

From: hfb4444 <hfb4444@comcast.net>

To: lelan4444 <lelan4444@aol.com>

Subject: Fwd: Policy Committee

Date: Wed, Aug 10, 2011 12:45 pm

Attachments: 03_25_11_Agenda_&_Back_up.pdf (872K)

From: "Krista Butts" <kbutts@orcsd.org>

To: "Ann Wright" <ann_wright@comcast.net>, "Megan Turnbull" <mmshea@chicagogsb.edu>, "Jim Kach" <jkach55@gmail.com>

Cc: "Henry Brackett" <hfb4444@comcast.net>, "Howard Colter" <hcolter@orcsd.org>

Sent: Wednesday, March 23, 2011 8:37:18 AM

Subject: RE: Policy Committee

Ann,

I was under the assumption that we were going to elect the positions onto the committees tomorrow night. We did have a policy committee meeting scheduled for Friday at 2:00pm. If it is not possible for that election to occur tomorrow then I guess we will have to postpone our meeting. We have not had a policy committee meeting since December and have a lot to do. As you can see by the attached agenda, (which was posted yesterday) we are slated to discuss the charge by the communications committee and policies that we left off with. Wendy and I are in the process of reviewing any state recommendations/mandates that have come along since December and the status of some of the other policy revisions that we were waiting for staff feedback on. I will expect a recommendation on this meeting and the committee positions tomorrow at the board meeting. Thanks.

Krista

From: Ann Wright [mailto:ann_wright@comcast.net]

Sent: Wed 3/23/2011 4:53 AM

To: Krista Butts; Megan Turnbull; Jim Kach

Cc: Henry Brackett; Howard Colter

Subject: Policy Committee

I don't know if you will have a policy committee meeting prior to actually being elected to the policy committee, but as I know you feel very strongly about following policy strictly (as was evident at the last Board meeting!), my sense is that you will probably wait until after the 30th. Regardless, I do want to remind you (Krista might be the only one on the policy committee to know this), that it was a Board goal in 2009 to systemically review all of our policies, moving through section by section until complete. This project was meant to be completed this past year, and will (hopefully!) be finished soon. Obviously the committee needs to prioritize the state mandated policies and those recommended by the NHSBA.

I did note on the meeting agenda that the policy committee is set to discuss the communications policies. As this was a recommendation by the communications

committee I certainly hope you gather input from them before moving forward.

Bets of luck!

~A

**Policy Committee Meeting
Friday March 25, 2011
SAU Office Conference Room**

Agenda

- I. Call To Order**
- II. Nomination/Election of Chair**
- III. Overview of Prior Policy Committee Work**
- IV. Communications Committee Charge**
 - a. KA – School Community Relations Goals
 - b. KBC – News Media
 - c. KBCA – School News Releases
 - d. KBCC – Coverage of Board Meetings
 - e. KDA – Public Information Programs
- V. Review of Materials for Revision of Policy BDG (Attorney)**
 - a. Existing ORCSD policy
 - b. California sample
 - c. Missouri sample
 - d. New York sample
 - e. Indiana sample
 - f. Illinois sample
 - g. Kansas sample
 - h. Colorado sample
- VI. Agenda Planning**
 - a. Plan to resume revision of policy manual
 - b. Additional policies to add to ORCSD manual
 - c. Suggested revisions to other ORCSD policies
 - d. Schedule next meeting
- VII. Adjournment**

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: KA
Date of Adoption: June 18, 1980	Page 1 of 1

SCHOOL-COMMUNITY RELATIONS GOALS

The Oyster River Cooperative School District believes that the common concerns of the school board, school personnel, citizens, and parents for students' education can be jointly addressed by a systematic program of constructive community involvement.

The board continuously seeks and supports the development of avenues by which citizens and parents may participate meaningfully in the processes which precede board decisions.

The board encourages the development of relationships with community-based organizations and with other formal groups and organizations of citizens and parents of the district.

The board encourages the development of relationships with local, state, and federal governmental bodies.

Involving the community in the process of public education will contribute towards a strong and cooperative working relationship between the board and the community.

