

## **SCHOOLBOARD ATTORNEY/LEGAL SERVICES**

Code **BDG-R** Issued **DRAFT/194/06**

The board may retain an attorneys or law firm to serve as (option: legal counsel/independent counsel) for the purpose of systematically securing legal services in a timely and organized manner. The following administrative rule sets forth the board's expectations for its legal services. It also serves as a job description for the attorneys or firm (option: providing legal services/serving as independent counsel).

### **Qualifications**

The board will select an attorney or law firm based on qualifications submitted from interested firms.

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- The Attorneys will be licensed to practice law in South Carolina.
- The Attorneys will be sufficiently familiar with requirements of school laws of the state to enable them/him/her to offer the necessary legal advice.
- The Attorneys will possess any additional qualifications as the board finds appropriate.

### **Reports To**

~~The Board attorneys' briefings to the board are coordinated by the superintendent, except in unusual circumstances such as personnel matters pertaining to the superintendent. In those instances, the attorneys will report directly to the board. Those briefings will be to the full board, coordinated by the board chairman. The board chairman is the only member of the board authorized to provide direction to the attorneys on behalf of the board.~~

### **Appointment**

~~The board will appoint attorneys to advise and represent the district. Attorneys will be the chief legal adviser and representative of the board and will serve at the will of the board, reporting directly to the board.~~

### **Evaluation**

The board and superintendent will annually evaluate the performance of the attorneys.

### **Compensation**

Compensation for legal services will be negotiated with the board at the time an attorney is appointed or within thirty (30) days of the appointment. The finalization of an appointment is subject to a compensation agreement between the board and the attorney.

### **Services**

~~A decision to seek legal advice and assistance on behalf of the district may be made by the board or the superintendent. Other district employees will seek legal services through the superintendent. Employees will make such request consistent within standard procedures.~~

The board and administration will make all requests for legal services, including routine information and assistance, in a timely and organized manner and in accordance with board policy.

**School District Five of Lexington and Richland Counties** (see next page)

## PAGE 2 -- BDG-R - BOARDSCHOOL ATTORNEY/LEGAL SERVICES

The attorney will provide the board with periodic legal briefings and a status report on all requests for assistance that have not been provided or completed within thirty (30) days of the request. The attorney will give the board a monthly status report when necessary on all litigation or potential litigation involving the district.

### Board legal services

Many instances of legal assistance provided to the board may be considered routine and not necessitating specific board approval or prior vote. The board chair may initiate inquiries on these routine matters at his/her discretion.

All requests for formal legal opinions from the district's legal counsel regarding board issues will be directed through the board chair or the superintendent. A board member wishing to obtain a legal opinion will bring such request to the full board. A majority vote will be obtained to initiate a request for a legal opinion. Any opinion provided will be disseminated to the full board. Board members with personal legal questions should seek advice from their own private attorneys.

### (Option for districts without in-house general counsel: Administration legal services)

Many instances of legal assistance provided to the district administration may be considered routine and not necessitating specific board approval or prior vote. For example, the superintendent may consult with the school attorney to interpret statutory requirements or regulations, prepare or review contracts, and seek legal opinions regarding other day-to-day district operational issues. Routine legal assistance does not include anything that directly involves the board or any board member. When the superintendent concludes that unusual types or amounts of professional legal services may be required, he/she will advise the board and seek either initial or continuing authorization for such services.

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