

SOLANO COUNTY BOARD OF EDUCATION

Policy 9124

LEGAL COUNSEL

I. General/In-House Counsel

Recognizing the complex legal environment in which educational institutions operate and desiring to have reliable, dependable legal advice, the County Board of Education may appoint in-house legal counsel to provide unrestricted, independent advice to the Board. The Board and the County Superintendent shall appoint the same legal counsel. (Education Code [E.C.] section 35041.5)

The County Superintendent and/or Board President on behalf of the County Board of Education may confer with such legal counsel at their discretion. Individual Board members may not seek advice from general/in-house legal counsel regarding matters under the Board's jurisdiction. When so directed by a majority of the Board, the County Superintendent may contact such legal counsel to provide the Board with legal information or advice.

In the event that general/in-house counsel identifies a potential conflict of interest that may preclude the provision of legal services, general/in-house counsel shall provide timely notice to the County Superintendent and/or County Board of Education, as applicable, to enable the County Superintendent and/or County Board of Education to retain special/outside counsel.

If the County Board of Education has concerns regarding a potential conflict of interest, the Board may, consistent with this policy, utilize special/outside counsel for the limited purpose of providing independent legal advice. If an individual Board member has concerns regarding a potential conflict of interest or the ability of general/in-house counsel to provide independent legal advice, the Board member shall communicate such concerns to the Board President to determine appropriate next steps.

All legal services agreements with general/in-house legal counsel shall be submitted to the County Board of Education for review and approval prior to execution.

II. Special/Outside Counsel

The County Board may contract with outside counsel to provide advice to the Board when the following circumstances exist:

1. In-house counsel has a conflict of interest;
2. In-house counsel has failed to render timely advice in a particular matter;

3. The services being sought are in addition to those usually, ordinarily, and regularly obtained from in-house counsel; or
4. The County Board desires a second legal opinion from that provided by in-house counsel in a particular matter.

(E.C. § 1042(d); 86 Ops. Cal. Atty. Gen. 57 (2003))

The County Superintendent and the County Board shall appoint the same special/outside legal counsel.

The County Superintendent and/or Board President on behalf of the County Board of Education may confer with such legal counsel at their discretion. Individual Board members may not seek advice from special/outside legal counsel regarding matters under the Board's jurisdiction. When so directed by a majority of the Board, the County Superintendent may contact such legal counsel to provide the Board with legal information or advice.

In the event that special/outside counsel identifies a potential conflict of interest that may preclude the provision of legal services, special/outside counsel shall provide timely notice to the County Superintendent and/or County Board of Education, as applicable, to enable the County Superintendent and/or County Board of Education to retain separate special/outside counsel.

If the County Board of Education has concerns regarding a potential conflict of interest, the Board may utilize separate special/outside counsel to provide independent legal advice. If an individual Board member has concerns regarding a potential conflict of interest or the ability of special/outside counsel to provide independent legal advice, the Board member shall communicate such concerns to the Board President to determine appropriate next steps.

All legal services agreements with special/outside legal counsel shall be submitted to the County Board of Education for review and approval prior to execution.

Adopted 02/79
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