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: KBC
Date of Adoption: April 1972	Page 1 of 1

NEWS MEDIA

The board invites and welcomes the active participation of news media in promoting the cause of good education in our district and elsewhere. Suggestions and advice from representatives of such media as to how best facilitate the flow of information to them by the board and personnel of the school system will be welcomed. No identification of the schools with the promotion of any commercial or political enterprise will be permitted.

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: KBCA
Date of Adoption: April 1972	Page 1 of 1

SCHOOL NEWS RELEASES

The superintendent, or someone designated by him/her, will be the press liaison person for coordinating the release of information concerning the school system and actions of the board.

The principal of each school, or a person designated by him/her, will be responsible for maintaining liaison with information media for the dissemination of information relating to his/her school.

The use of all information media for keeping the public continuously informed concerning schools, cost, curriculum, changes, expansion, special events, and other items of public interest is encouraged. Good relationships with publishers, editors, and reporters are vital not only to the best school interests, but in the best interest of the public, who need to be accurately informed.

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: KBCC
Date of Adoption: April 1972 Date of Review: April 3, 2002	Page 1 of 1

COVERAGE OF BOARD MEETINGS

Because it recognizes that responsible coverage by news media is a vital factor in maintaining communication with the public, the board will encourage media representatives to attend its meetings. Furthermore, members of the board, the superintendent, administrators, and others, as may be necessary, will be available for interviews by media representatives. Whenever possible, appointments should be made in advance for such interview.

KDA - PUBLIC INFORMATION PROGRAM

(Download policy)

Category R

See also KA

The Board will do its best to keep the people informed of the affairs of the district. To achieve its goals for good school-community relations and maintenance of open two-way channels of communication with public, the Board authorizes the Superintendent to:

1. Prepare or guide the preparation of informational materials including the annual report, newsletters, articles for periodicals, newspapers and/or radio releases, special pamphlets and other assigned material, and to maintain close liaison with news media and publicity organizations.
2. Provide staff members with resources for preparation of material for community and staff distribution to include but not be limited to the district website, handbooks, information leaflets, etc.
3. Organize or assist in development of speakers' bureaus and speaking engagements with civic, PTA, church and other groups.
4. Assist in coordinating work with civic and other groups which support the school system.

The Board expects that "affairs of the district" will include by not be limited to school performance, student progress, personalized learning strategies, and academic opportunities.

Legal References:

NH Code of Administration Rules, Section Ed. 306.04(a)(11), Policy Development
NH Code of Administration Rules, Section Ed. 306.04(k), Policy Development

Revised: February 2006

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OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: BDG
Date of Adoption: September 1970 Dates of Revision: March 1997 May 5, 1999 Code Revision: November 18, 2009 – previously - BCG	Page 1 of 1

ATTORNEY

The board may, at its discretion, appoint an attorney to perform desired legal services. The attorney shall serve the board's pleasure and be compensated at a mutually agreeable rate.

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 that purpose.

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 or by the board chairperson. Such action shall occur where 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.

Many types of instances of legal assistance to the district 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 district issues.

However, when the administration concludes that unusual types or amounts of professional legal service may be required, board authorization for such service shall be promptly requested.

CSBA Sample

Board Bylaw

Attorney

BB 9124

Board Bylaws

Note: Education Code 35041.5, 35204, and 35205 authorize the Governing Board to enter into a contract to hire an attorney as a district employee or independent contractor or to contract with a private firm to provide legal services for purposes deemed appropriate by the Board. According to the Rules of Professional Conduct of the State Bar of California, when an attorney is hired by an organization such as a school district, the attorney's client is the district as a whole, and not an individual Board member or employee. However, at certain times an attorney may owe a duty of defense to a Board member or employee pursuant to the Tort Claims Act (Government Code 814-895.8). See BP/AR 3320 - Claims and Actions Against the District and BB 9260 - Legal Protection.

Note: The California Council of School Attorneys, which provides professional opportunities for school attorneys, is a component of CSBA. CSBA has also established the Education Legal Alliance to initiate and support litigation in cases of statewide significance to school districts.

