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## BOARD MEMBERS LEGAL STATUS

The legal status of each duly appointed or elected member of the Jefferson Davis 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 School 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 School 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 School 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 their conduct violates clearly established statutory or constitutional rights. Moreover, liability may be equally applicable, not just from policies, ordinances, regulations, or decisions officially adopted by the School 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.

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.](#), 100 S.Ct. 1398 (1980)

[Harlow v. Fitzgerald](#), 102 S.Ct. 2727 (1982)

Jefferson Davis Parish School Board