



ATTORNEY

The Board of Education recognizes the complex legal environment in which districts operate the need to provide legal representation for the district, and the importance of reliable, cost-effective, high-quality legal advice and services.

In order to meet the district's legal needs, the Board may appoint legal counsel and fix and order paid legal counsel's compensation as an employee or as an independent contractor. (Education Code 35041.5)

The Board may enter into independent contractor services agreements with county counsel, law firms, attorneys in private practice, and other public or private legal services entities. (Education Code 35204, 35205; Government Code 26520, 26529)

The Board also supports pursuing collaborative legal efforts with other districts as well as other government agencies as appropriate.

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

Retaining Legal Counsel

When the district is seeking legal advice or representation, the Superintendent or designee shall identify prospective attorney(s), firm(s), and/or legal services entity(ies).

Any attorney representing the district shall be admitted to practice law in California. (Education Code 35041.5)

Policy Reference Disclaimer: *These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

State	Description
<i>Ed. Code 35041</i>	<u><i>Administrative adviser</i></u>
<i>Ed. Code 35041.5</i>	<u><i>Legal counsel</i></u>
<i>Ed. Code 35161</i>	<u><i>Board delegation of any powers or duties</i></u>



Chico Unified School District

1163 East Seventh Street, Chico, CA 95928-5999
(530) 891-3000

Board Bylaws:

#9124

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State

Description

Ed. Code 35200-35214	<u>Liabilities</u>
Ed. Code 35204	<u>Contract with attorney in private practice</u>
Ed. Code 35205	<u>Contract for legal services</u>
Gov. Code 26520	<u>Legal services to school districts</u>
Gov. Code 26529	<u>District Attorney</u>
Gov. Code 53060	<u>Special services and advice</u>
Gov. Code 814-895.8	<u>Liability of public entities and public employees</u>
Gov. Code 995-996.6	<u>Defense of public employees</u>

Management Resources

Description

CSBA Publication	<u>The Brown Act: School Boards and Open Meeting Laws, rev. 2019</u>
State Bar of California Publication	<u>California Rules of Professional Conduct</u>
Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>State Bar of California</u>
Website	<u>California Council of School Attorneys</u>
Website	<u>CSBA</u>

Cross References

Code

Description

1160	Political Processes
1312.3	Uniform Complaint Procedures
1340	Access to District Records
2121	Superintendent's Contract
3311.2	Lease-Leaseback Contracts
3312	Contracts
3400	Management Of District Assets/Accounts
4312.1	Contracts
9000	Role Of The Board
9200	Limits Of Board Member Authority
9260	Legal Protection
9321	Closed Session



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