

SCHOOL ATTORNEY

The Board of Education will appoint a School Attorney for the district. The Attorney must be admitted to the bar of New York State. The Attorney will be the legal advisor to the Board. In that capacity, the Attorney'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 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 School (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 any and all contracts which the district may be obliged to execute (other than purchase orders usually issued for the purchase of goods, equipment and services);
4. to advise and assist in matters of litigation pursuant to the retainer agreement;
5. to review the legality of all rules or regulations to be adopted by the Board;
6. to review and advise with respect to any process served upon the district;
7. to recommend the retainment of such special counsel as her or she may deem necessary in the circumstances, subject to the approval of the Board.

The district, when seeking to retain a School Attorney, 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, 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.

In addition to the annual retainer (or hourly fee), the Attorney shall be reasonably compensated for:

1. all services rendered in connection with litigation and appeals to the Commissioner of Education, state or federal courts, brought by or against the district, the Board or the Superintendent, in addition to those rendered pursuant to the retainer agreement;

2. all services rendered in connection with bond issues or similar financial transaction;
3. assistance in contract negotiations with representatives of employees and in the drafting of negotiated contracts;
4. legal services with respect to any grievances that may be filed by employees or their representatives;
5. tenure and related type hearings; and
6. such services as shall not be reasonably included within the specified duties enumerated as attorney duties.

Cross-ref: 2270.1, Litigation Procedures

Note: By virtue of the district's insurance coverage, an attorney may be designated by the insurance carrier to provide legal services regarding certain legal matters.

A policy covering selection of the school attorney is required if the district employs an outside attorney, pursuant to section 104 of the General Municipal Law.