

As needed, the board will enter into contracts for legal service to the school system, including both legal advice and representation in litigation. The board and an attorney may enter into a contract that runs from July 1 through June 30, with either party able to end the contract by mutual consent or with cause. The board and the attorney shall annually evaluate each year's services.

In addition to hiring an in-house attorney (legal liaison), who represents the system in internal day-to-day operations and criminal bail bond and vehicle forfeiture matters, the board may hire additional attorneys for their specific legal expertise as warranted on a case-by-case basis. The board may also retain outside counsel for certain external matters, including litigation. The fee schedule for outside counsel should be reasonable and comparable to those fees charged by other firms or individuals performing similar duties in a similar setting. Any attorney retained by the board or the superintendent through school system funds represents the legal entity of the school system and not any individual board member or administrator.

The superintendent may consult with a board attorney as needed to carry out administrative operations and to protect the board and school system from liability. Other staff may consult with a board attorney following procedures established by the superintendent.

The chairperson of the board normally will decide for board members when to seek legal advice or assistance on school matters. If an individual member of the board desires to consult directly with a board attorney, the board member should notify the chairperson of the legal information to be sought. If it is determined that legal assistance is necessary and has not been sought previously for this matter, the board member will be directed to consult individually with the attorney. Questions raised by members of the board and the attorney's replies will be reported to all board members. Should an issue of extreme urgency or sensitivity arise, a board member may make direct contact with the attorney without prior discussion with the board chairperson. However, the attorney shall immediately establish contact with both the superintendent and the board chairperson, who, in turn, will notify board members.

The chairperson of a board committee may consult with a board attorney on issues that arise out of and in connection with the committee's work. The inquiry and response will be reported to all board members.

Legal References: G.S. 15A-544.5, -544.8; 115C-36

Cross References:

Adopted: November 2, 2015