The Governing Board recognizes the complex legal environment in which districts operate and desires reliable, high-quality legal advice at reasonable rates. In order to meet the district's legal needs, the Board may contract with county counsel, attorneys in private practice, or appoint legal counsel as a district employee or independent contractor. The Board also supports pursuing collaborative legal efforts with other agencies and districts as appropriate.

(cf. 3320 - Claims and Actions Against the District)
(cf. 3400 - Management of District Assets/Accounts)
(cf. 4312.1 - Contracts)
(cf. 9000 - Role of the Board)
(cf. 9260 - Legal Protection)

Duties of Legal Counsel

The district's legal counsel may: (Education Code 35041.5)

1. Render legal advice to the Board and the Superintendent or designee
2. Serve the Board and the Superintendent or designee in the preparation and conduct of district litigation and administrative proceedings

3. Render advice on school bond and tax increase measures and prepare the necessary forms for the voting of these measures
4. Perform other administrative duties as assigned by the Board and Superintendent or designee

Retaining Legal Counsel

Note: Government Code 53060 exempts contracts for legal services from the bidding requirements of the Public Contract Code; see AR 3311 - Bids. However, when entering into a new contract for legal services, it is recommended that the Board use a Request for Proposal (RFP) procedure in order to solicit a range of proposals for services. The following optional section is for use by districts that contract with outside firms to provide legal services and should be modified to reflect district practice.

When the district is seeking legal advice or representation, the Superintendent or designee shall initiate a Request for Proposals (RFP) to advertise and solicit proposals for legal services. In evaluating the proposals, the Board and Superintendent shall consider the firm's or attorney's background, experience, and reputation in education law; experience advising or representing school districts in California; fees; and experience of attorneys at the firm who will provide legal services.

The Board and Superintendent shall annually evaluate the performance of the firm and/or attorneys providing legal services in such areas as efficiency and adequacy of advice; results obtained for the district; reasonableness of fees; and responsiveness to and interactions with the Board, administration, and community. Upon a successful evaluation, the Board may renew the agreement with legal counsel without initiating an RFP.

The Board may also contract for temporary, specialized legal services without initiating an RFP when a majority of the Board determines that the unique demands of a particular issue or emergency situation so requires.

(cf. 2121 - Superintendent's Contract)

Contacting Legal Counsel

Note: The following section should be modified to reflect district practice.

At his/her discretion, the Board president or Superintendent may confer with district legal counsel subject to any limits or parameters established by the Board. In addition, the Superintendent or Board president may contact district legal counsel to provide the Board with legal information or advice when so directed by a majority of the Board.

Individual Board members other than the Board president may not seek advice from

district legal counsel on matters of district business unless so authorized by a majority of the Board.

(cf. 9200 - Limits of Board Member Authority)
(cf. 9321 - Closed Session Purposes and Agendas)

Legal Reference:

EDUCATION CODE

35041 Administrative adviser
35041.5 Legal counsel
35161 Powers and duties of governing board
35200-35214 Liabilities, especially:
35204 Contract with attorney in private practice
35205 Contract for legal services

GOVERNMENT CODE

814-895.8 Liability of public entities and public employees
995-996.6 Defense of public employees
26520 Legal services to school districts
53060 Special services and advice

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2007

Maximizing School Board Leadership: Boardsmanship, 1996

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Selecting and Working with a School Attorney: A Guide for School Boards, 1997

WEB SITES

CSBA: <http://www.csba.org>

California Council of School Attorneys:

<http://www.csba.org/LegislationAndLegal/Legal/CaliforniaCouncilOfSchoolAttorneys.asp>

x

National School Boards Association: <http://www.nsba.org>

State Bar of California: <http://www.calbar.ca.gov>

(6/91 12/92) 7/08

SCHOOL ATTORNEY/LEGAL SERVICES

The Board recognizes that the increasing complexity of school district operations frequently requires procurement of professional legal services. Consequently, the Board may select an attorney and/or law firm for purposes of systematically providing such services. The Board shall prescribe the duties, compensation and term of service for the attorney and/or law firm. It shall be the duty of the counsel to advise the Board and to make recommendations concerning specific legal problems submitted. Districts including one (1) or more cities or towns having a total population of at least 30,000 may retain an attorney on an annual basis.

