

SCHOOLBOARD ATTORNEY/LEGAL SERVICES – Exhibit D

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

The board may retain ~~an~~ attorneys or law firms 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.

Qualifications

The board will select ~~an~~ attorneys or law firms based on qualifications submitted from interested firms.

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

Selection

~~The administration will create a list of attorneys for use by the board and the administration by Request for Proposal. Any additions to the list will require an RFP. A schedule of fees for each attorney will be presented to the board. The board will evaluate and approve the list annually at a minimum.~~

~~The board will select a general board counsel by vote. The general counsel will select specialized attorneys as needed from the list of approved attorneys with the approval of the board or superintendent. The administration will recommend administrative general counsel to the board for approval.~~

Reports ~~T~~o

~~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. Aattorneys 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

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

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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. 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~~ quarterly status report ~~or more often as needed when necessary~~ on all litigation or potential litigation involving the ~~district~~ board. ~~Lawsuits involving the school district that do not have the board listed as a litigant will only~~ may be brought to the board if the administration deems it appropriate or at a board majority's request. Other than matters handled by the South Carolina School Boards Insurance Trust (SCSBIT) or other applicable insurance, no litigation will be initiated or dismissed by the district without board approval and no settlement offer will be made without board approval.

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 officers by consensus may initiate inquiries on these routine matters at his/her their discretion. No legal inquiry or action will be taken against any board member without the approval of the board.~~

The board will initiate inquiries on matters such as the following:

- Board meeting procedures
- School district investigations or grievances
- Board Policy rulings and/or changes

The Superintendent is responsible for initiating the use of attorneys for various administrative actions:

- Special Education services
- Student services
- Human Resources
- Construction and operational guidance
- Financial issues
- Media Relations
- Adherence to Board Policy & Procedures

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.

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Board members with personal legal questions should seek advice from their own private attorneys. It will be seen as a breach of trust and ethically inappropriate for any board member to obtain legal counsel from an attorney or law firm who is being currently used by the school district or the board of trustees as a whole in a personal matter or when the board member is acting as an independent member of the board.

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