The School Board ~~Attorney Legal Counsel~~ is authorized to act as the School Board's designee in all legal matters and may accept service of process on behalf of the School Board and the Superintendent. After providing information to the School Board regarding probable or pending legal matters and obtaining authorization from the School Board as to how to proceed, the School Board ~~Attorney Legal Counsel~~ may authorize settlement or other resolution of legal matters. After approval from the School Board, the School Board Attorney may retain outside legal counsel for those matters which are beyond the expertise of the Department of Legal Services, when the Department of Legal Services does not have capacity to handle certain matters, or when the Department of Legal Services attorneys have an ethical conflict with a matter.

Editor's Note

~~The School Board has an annual Cooperative Agreement with the City Council for provision of legal services by the City Attorney's Office.~~

For policy regarding employment of outside legal counsel, see Policy 2-59.

*For service of process, see Bylaw 1-27.
For conflict of interest advisory legal opinion, see Bylaw 1-24.
For employment of outside counsel and reimbursement of employee legal expenses, see
Policy 2-59.*

Legal Reference

Code of Virginia § 2.2-4301, as amended. Definitions.

Code of Virginia § 2.2-4303, as amended. Methods of procurement.

Code of Virginia § 2.2-4344 (2), as amended. Exemptions from competition for certain transactions.

Code of Virginia § 22.1-82, as amended. Employment of counsel to advise or defend school boards and officials; payment of costs, expenses and liabilities; consent of governing bodies required prior to institution of proceedings.

Code of Virginia § 22.1-83, as amended. Payment of employee's legal fees and expenses, as amended.

Code of Virginia § 22.1-128, as amended. Title to school board real estate.

Related Links

School Board [Bylaw 1-24](#)

School Board [Bylaw 1-27](#)

School Board [Policy 2-59](#)

Adopted by School Board: July 21, 1992
Amended by School Board: August 17, 1999
Amended by School Board: February 20, 2001
Amended by School Board: December 2, 2008
Amended by School Board: August 2, 2016
Amended by School Board: April 24, 2018
Amended by School Board: February 12, 2019
Amended by School Board: June 25, 2019
Amended by School Board: November 12, 2019
[Amended by School Board: November 2022](#)

APPROVED AS TO
LEGAL SUFFICIENCY


