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## **BOARD ATTORNEY**

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*Policy Code: 2610*

### **A. EMPLOYMENT OF LEGAL COUNSEL**

The Board shall employ legal counsel for legal service to the school district including both legal advice and representation in litigation, as needed. Any attorney retained by the Board or the Superintendent through school district funds represents the legal entity of the school district 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 district from liability. Other staff may consult with the Board attorney following procedures established by the Superintendent.

### **B. DEFENSE OF BOARD MEMBERS AND EMPLOYEES**

1. The Board may provide for the defense of any present or former Board member or employee in any civil or criminal action against him/her in his/her official or individual capacity on account of any actual or alleged act done or omission made in the course and scope of his/her service or employment with Franklin County Schools.
2. The defense may be provided by the Board's attorney, by employment of other counsel, or by provision of insurance.
3. The Board may authorize the use of local funds to pay any claim made or civil judgment entered against any present or former Board member or employee on account of acts done or omissions made within the course of the scope of his/her duties with Franklin County Schools unless the Board of Education finds that the employee acted or failed to act because of actual fraud, corruption or actual malice on his/her part.
4. All requests for the Board to provide a defense or pay a claim or judgment on behalf of any present or former Board member or employee shall be made in writing to the Board and notice of the litigation must be made prior to the time that the claim is settled or civil judgment is entered.
5. The Board's expense for legal fees shall be limited to that not otherwise compensated for by insurance, or by other payments, to which the employee is entitled.
6. The Board will not provide legal services for employees who are plaintiffs in civil actions. School personnel must employ their own attorneys on a private basis in such cases.
7. The Board, at its election, may authorize the Board attorney to assist the District Attorney in making sure that the proper evidence and witnesses are available to prosecute criminal cases on behalf of school personnel.

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**Legal References:** G.S. 115C-36

**Cross References:** Compliance with the Open Meetings Law (Policy 2320)

**Adopted:** 03/08/99