A decision to seek legal counsel or advice on behalf of the school district shall normally be made by the superintendent or by persons specifically authorized by the superintendent. It may also take place as a consequence of formal Board direction.

Many types of legal assistance to the district may be considered routine and may not require specific Board approval or prior notice. 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 authorization for such service.

* * * * *

Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted:

Revised:

Legal Refs: § 162.411, RSMo.

«AddressLine»

NYSSBA Sample Policy 2270

NOTE: If your district's legal services are provided by an employee, then you do not need this policy. To determine if your school attorney (or other professional service provider, such as architect, physician, internal auditor, etc.) is an employee, please consult the regulations provided by the Office of the State Comptroller. Those regulations can be accessed at the website of the Office of the State Comptroller (www.osc.state.ny.us).

SCHOOL ATTORNEY

The Board of Education shall retain legal counsel, who shall be appointed at the Annual Organizational Meeting of the Board of Education. The President of the Board, or the Superintendent of Schools or his/her designee, may contact the counsel on legal matters affecting the operation of the school 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 the 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 Schools (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 contracts, as requested by the district (other than the contract for school attorney services);
4. to advise and assist in matters of litigation pursuant to the retainer agreement;
5. to review the legality of all [or, select] policies or regulations to be adopted by the Board; *NOTE: The Board may or may not wish to include this in the list of duties. The Board may instead wish to insert a clause indicating that they may, at their discretion, request that the attorney review a proposed policy and/or regulation.*
6. to review and advise with respect to any process served upon the district; and
7. to recommend the retainment of such special counsel as he or she may deem necessary in the circumstances, subject to the approval of the Board.

The selection of the School Attorney shall be carried out in accordance with state law and regulation, as well as Board policy.

Cross-ref: 2210, Board Organizational Meeting
6741, Contracting for Professional Services

Adoption date:

INDIANA

SCHOOL ATTORNEY

EXAMPLE 1:

The School Attorney shall be selected by the Board of Education and his term of employment and salary shall be at the discretion of the Board. The Attorney is employed on a yearly basis commencing July 1 of each year.

The School Attorney must be licensed to practice law in the state of Indiana and a member in good standing of the Indiana Bar Association.

The School Attorney will represent the School District, its officers, and members of the school as designated by the Board, in all legal proceedings in which they, or any part of them, shall be a party. He shall guide the Board of Education, the Superintendent of Schools, and all administrative department heads in all legal matters pertaining to the business of the School Board.

EXAMPLE 2:

The school attorney(s) shall be selected by the Board at its annual organization meeting in July. The school attorney shall represent the school system, and such officers and employees of the school system as the Board shall direct, in all legal proceedings of the school system to which they or any of them, as such shall be a party. The school attorney shall, when requested, advise the Board and administration of all legal matters pertaining to the business of the school system.

EXAMPLE 3:

The school attorney shall be licensed to practice law in the state of Indiana and be a member of the Indiana Bar Association in good standing.

The attorney shall be appointed by the Board, and shall be employed at will. His term of employment shall be annual, from July 1 until June 30. The retainer for the position shall be determined at the beginning of each term. Nonrecurring fees shall be handled by the Board as needed. The attorney will be considered counsel for the Board in all legal matter(s).

The attorney shall represent the School District, and such officers and District employees as the Board may direct, in all legal proceedings of the District to which they, or any of them, as such shall be a party.

The attorney shall, when requested, advise the Board, the Superintendent, and all executive departments in all legal matters pertaining to school business.

The attorney shall submit legal opinions in writing when the Superintendent or Board President presents a written request that he do so.

The attorney shall attend public meetings, special hearings, and executive sessions, when requested by the Superintendent or the Board President.

The Board may authorize employment of additional counsel for specialized situation.

