

# POLICY

2012

1337

1 of 2

By-Laws

## **SUBJECT: DUTIES OF LEGAL COUNSEL**

The Board of Education shall have a legal counsel to offer legal advice and assistance.

The services shall include, but not be limited to:

- a) Furnishing general legal advice in the development of policy concerning the Board's relations with employees, pupils, parents, residents of the School District, other levels and agencies of government, and non-governmental groups and agencies; and aiding the well-being of the School District.
- b) Rendering general legal advice to the Administration of the School District including the Superintendent of Schools, the Deputy Superintendent of Schools, the Assistant Superintendent of Instruction, the Director of Special Services, and the various building principals on as as-needed basis.
- c) Furnishing legal services to the Board of Education regarding legal issues deemed of significance by the Board of Education, including, but not limited to, school elections, the conduct of school board meetings, school district bidding and construction projects, relations with the public and requests made under the Freedom of Information Law.

The legal counsel shall attend all meetings of the Board unless excused by the Board President from such attendance.

Among the specific duties of Counsel are:

- a) For the compensation determined by the Board of Education at the beginning of each school year, the legal counsel shall render the following legal services:
  1. Day-to-day counsel to the Board, its committees, or individual members for District-related business.
  2. Counsel to the Superintendent of Schools or other staff members with the consent and knowledge of the Superintendent of Schools for District-related business.
  3. Attendance at all regular and special Board meetings, and, upon request, Board committee meetings and administration meetings.
  4. All services in connection with the acquisition or sale of sites.
  5. All services in connection with new construction or additions or remodeling thereto, including conference with architects, contractors, administration, Board, preparation of contracts, etc.
  6. All services in connection with any annual meetings, annual votes or special District meetings or referendums, preparation of legal notices, resolutions, propositions and attendance at said meetings and votes.
  7. All services in connection with School District tax collections, including any supplemental tax collection, preparation of notices, and all services to the tax collector and the tax collection office, and all services in connection with adjustments to the tax roll, refunds, exemptions, etc.

(Continued)

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2 of 2

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## **SUBJECT: DUTIES OF LEGAL COUNSEL (Cont'd.)**

8. Service as the Hearing Officer for School District student disciplinary hearings; hearings pursuant to Section 75 of the Civil Service Law and other hearings as requested by the School District.

b)The regular duties of the legal counsel shall not include:

1. Taylor Law matters, negotiations, etc.
2. Any litigation, hearings, or appeals by or against the Board or District before any court, Civil Service Board, administration agency, Education Department or the Commissioner of Education.
3. Any services performed or disbursements incurred by bond counsel, co-counsel or other District counsel.

The School District has the right to control, supervise and direct the activities of the legal counsel both as to the result of these activities as well as to how assigned tasks are to be performed. The legal counsel shall receive instructions as to what work to perform.

The legal counsel shall report to the Superintendent of Schools as designee of the Board of Education during each work day. Decisions of the legal counsel are subject to review by both the Superintendent of Schools and the Board of Education.

The legal counsel shall work hours as instructed by the School District. The School District shall maintain time records for the legal counsel. The School District for its part shall provide the legal counsel with an office, including files, computer and telephone to be used in the performance of his or her duties. The legal counsel will receive a performance evaluation by the School District annually.

Historical Notes: Resolution 0.3.8-1 Negotiations Counsel 10/13/70

Amended 3/3/98

Adopted 1/26/10