

## By-Laws

**SUBJECT: DUTIES OF THE SCHOOL ATTORNEY**

The Board of Education will appoint a School Attorney for the BOCES. The Attorney must be admitted to the bar of New York State. The Attorney will be the legal advisor to the Board. In that capacity, the Attorney's duties will be:

- a) To advise the Board with respect to all legal matters relating to the BOCES, including, but not limited to, interpretation of the Education Law of the State of New York, and all other statutes, rules or regulations affecting the BOCES;
- b) To be easily accessible to the Board and the Superintendent of Schools (and, at the discretion of the District Superintendent, to his/her administrative staff), with respect to legal matters issuing out of the day-to-day administration of the BOCES;
- c) To review and to represent the BOCES, upon request, in the preparation of any and all contracts which the BOCES may be obliged to execute (other than purchase orders usually issued for the purchase of goods, equipment and services);
- d) To advise and assist in matters of litigation pursuant to the retainer agreement;
- e) To review the legality of all rules or regulations to be adopted by the Board;
- f) To review and advise with respect to any process served upon the BOCES; and
- g) To recommend the retainment of such special counsel as he or she may deem necessary in the circumstances, subject to the approval of the Board.

In selecting a School Attorney, the BOCES will consider the cost of a retainer (or hourly fee), as well as such other factors as:

- a) The special knowledge or expertise of the lawyer/law firm;
- b) The quality of the service provided by the lawyer/law firm;
- c) The staffing of the lawyer/law firm; and
- d) The lawyer's/law firm's suitability for the BOCES' needs.

Adopted: 7/10/12