

207 - Board of Directors Legal Counsel

Adoption Date: 06/22/2021

History: 11/23/21(reviewed), 11/29/22 (reviewed), 10/24/23 (reviewed), 10/8/24 (reviewed), 10/14/25 (updated)

It is the responsibility of the board to employ legal counsel to assist the board and the administration in carrying out their duties with respect to the numerous legal issues confronting the school district. The board may appoint legal counsel at its annual meeting.

The superintendent (or designee) and board secretary will have the authority to contact the board's legal counsel on behalf of the board when the superintendent or board secretary believes it is necessary for the management of the school district. The board president may contact and seek advice from the school board's legal counsel. The board's legal counsel will attend both regular and special school board meetings upon the request of the board or the superintendent. Board members may contact legal counsel upon approval of a majority of the board. It is the responsibility of each board member to pay the legal fees, if any, of an attorney the board member consulted regarding matters of the school district unless the board has authorized the board member to consult an attorney on the matter.

Individual board members may contact legal counsel for the purpose of obtaining general information or clarification, provided such contact

- is limited in scope and does not direct or authorize legal action on behalf of the district
- does not create significant cost to the district
- responses from legal counsel shall be sent to the full board

If a board member seeks legal advice beyond general information or anticipates significant cost, prior approval of the board or board president is required.

Nothing in this policy shall prevent the board from authorizing independent legal counsel to represent the board in matters where a conflict of interest may exist between the board and administration.

It is the responsibility of the superintendent to keep the board informed of matters for which legal counsel was consulted, particularly if the legal services will involve unusual expense for the school district.

Policy References:

Legal Reference:

Bishop v. Iowa State Board of Public Instruction,
395 N.W.2d 888 (Iowa 1986).

Iowa Code § 279.37.