Administrative Rule

**BOARD ATTORNEY/LEGAL SERVICES**

*Code* **BDG-R** *Issued* **DRAFT/18**

The board may retain an attorney or law firm 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 attorney or firm providing legal services.

# Qualifications

The board will select an attorney or law firm based on qualifications submitted from interested firms.

The attorney will be licensed to practice law in South Carolina.

The attorney will be sufficiently familiar with school law to enable him/her to offer legal advice.

The attorney will possess any additional qualifications as the board finds appropriate.

# Reports To

The attorney 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 attorney.

# Compensation

Compensation for legal services will be negotiated with the board at the time an attorney is appointed or within 30 days of the appointment. The finalization of an appointment is subject to a compensation agreement between the board and the attorney.

# Services

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 30 days of the request. The attorney will give the board a monthly status report when necessary on all litigation or potential litigation involving the district.

*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 may initiate inquiries on these routine matters at his/her discretion.

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 votemust be obtained to initiate a request for a legal opinion. Any opinion provided will be disseminated to the full board. Board members with personal legal questions should seek advice from their own private attorneys.

*Administration Legal Services*

Many instances of legal assistance provided to the district administration 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 day-to-day district operational issues. Routine legal assistance does not include anything that directly involves the board or any board member. When the superintendent concludes that unusual types or amounts of professional legal services may be required, he/she will advise the board and seek either initial or continuing authorization for such services.

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