

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy: BDG
School Board/Superintendent Revisions: January 13, 2014 Reviewed by School Board: March 31, 2015 Policy Committee Review: April 13, 2016 – No Change Annual Policy Committee Review: April 19, 2017- 4/11/18, 5/6/20, 5/5/21No Change School Board Annual Review: April 6, 2022	Page 1 of 1 Category: Optional

### **SCHOOL ATTORNEY**

The Superintendent, his or her designees, and the Board Chairperson, are each authorized to confer with or seek legal advice of an attorney. Consistent with Policy BBAA as a specific task, the Board may authorize a specific member to confer with legal counsel on its behalf. The Chairperson or other delegated Board member must report on any legal advice to the Board. A decision to seek legal advice or assistance on behalf of the School District shall normally be made by the Superintendent or by persons specifically authorized by the Superintendent. Such action shall occur where 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 a proper vote of the Board.

The School Board, or the Superintendent for routine legal assistance, may enter into a long-term agreement such as a retainer for legal services with a specific attorney or law firm. The District will only pay for legal services that are provided in accordance with the agreement for legal services or are otherwise authorized by this policy or a proper vote of the Board. The Board retains the right to counsel with or employ other attorneys and to terminate the service of any attorney. For routine legal assistance of the District as defined below, the Superintendent may employ other attorneys at his or her discretion.

Meetings of the Board that are wholly consultation with legal counsel are not subject to public access, except for the abbreviated record required by Policy BEDG, as allowed by the Right-to-Know law. However, any deliberations or actions of the Board, must be done at a proper public or non-public meeting except when allowed at a non-meeting in accordance with RSA 91-A:2. Selecting an attorney or law firm, employing, and entering into or terminating an agreement for legal services are not consultation with legal counsel and may only occur at a proper public meeting. The consultation with legal counsel exemption must not be used to circumvent the spirit of the Right-to-Know law.

Many types of instances of legal assistance to the District 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 District issues. Routine legal assistance does not include anything that directly involves the Board or any Board member.

However, in consideration of the Board's fiscal responsibilities, the administration shall provide to the Board a quarterly accounting of the District's legal fees incurred. It is understood that any extraordinary legal cost will be reported to the School Board in a timely manner.

This policy affects public access to the Board and the public's Right to Know. To protect that right, this policy requires a public hearing before it may be revised. Further, this policy may not be suspended except by a two-thirds vote at a public meeting. The Board must always fully comply with the letter and spirit of the Right-to-Know law that may not be suspended. This policy will be reviewed by the Board and all standing advisory committees annually before the end of April to ensure full awareness and compliance.