

SCHOOL ATTORNEY(S)

Change made
throughout policy

The Board of Education shall retain a School Attorney(s), who shall be appointed to a one-year term at the Annual Organizational Meeting of the Board of Education. The President of the Board, or the Superintendent of Schools or his/her designee, may contact the School Attorney(s) on legal matters affecting the operation of the school district.

The School Attorney(s) must be admitted to the bar of New York State. The Board may revoke the School Attorney's(s) appointment of counsel or designate additional counsel at any time. The School Attorney(s) will be the legal advisor to the Board. In that capacity, the School Attorney's(s) duties will be:

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 issuing out of the day-to-day administration of the district;
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{s}services);
4. to advise and assist in matters of litigation pursuant to the retainer agreement;
5. when requested, to review the legality of select policies or regulations to be adopted by the Board and/or Administrative Council;
6. to review and advise with respect to any process served upon the district; and
7. to recommend the retainment of such special counsel as he or she may deem necessary in the circumstances, subject to the approval of the Board.

Selection Procedures

When seeking to retain a School Attorney(s), the district will 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(s), 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(s);
2. the quality of the service provided by the lawyer/law firm(s);
3. the staffing of the lawyer/law firm(s); and
4. the lawyer's/law firm's(s) suitability for the district's needs.

(over)

The district will maintain documentation of the written proposals submitted by lawyer/law firm(s) applicants for the position of School Attorney(s), as required by state archive regulation.

Cross-ref: 2210, Board Organizational Meeting

Approved: July 01, 2001

Revised and Approved: April 21, 2009