

BOARD MEMBERS LEGAL STATUS

The legal status of each duly appointed or elected member of the School Board is that of a public official who cannot be removed from his office except as provided by state law. The legal obligations pursuant to each Board member shall not commence until he has been duly elected or appointed and officially taken office. His official capacity as a Board member shall continue until the expiration of his term in office, unless otherwise vacated.

Such status does not authorize said member to act for or bind the Board individually. The powers and duties vested in the School Board shall only be exercised by action of the Board as a whole at duly called and organized meetings. In this respect, no motion or resolution shall be declared adopted without the concurrence of a simple majority of the Board present and voting, unless otherwise stipulated by Board policy or state law.

While Board members may enjoy a degree of immunity from damage suits, individual Board members are not absolutely free from liability. The members may be personally liable if any actions taken by the members clearly violate established statutory or constitutional rights of which a reasonably competent public official should have knowledge. Moreover, liability may be equally applicable, not just from policies, ordinances, regulations, or decisions officially adopted by the Board, but also for a custom or standard practice or procedure, even though such a custom, practice or procedure has not received formal Board approval.

Ref: Constitution of Louisiana, Art. VIII, Sec. 9, La. Rev. Stat. Ann. §§17:51, 17:52, 17:81; Wood v. Strickland, 95 S.Ct. 992 (1975); Monell v. Department of Social Services of New York, 98 S.Ct. 2018, 2035-36 (1978); Owen v. City of Independence, Mo., 98 S.Ct. 3318 (1978); Harlow v. Fitzgerald, 1102 S. Ct. 2727 (1982).