As needed, the board will enter into contracts for legal service to the school system, including both legal advice and representation in litigation. Any attorney retained by the board or the superintendent through school system funds represents the legal entity of the school system and not any individual board member or administrator.

The superintendent may consult with the board attorney as needed to carry out administrative operations and to protect the board and school system from liability. Other staff may consult with the board attorney only with prior approval from the superintendent or designee or as otherwise may be provided by procedures established by the superintendent. The board attorney shall be responsible for and authorized to address and resolve criminal bail bond and vehicle forfeiture matters in district and superior court.

The chairperson of the board normally will decide for board members when to seek legal advice or assistance on school matters. If an individual member of the board desires to consult directly with the attorney, the board member must notify the chairperson of the legal information to be sought. If it is determined that legal assistance is necessary and has not been sought previously for this matter, the board member will be directed to consult individually with the attorney. Questions raised by members of the board and the attorney's replies will be reported to all board members. The chairperson of a board committee may consult with the board attorney on issues that arise out of and in connection with the committee's work. The inquiry and response will be reported to all board members.

Legal References: G.S. 15A-544.5, -544.8; 115C-36

Cross References:

Adopted: June 1999

Revised: March 31, 2015; June 1, 2021