

SCHOOL ATTORNEY

The board recognizes that the increasing complexity of district operations frequently requires the procurement of professional legal services. Consequently, it will retain an attorney or law firm for systematically securing such services.

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

Service will include, but not be limited to:

- A. Furnishing general legal advice in policy development concerning board relations with employees, employee organizations, pupils, parents, district residents, and other governmental and nongovernmental groups and agencies.
- B. 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 in behalf of the district will be made by the superintendent or persons specifically authorized by the superintendent. Such action will be taken as 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.

Selection Procedures:

- A. The school attorney will be appointed or reappointed at the annual organizational meeting.
- B. In order to provide an opportunity for the best firms or attorneys to apply for the position, the board will adhere to the following selection procedures every five years:
 - 1. An advertisement will be placed in the legal newspaper of the district inviting applications.
 - 2. An application form will be sent to those firms who indicate an interest.
 - 3. The board of education will screen, interview and select the applicants, after which a firm or firms will be invited to become its legal counsel.

Other Considerations:

- A. 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.

Adopted 11/24/81
Reviewed 05/24/88
Revised 11/23/93
Reviewed 09/08/98
Reviewed 02/22/16

Legal References:

SDCL 13-10-2 – General power of schools boards to employ personnel