

SCHOOL ATTORNEY

The Board of Education shall retain legal counsel, who shall be appointed at the Annual Organizational Meeting of the Board of Education. This legal counsel will represent the Board of Education, and shall report directly to the Board. The attorney shall have applicable legal expertise to represent the interests of the school district.

The President of the Board, or the Superintendent of Schools or his/her designee may contact the counsel on legal matters affecting the operation of the school district, or as specified in the most current retainer agreement.] Board members and administrators shall be informed of who is allowed to contact the attorney and the process for doing so.

The selection of legal counsel shall be carried out in accordance with state law and regulation, as well as Board policy.

Any attorney working for the Board as legal counsel must be admitted to the bar of New York State and duly licensed to practice law in New York State. Other qualifications, such as years of experience representing school districts in the area of education law, shall be outlined in the Request for Proposal.

The written agreement with the attorney and/or law firm shall describe, at a minimum, the cost (e.g., hourly rates, retainer agreement), services provided, representation (e.g., in hearings, courts, investigations, negotiations), level of participation at Board meetings, who has access to the attorney(s) and process for doing so, who directs the work of the attorney(s), and how the attorney(s) will communicate information to the Board. Generally, any information shared with the contact person will be shared with the Board as a whole.

The written agreement will outline how the Board is apprised of new and total charges, and how the status of the retainer is reported to the district. The status of the retainer agreement and costs will be monitored by the Superintendent or his or her designee.

The Attorney and/or law firm will be the legal advisor to the Board. In that capacity, the legal counsel's duties will include, but not be limited to, the following:

1. to advise the Board with respect to all legal matters relating to the district, including, but not limited to, interpretation of the Education Law of the State of New York, and all other statutes, rules or regulations affecting the district;
2. to be easily accessible to the Board and the Superintendent of Schools (and, at the discretion of the Superintendent, to his/her administrative staff), with respect to legal matters arising out of the day-to-day administration of the district. This includes being available for Board meetings at the Board's request;

3. to review and to represent the district in the preparation of contracts, as requested by the district (other than the contract for school attorney services);
4. to advise and assist in matters of litigation pursuant to the retainer agreement;
5. to review the legality of all policies or regulations to be adopted by the Board;
6. to review and advise with respect to any legal papers served upon the district to commence legal action; and
7. to recommend the retainment of special counsel as he or she may deem necessary in the circumstances, subject to the approval of the Board. Retaining additional legal counsel shall be subject to the process outlined in Board policy.

Selection of a School Attorney

The district, when seeking to retain a School Attorney, may first locate prospective qualified lawyers/law firms by:

1. Advertising in trade journals
2. Checking listings of lawyers/law firms; or
3. Making inquiries of other districts or other appropriate sources.

The district will then prepare a well-planned, written request for a proposal which will contain critical details of the services sought and submit this request to prospective applicants.

In selecting a School Attorney, the district will consider the cost of a retainer (or hourly fee), as well as such other factors as:

1. The special knowledge or expertise of the lawyer/law firm;
2. The quality of the service provided by the lawyer/law firm;
3. The staffing of the lawyer/law firm; and
4. The lawyer's/law firm's suitability for the district's needs.

The district will maintain documentation of the written proposals submitted by lawyer/law firm applicants for the position of School Attorney.

The school attorney and/or firm will report any censure, suspension, or disbarment to the Board.

Cross-ref: 2210, Board Organizational Meeting
2410, Policy Development, Adoption, Implementation and Review
6700, Purchasing
6741, Contracting for Professional Services

Adoption date: July 22, 2009
Reviewed & Deemed Sufficient: February 25, 2015
Revised & Adopted: November 18, 2015
Revised & Adopted: April 18, 2018