

Purpose

To identify how the school system obtains legal services

Definitions

N/A

Policy Statement

The Board of Education of Allegany County is authorized and empowered to retain the services of an attorney to represent it in legal matters affecting the Board (the "Board Attorney"). Funds for the Board Attorney's retainer fee shall be placed in the annual budget. The Board Attorney should be knowledgeable concerning public school laws of the State of Maryland as well as the various civil laws affecting school board operations.

I. GENERAL DUTIES:

The Board Attorney will assist the Board of Education of Allegany County and the superintendent in carrying out their duties. The Board Attorney will fulfill the following four primary functions:

1. Represent the Board and/or Allegany County Public Schools in any litigation in which it is a party.
2. Represent the Board regarding policy or action requiring specialized legal expertise or general legal issues arising through the ongoing operation of the school system.
3. Represent the Board in its quasi-judicial responsibilities in appeals and hearings.
4. Attend closed and open meetings of the Board when requested by the Superintendent or Board President.

II. LINE OF AUTHORITY

1. Although the Board Attorney is retained by the Board of Education of Allegany County, the day to day contact with the attorney is controlled by the superintendent or his designee.
2. Board of Education members requiring legal assistance for matters within the scope of their official duties are to contact the Superintendent. If the matter involves the performance or duties of the Superintendent, the members shall address the matter in Executive Session or in an emergency meeting, if necessary. The superintendent will contact the Board Attorney and have him/her call the individual Board member to discuss the issue or to arrange a meeting if necessary.
3. Staff members must have the superintendent's permission before contacting the Board Attorney on administrative/judicial matters.

IV. TERM:

1. The term for the Board Attorney shall be for one year and run from July 1 to June 30.
2. The Board Attorney shall notify the Board of Education of his/her desire to serve an additional term in writing by the Board's first regular meeting in April. The Board will then do a brief evaluation of the Board Attorney. The evaluation will include: satisfaction with the services provided, attendance at Board meetings, and other assigned duties, confidence in and

accuracy of advice and opinions, timeliness of completed assignments, knowledge of education law including the Annotated Code, COMAR, and case law, and such other areas as may be desired.

3. The Board will vote on renewal or nonrenewal at its May meeting and notify the Board Attorney at that meeting.
4. Board Attorney contracts will be negotiated by the Superintendent and Board Attorney and approved by vote of the Board.
5. In the event of nonrenewal, the Superintendent will advertise for a new Board Attorney and submit the names of the top three applicants with a recommendation at the June meeting. If there are less than three applicants, the Superintendent will submit all names with a recommendation.

V. PROCESS FOR RETAINING LEGAL SERVICES:

1. The factors to be considered in the selection or retention of an attorney include the quality of background and experience, legal skills, responsiveness and sensitivity to the client's needs, style and presence, freedom from conflict of interest, and management skills.
2. With the advice of the superintendent, the Board, through a Request for Proposal to attorneys or firms that meet its criteria, will invite them to express their interest in providing services to the Board. Those interested will be screened and interviewed by the Board and superintendent.

VI. QUALIFICATIONS OF ATTORNEY:

1. Graduation from an accredited school of law, admission to the Bar of the State of Maryland, and considerable professional experience as an attorney in court and administrative proceedings and trials.
2. Thorough knowledge of Education law, Maryland State Board of Education Bylaws, court and administrative hearings and effective techniques in the presentation of such cases.
3. Ability to analyze legal issues, facts, evidence and precedents in highly complex legal documents and instruments.
4. Ability to prepare contracts, other legal instruments, and court presentations with high effectiveness.
5. Ability to deal tactfully and effectively with school system officials, county officials, court officials and personnel.
6. Thorough knowledge of the common law and of county, state and federal laws and precedents with particular reference to the subject area of assignment.
7. Thorough knowledge of judicial procedures and of the rules of evidence.
8. Thorough knowledge of principles, materials, methods and practices of legal research.
9. Is a resident of Allegany County.

VII. APPLICATION PROCEDURE:

1. RFP will be advertised in the local newspaper when there is a vacancy or when the majority of the Board of Education indicate a desire to interview prospective attorneys.
2. Candidates will be asked to submit the RFP and a resume to the superintendent's office.

3. Eligible candidates will be notified of the time and date of Board and superintendent interview.

VIII. OTHER LEGAL COUNSEL

The Superintendent shall, with the advice and counsel of The Board Attorney, approve all contracts for the engagement of other legal counsel by the Board of Education when:

1. The Superintendent requires separate legal representation at hearings of appeals to the elected Board of Education or in a proceeding before the state board for a declaratory ruling.
2. The Board Attorney determines that outside counsel is required for assistance.
3. The Board Attorney has a conflict of interest that prevents their representation in an individual matter.
4. The Board determines that circumstances may require an independent review or assistance in a legal matter.

Legal Reference			
Policy History	Adopted – March 14, 1995	Reviewed	Revised – May 10, 2005, 1 st Reading June 14, 2005, 2 nd Reading May 14, 2013, 1 st Reading June 11, 2013, 2 nd Reading Dec. 10, 2019, 1 st Reading (Tabled) Jan. 14, 2020, 1 st Reading March 3, 2020, 2 nd Reading