EXAMPLE 4:

The Board will retain an attorney for legal counsel and services on an annual basis. His or her retainer fee for general services will be set at the time of appointment, when arrangements will also be made for additional compensation for special services.

The school attorney will attend regular meetings of the Board and other meetings of the Board or its committees upon request, and will make his or her counsel available to the superintendent and Board officers as needed.

The school attorney will be sufficiently familiar with the requirements of the school laws of the state to enable him or her to offer the necessary advice.

EXAMPLE 5:

The Board will appoint an attorney to advise and represent the district. The appointment will be for one year on a fee basis, with reappointment subject to a vote of the Board. The appointment will be made at the organizational meeting of the Board.

The school attorney will be the chief legal adviser for the district. Without restricting the generality of the foregoing, it is his or her responsibility to:

1. Be present as requested at meetings of the Board and its committees.

2. Advise the Board and its officials when requested to do so on legal matters.
3. Advise the Board and superintendent on points of law where the rights and liabilities of the district may be affected.
4. Prepare and/or approve all contracts, agreements, and legal instruments required in the ordinary course of district affairs.
5. Prepare and/or approve all legislation sought to be enacted by and expressly for the district.
6. Prosecute legal actions brought by the Board and defend legal actions brought against the Board.

EXAMPLE 6:

SCHOOL ATTORNEY/LEGAL SERVICES

The Board recognizes that the increasing complexity of school district operations frequently requires procurement of professional legal services. Consequently, the Board may select an attorney and/or law firm for purposes of systematically providing such services. The Board shall prescribe the duties, compensation and term of service for the attorney and/or law firm. It shall be the duty of the counsel to advise the Board and to make recommendations concerning specific legal problems submitted. Districts including one (1) or more cities or towns having a total population of at least 30,000 may retain an attorney on an annual basis.

A decision to seek legal counsel or advice on behalf of the school district shall normally be made by the superintendent or by persons specifically authorized by the superintendent. It may also take place as a consequence of formal Board direction.

Many types of legal assistance to the district may be considered routine and may not require specific Board approval or prior notice. 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 authorization for such service.

EXAMPLE 7:

Attorney

The Board shall retain a qualified attorney and/or legal firm to handle all legal matters referred by the Board and to receive such compensation as the Board may provide. The duties of the attorney or legal firm shall be as follows:

1. Upon request of the Board President or Superintendent, attend the meetings of the Board and act as counselor;
2. Render a written opinion on a legal question when requested by the Board;
3. Prepare or supervise the preparation of all legal papers and documents which shall be executed by the Board officers; or shall approve same before execution thereof by the officers;
4. Provide such opinions or other legal information to the Superintendent which may be necessary for the immediate or long-range conduct of the District;
5. Represent the District as specifically designated by the Board in litigation to which the District may be a party or in which it is interested;
6. Shall, upon request, represent the Board in the purchase or sale of any real estate;
7. Attend to and act on any matters the Board refers to him/her for supervision, adjustment, and/or disposal;
8. Prepare all questions to be placed upon the ballot for regular or special elections;
9. Periodically provide progress reports to the Board on legal matters referred; and
10. Perform such other services as requested by the Board.

Compensation for duties and services shall be agreed to by the attorney and the Board in the retention agreement which shall set forth the annual retainer and supplemental charges.

Only the President or Superintendent are authorized to contact the attorney on legal matters concerning the District.

The Board's legal counsel shall not provide personal legal assistance to individual Board members, the Superintendent, or members of the staff unless specifically authorized by the Board.

In any dispute or potential divergence of interests between the Board and Superintendent, the Superintendent shall not utilize the District's counsel to represent his/her interest.

Approved:

SOURCE: Michigan Association of School Boards

ILLINOIS

School Board

Board Attorney

The School Board may enter into an agreement for legal services with a specific attorney or law firm. 1 The Board Attorney serves on a retainer or other fee arrangement as determined in advance. The Board Attorney will provide services as described in the agreement for legal services. 2 The District will only pay for legal services that are provided in accordance with the agreement for legal services or are otherwise authorized by this policy or a majority of the Board.

