

Policy: School Attorney/Legal Services

Page 1 of 2

Warned: 2/09/95

Adopted: 2/16/95

The school attorney must be admitted to the state bar and licensed in the legal profession. In addition, the attorney will either have supplementary training in school-related law and the role of the public school in society, or will commit himself or herself to acquiring such knowledge within a reasonable time following appointment.

The school attorney's services will include, but not be limited to:

- ∞ furnishing general legal advice in policy development and on relations with employees, employee organizations, pupils, parents, district residents, and other governmental and nongovernmental groups and agencies;
- ∞ aiding the well-being of the district; and
- ∞ rendering services in impending or actual litigation involving the school system as a whole or any unit, individual, or groups of individuals connected with the schools.

A decision to seek legal advice or assistance on behalf of the school system will normally be made by the superintendent. Such action will be taken as consistent with board policy and as it meets an obvious need of the district. It may take place as a consequence of formal board direction.

Many types of legal assistance will be considered routine and will not need specific board approval. However, when the administration concludes that an unusual type or amount of legal service may be required, the board directs the administration to advise it expeditiously and to seek either initial or continuing authorization for such service.

The school attorney will be appointed or reappointed at the annual organizational meeting. In order to provide an opportunity for firms or attorneys to apply periodically for the position, the board will adhere to the following selection procedures every three years:

- ∞ Law firms within the district will be contacted by letter to determine interest in being considered.
- ∞ A survey questionnaire will be sent to firms that indicate an interest.
- ∞ Firms expressing an interest will be interviewed by the board.

Selection Considerations:

- ∞ Experience in Vermont and Federal school law will be an important consideration.
- ∞ The attorney must be willing to:
 - devote the time needed to keep up with school law, attend board meetings when requested, and respond promptly when legal assistance is requested by the board or the administration; and
 - participate in state and national organizations of school attorneys and attend meetings sponsored by these and other organizations that deal with school legal problems.

The fee schedule for the various types of services rendered (legal research, information, attendance at meetings, in court, etc.) will be established at the time of appointment and/or reappointment.

Except in unusual circumstances, all communications between the school attorney and district personnel and board members will be directed through the superintendent or the chair of the board. If inquiries are addressed directly to the attorney by other district personnel, responses--in writing--will be channeled through the superintendent or the chair of the board.

The board may select other special legal counsel as they see fit.