

POLICY

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BY-LAWS

SUBJECT: DUTIES OF THE SCHOOL ATTORNEY

The Board of Education shall employ a School Attorney/legal counsel, who shall be appointed at the Annual Organizational Meeting of the Board of Education. The legal counsel will represent the Board of Education and report directly to the Board.

The Superintendent of Schools or his/her designee and the President of the Board or the Vice President in absence of the President may contact counsel on legal matters affecting the operation of the school district. Board members and administrators shall be informed of who is allowed to contact legal counsel, as well as the protocol for doing so.

The selection of the School Attorney shall be carried out in accordance with the state law and regulation, as well as Board policy. Legal counsel must be admitted to the New York State Bar and be duly licensed to practice law in New York State.

The Attorney and/or law firm will be the legal advisor to the Board. In that capacity, the duties of legal counsel will include, but not be limited to, the following:

- a) Advising 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;
- b) Being 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 arising out of the day-to-day administration of the district;
- c) Attending special meetings when his/her attendance is requested by the presiding officer;
- d) Reviewing and representing the district in the preparation of any and all contracts which the district may be obliged to execute (other than the contract for school attorney fees).
- e) Reviewing the legality of selected policies or regulations to be adopted by the Board;
- f) Corresponding with the Legal Department of the State Education Department as directed by the Board;
- g) Reviewing and advising with respect to any legal papers served upon the district;
- h) Appearing for and representing the School District and the Board in all suits, actions or other proceedings brought by or against the School District or the Board and in all appeal proceedings before the Commissioner of Education;
- i) Providing legal services with respect to grievances or "due process" hearings or procedures.
- j) Recommending the retainment of special counsel as deemed necessary, subject to approval by the Board of Education.

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- k) Negotiating of all legal charges and processes for each bond issue and construction and/or reconstruction of new buildings;

General Municipal Law
Section 104-b

Adopted: 3/31/16