The Superintendent, his or her designee, and Board President, are each authorized to confer with and/or seek the legal advice of the Board Attorney. 3 The Board may authorize a specific member to confer with legal counsel on its behalf.

The Superintendent may authorize the Board Attorney to represent the District in any legal matter until the Board has an opportunity to consider the matter.

The Board retains the right to consult with or employ other attorneys and to terminate the service of any attorney.

CROSS REF.: 4:60 (Purchases and Contracts)

1 The attorney's selection and duties are totally left to the board's discretion - the bidding statutes are inapplicable (105 ILCS 5/10-20.21).

2 There is no general format for an agreement for legal services - while some are very informal, others are contained in a letter describing the arrangement in detail.

Legal services can be spelled-out in the policy but boards face the attendant risk of conflicting lists. However, a board desiring such a list can use the following:

The attorney will:

1. Serve as counselor to the Board at all regular meetings and at special meetings when requested by the Superintendent or Board President;
2. Represent the District in any legal matter as requested by the Board;
3. Provide written opinions on legal questions as requested by the Superintendent or Board President;
4. Approve, prepare, or supervise the preparation of legal documents and instruments and perform such other legal duties as the Board may request; and
5. Be available for telephone consultation.

3 The following alternative contains additional individuals a board may wish to authorize to confer with the board attorney and should be amended as per the board's desire:

The following people are authorized to confer with and/or seek the legal advice of the Board Attorney: Superintendent, his or her designee, Business Manager, District Freedom of Information Officer, Complaint Manager(s), district treasurer, and the Board President.

Individual board members should be very careful when talking about the advice given to the board by its attorney. Individual board members possess none of the board's powers and are not authorized to individually waive attorney-client privilege on behalf of the board as an entity.

TITLE: School Attorney/Legal Services
NEPN: BDG
STATE: Kansas
DATE: July 01, 2001
DISTRICT: Wichita Unified School District 259

LEGAL SERVICES BOARD POLICY:

An attorney(s) shall be retained to provide legal services to the Board of Education and to provide legal counsel to the Superintendent and his/her staff. The Board may select other special legal counsel as deemed appropriate.

Implemental Procedures:

1. An attorney(s) for the Board of Education shall be appointed at the regular meeting in July for a term of one (1) year or until further order of the Board, whichever comes first.
2. The attorney(s) shall attend Board meetings as requested, give advice and counsel when called upon, and shall attend to all legal matters pertaining to the Board and the school district.
3. The attorney(s) shall be familiar with the agenda so as to give legal advice regarding action to be taken by the Board.
4. A Board member may ask legal counsel for an opinion on a legal issue affecting the Board or the school district, which will not require legal research or significant expenditure of funds. The Board member requesting any such opinion realizes that the opinion may be given to all Board members, since the Board attorney represents the total Board. A Board member desiring a more in-depth opinion or a written legal opinion shall submit the request to the President of the Board or his/her designee who shall submit the request to legal counsel or disapprove the request. A member whose request is disapproved may resubmit the request for discussion by the Board in open Board meeting or executive session, whichever is appropriate.
5. The attorney(s) shall also be available for counsel and service to the Superintendent and his/her staff. An administrator desiring legal advice from Board counsel shall submit such request in the following manner:
 - a. Requests to contact legal counsel or request legal counsel review contracts and/or other documents shall be documented through the superintendent, deputy superintendent, or appropriate assistant superintendent.
 - b. The following administrators are authorized by the Superintendent to contact legal counsel directly, however, documentation of contact(s) should be recorded.

- Deputy Superintendent
- Chief Operations Officer
- Chief Financial Officer
- Assistant Superintendent of Elementary Schools
- Assistant Superintendent of Middle Schools
- Assistant Superintendent of High Schools
- Assistant Superintendent of Human Resources
- Clerk of the Board
- Director of Governmental Relations
- Division Director of Special Education
- Division Director of Management Information Services
- Division Director of Facilities
- Division Director of Operations
- Supervisor, Risk Management

6. All written opinions requested by a member of the Board or an administrator shall be delivered to the Clerk of the Board, who shall provide copies of the written opinion to all members of the Board of Education.

