



Santa Ana Unified School District

BOARD BYLAW NO: 9124

EFFECTIVE: 7/27/2021

SUBJECT: **Attorney**

CATEGORY: Board Bylaws

RESPONSIBLE OFFICE(S): Office of the Superintendent

SCOPE:

The Governing Board recognizes the complex legal environment in which school districts operate and desires reliable, high-quality legal advice at reasonable rates.

PROCEDURES AND GENERAL INFORMATION:

In order to meet the district's legal needs, the Board may contract with county counsel, attorneys in private practice, or appoint legal counsel as a district employee or independent contractor. The Board also supports pursuing collaborative legal efforts with other agencies and districts as appropriate. (cf. 3320 – Claims and Actions Against the District) (cf. 3400 – Management of District Assets/Accounts) (cf. 4312.1 – Contracts) (cf. 9000 – Role of the Board) (cf. 9260 – Legal Protection)

Duties of Legal Counsel

The district's legal counsel may:

1. Render legal advice to the Board and the Superintendent or designee.
2. Serve the Board and the Superintendent or designee in the preparation and conduct of district litigation and administrative proceedings.
3. Render advice on school bond and tax increase measures and prepare the necessary forms for the voting of these measures.
4. Perform other administrative duties as assigned by the Board and Superintendent or designee.

When the district is seeking legal advice or representation, the Superintendent or designee shall initiate a Request for Proposals (RFP) to advertise and solicit proposals for legal services. In evaluating the proposals, the Board and Superintendent shall consider the firm's or attorney's background, experience, and reputation in education law; experience advising or representing school districts in California; fees; and experience of attorneys at the firm who will provide legal services.

The Board and Superintendent shall annually evaluate the performance of the firm and/or attorneys providing legal services in such areas as efficiency and adequacy of advice; results obtained for the district; reasonableness of fees; and responsiveness to and interactions with the Board, administration and community. Upon a successful evaluation, the Board may renew the agreement with legal counsel without initiating an RFP.

The Board may also contract for temporary, specialized legal services without initiating an RFP when a majority of the Board determines that the unique demands of a particular issue or emergency situation so requires. (cf. 2121 – Superintendent's Contract)



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Contacting Legal Counsel

The Superintendent may confer with the districts legal counsel at his/her discretion and shall provide the Board with desired legal information when so directed by a majority of the Board. The Board also may authorize a specific member to confer with legal counsel on behalf of the Board. (cf. 9200 - Members Limits of Authority) (cf. 9321 – Closed Sessions)



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IMPLEMENTATION GUIDELINES AND ASSOCIATED DOCUMENTS:

District Policies and Procedures:

Legal Reference:

EDUCATION CODE

35041	Administrative adviser
35041.5	Legal counsel
35161	Powers and duties of governing board
35200-35214	Liabilities, especially:
35204	Contract with attorney in private practice
35205	Contract for legal services

GOVERNMENT CODE

814-895.8	Liability of public entities and public employees
995-996.6	Defense of public employees
26520	Legal services to school districts
53060	Special services and advice

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2014

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Selecting and Working with a School Attorney: A Guide for School Boards, 1997

WEB SITES

CSBA: <http://www.csba.org>

California Council of School Attorneys:

<http://www.csba.org/LegislationandLegal/Legal/CaliforniaCouncilOfSchoolAttorneys.aspx>

National School Boards Association: <http://www.nsba.org>

State Bar of California: <http://www.calbar.ca.gov>

ADOPTION AND REVISION HISTORY:

Adopted (10/00) 7/21