

SCHOOL BOARD MEMBERS LEGAL STATUS

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

Such status does not authorize said member to act for or bind the School 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.

While School Board members may enjoy a degree of immunity from damage suits, individual School Board members are not absolutely free from liability. The members may not be immune from liability, especially civil rights cases, if actions taken were presumed to be legal and resulted in deprivation of rights, or if they knew or reasonably should have known that their actions taken were unconstitutional, or if such actions were taken with malicious intent to cause a deprivation of rights. 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 School Board approval.

OATH OF OFFICE

All members of the Lafayette Parish School Board shall take the oath of office as prescribed by the state constitution at the time of their election or as soon thereafter, but not later than thirty (30) days after receipt of his/her commission certificate. The person administering the oath shall certify said commission. Said oath shall be deposited and recorded in the office of the Louisiana Secretary of State. Said oath shall also be recorded in the Lafayette Parish Clerk of Court's office.

Ref: Constitution of Louisiana, Art. VIII, Sec. 9; La. R. S. 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*, No. 98 S. Ct. 3318 (1978)

Adopted: 12/2/2015