7. Decisions regarding the filing of a case, appealing a decision and other decisions of similar importance shall be made by the Board. Legal counsel shall obtain decisions of lesser importance from the Superintendent or designee.

8. Legal counsel shall be regarded as attorney for both the Board and administration unless a specific decision has been made to the contrary in cases where a conflict or potential conflict exists between the Board's interest and the administration's interest. In such cases, the decision to have legal counsel act on behalf of only one of the parties shall be clearly communicated to both parties.

9. The attorney(s) or his/her selected representative shall represent the Board and the school district in court and before quasi-judicial or administrative agencies of government as requested.

10. The attorney(s) shall cooperate, assist, and work with special legal counsel as directed by the Board.

11. The attorney(s) will, upon request, provide prior estimates of costs of certain legal undertakings.

TITLE: School Attorney
NEPN: BDG
STATE: Colorado
DATE: March 6, 2001
DISTRICT: Jefferson County School District R-1 (Golden, CO)

Adopted: June 26, 1997
Revised: March 6, 2001

The district realizes that a district the size and complexity of Jefferson County R-1 has a need for competent general counsel to aid the superintendent and the Board regarding all legal matters and to advise them with regard to applicable federal and state laws and regulations, all pending or threatened litigation, and to give legal opinions regarding questions raised by the Board and the superintendent. In addition, the district acknowledges that the school district has a need for legal counsel in special areas of the law.

The district is responsible for selecting and hiring general counsel to represent the district and for authorizing the employment of special counsel as outlined by this policy. The district is also responsible for determining the duties and setting the remuneration of counsel. From time to time, the superintendent or his/her designee shall meet with counsel to review performance, duties, and fees.

In order to facilitate the implementation of this policy, any counsel retained by the district for any purpose shall be given a copy of this policy and shall be expected to comply with its guidelines.

The superintendent shall recommend appointment of both general and special counsel to the district and Board. Upon appointment by the Board, the superintendent or designee shall be responsible for:

1. Coordinating activities of attorneys.
2. Directing the quarterly preparation of legal reports for the Board.
3. Providing for advisory services of counsel at all appropriate meetings of the Board.
4. Coordinating attorney consultation among members of the administrative staff.
5. Budgeting for attorney legal fees.
6. Arranging for payment of justified legal expenses of the district.

The Board reserves the right to obtain independent legal counsel should occasion arise requiring such legal services.

Professional Standards

Any attorney or law firm retained by the Board and district shall at all times conform to the highest ethical standards, shall comply with the Code of Professional Responsibility, and shall keep the superintendent advised of the progress of such matters.

Duties - General Counsel

The following is a general listing of those duties and responsibilities expected of the district's and Board's general counsel:

1. To attend all regular and designated special Board meetings.
2. To advise the Board and superintendent on all legal matters.
3. To accept legal notices as provided by law.
4. To consult with the superintendent or designee on legal representation and coordination of case management as required by the superintendent in any and all litigation.
5. To prepare and review such legal documents as specified or requested by the Board, superintendent, or appropriate members of the administration.
6. To provide the district and Board with a quarterly written report regarding the status of all litigation affecting the school district, including all matters in which the district is represented by counsel selected by an insurance carrier.

Duties - Special Counsel

The superintendent shall be responsible for recommending appointment of special legal counsel for those circumstances which may require such counsel. Special counsel will be provided a copy of this policy and will be expected to abide by its provisions.

Remuneration

All counsel are expected to provide the district with a detailed billing on a month-to-month basis specifying the matter being addressed, the attorney handling the matter, the hours spent per day, the purpose of that time, and the agreed hourly rate. In addition, all costs incurred shall be listed with specificity.

Access to Counsel

Except when authorized specifically by the superintendent or designee, no employee of the district shall be permitted to contact legal counsel.

Individual members of the Board may consult all appointed counsel on occasion as necessary to fulfill official duties arising from their Board membership.

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