

# Santa Barbara Unified School District

## Board Bylaw

BB 9124

### 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 county counsel, 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: Boardmanship, 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>

SANTA BARBARA UNIFIED SCHOOL DISTRICT  
Santa Barbara, CA       May 23, 2006; July 13, 2010