

# Policy Introduction

## ~~OSBA Model Sample Policy~~ Parkrose School District 3

### **OSBA Summary**

*There are many instances when a district board needs to consult with legal counsel prior to making a decision. This policy change clarifies when individual board members are authorized to seek legal counsel and incur legal costs for the educational entity.*

Code: BBAA  
Adopted: 10/22/07  
Revised:

### **Individual Board Member's Authority and Responsibilities**

An individual Board member exercises the authority and responsibility of their position when the Board is in legal session only.

A Board member has the authority to act in the name of the Board when authorized by a specific Board motion. The affirmative vote of the majority of members of the Board is required to transact any business. When authorized to act as the district's designated representative in collective bargaining, a Board member may make and accept proposals in bargaining subject to subsequent approval by the Board.

~~A Board member has the right to express personal opinions. When expressing personal such~~ opinions in public, the Board member ~~should~~ must clearly identify the opinions as their own.

Members will be knowledgeable of information requested through Board action, supplied by the superintendent, gained through attendance at district activities and through professional Board activities.

Members of the Board will adhere to the following in carrying out the responsibilities of membership:

#### 1. Request for Information

Any individual Board member who desires a copy of an existing written report or survey prepared by the administrative staff will make such a request to the superintendent. A copy of the material may be made available to each member of the Board. Requests for the generation of reports or information, which require additional expense to the district, must be submitted to the Board for consideration.

#### 2. Requests for Legal Opinions

Requests for legal [advice or] opinions by a Board member [that will incur a cost for the district] must be approved by a majority vote of the Board before the request is made to legal counsel. [The Board chair is authorized to obtain legal advice or opinions if [advantageous] to do so prior to the next meeting (e.g., advice regarding an executive session or a decision to invite district legal

# Policy Introduction

counsel) without a need for Board approval.]. If the legal opinion sought involves the superintendent's employment or performance, the request should be made to the board chair. Legal counsel is responsible to the Board.

## 3. Action on Complaints or Requests Made to Board Members

When Board members receive complaints or requests for action from staff, students or members of the public, the Board members will direct the staff, students, members of the public to the appropriate complaint policy [Board policy KL – Public Complaints]. Such information will be conveyed to the superintendent.

keep scrolling down

# Policy Introduction

## 4. Board Member's Relationship to Administration

Individual Board members will be informed about the district's educational program, may visit schools or other facilities to gain information, and may request information from the superintendent. No individual Board member may direct the superintendent to action without Board authorization. Board members will not intervene in the administration of the district or its schools.

## 5. Contracts or Agreements

All contracts of the district must be approved by the Board, unless otherwise delegated by the Board to the superintendent or designee for approval, before an order can be drawn for payment. If a contract is made without authority of the Board, the individual making such contract shall be personally liable.

END OF POLICY

---

### Legal Reference(s):

[ORS 332.045](#)

[ORS 332.055](#)

[ORS 332.057](#)

[ORS 332.075](#)

38 OR. ATTY. GEN. OP. 1995 (1978)

S. Benton Educ. Ass'n v. Monroe Union High Sch. Dist., 83 Or. App. 425 (1987).