

BDG - SCHOOL ATTORNEY

Category O

The Board recognizes that the increasing complexity of school district operations frequently requires procurement of professional legal services. Consequently, it shall retain an attorney or law firm for purposes of systematically securing such services. Funding for legal services shall be provided for in the school district budget.

A decision to seek legal advice or assistance on behalf of the school district shall normally be made by the Superintendent or by persons specifically authorized by the Superintendent. Such action shall occur as it is consistent with approved district policy or standard practice and meets an obvious need of the district. It may also take place as a consequence of formal Board direction. However, when the administration concludes that unusual types or amounts of professional legal service may be required, the board directs the administration to so advise it and to expeditiously seek either initial or continuing board authorization for such service.

Many types of instances of legal assistance to the district may be considered routine and not necessitating specific board approval or prior vote for Superintendent action. For example, the Superintendent may consult with the school attorney to:

- 1) Prevent an illegal action and insure required legal action.
- 2) Protect rights and interests of district/SAU by removal of prejudiced clauses and requirements from contracts.
- 3) Prevent ambiguous wording with potential for conflicting interpretations.

Individual board members have no authority to utilize the legal services of the school board attorney. Individual board members may request counsel from the school board attorney by advising the school board Chairperson and Superintendent of the legal issue. The Board as a whole shall retain the authority to approve or disapprove of such requests for legal services. The individual board members may seek counsel from the NHSBA legal services or any other attorney at their own expense.

First Reading: 5/8/07

Second Reading: 5/22/07

Adopted: 6/12/07