

2018 SESSION

INTRODUCED

18102563D

SENATE BILL NO. 440

Offered January 10, 2018

Prefiled January 9, 2018

A *BILL to amend and reenact § 22.1-82 of the Code of Virginia, relating to local school boards; prior authorization for legal action.*

Patron—Wexton

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-82 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-82. Employment of counsel to advise or defend school boards and officials; payment of costs, expenses and liabilities; consent of governing bodies required prior to institution of proceedings.

A. Notwithstanding any other provision of law, the attorney for the Commonwealth or other counsel may be employed by a school board to advise it concerning any legal matter or to represent it, any member thereof or any school official in any legal proceeding to which the school board, member or official may be a party, when such proceeding is instituted by or against it or against the member or official by virtue of his actions in connection with his duties as such member or official.

B. All costs and expenses of such advice and all costs, expenses and liabilities of such proceedings shall be paid out of funds appropriated to the school board.

C. A *appointed* school board shall, prior to instituting any legal action or proceeding against any other governmental agency in Virginia or expending any funds therefor, first secure the authorization of the governing body of the county, city or town constituting the school division or the governing bodies of the counties or cities in the school division if the division is composed of more than one county or city except as to legal actions or proceedings arising between the school board and the governing body or bodies.

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