

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 School Board 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 School Board 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 School Board 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 Chairman or any other School Board Member except upon consent of the School Board Member making the request.

School Board 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, School Board Legal Counsel may authorize settlement or other resolution of legal matters.

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 2019

APPROVED AS TO
LEGAL SUFFICIENCY


