

Policy Code: 2610 Board Attorney

The board will obtain the services of an attorney for legal advice. This board attorney may be employed by the board or may be an attorney in private practice who is retained by the board. In addition, the board may enter into contracts with attorneys for representation in litigation or other special services, as needed. Any attorney employed or 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 board attorney must be sufficiently familiar with the requirements of state and federal education laws and regulations to enable him or her to offer the necessary advice. The board attorney shall attend regular meetings of the board and other meetings of the board or its committees upon request and advise the chairperson regarding questions of order at meetings. The board attorney shall review all contracts for the school system. The board attorney also shall be responsible for and authorized to address and resolve criminal bail bond and vehicle forfeiture matters in district and superior court.

The superintendent may consult with the board attorney as needed to carry out administrative operations and to protect the board and school system from liability. Other staff may consult with the board attorney only with prior approval of the superintendent or designee or as otherwise may be provided by 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 the attorney, the board member must 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. **Every board member must be informed of the question and response by the requesting board member within 24 hours or prior to any board or committee meeting, whichever comes first.** The chairperson of a board committee may consult with the 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. **Unless requested by the chair or directed by a vote of the board, the board attorney will not provide legal advice or legal opinions regarding the actions or conduct of board members.**

The board attorney will report to the board every June regarding legal services provided. The board will evaluate the attorneys' performances and set goals for the board attorney.

Legal References: [G.S. 15A-544.5](#), [-544.8](#); [115C-36](#)

Cross References:

Adopted: October 6, 2020

Revised: October 4, 2022

New Hanover County Public Schools