

**B-1250 BDG
SCHOOL ATTORNEY**

The Board recognizes the need for quality legal counsel in light of the increasing complexity of the statutes, regulations and policies under which the District operates.

Board attorneys are retained by the Board as counsel for the Board **and District** to provide legal service on any matter related to the operation of the District. The attorneys may be asked to provide legal advice, render legal opinions, prepare resolutions, review proposed Board **or District** actions, represent the Board in a court of law, or provide other legal service the Board or Superintendent may request on behalf of the District. In the event of any dispute between the Superintendent and the Board, it shall be clearly understood that the Board's attorney(s) shall represent the Board's interests.

The Board designates the Superintendent as the sole administrative access to the Board's attorney for legal information regarding the day to day operations of the District. The Superintendent may, on a needs basis, delegate the responsibility for contact with the attorneys to a member of the staff.

~~If approval is given, the attorneys shall first contact the Superintendent to verify Board approval and then may provide the advice in writing or provide a memorandum of the advice given orally. Such communication from the attorneys shall specify the person requesting the advice, the question presented, any background facts provided in connection with the question, and detail the legal analysis or advice provided.~~

The President of the Board shall have access to the Board's attorneys and may request legal advice about school business. ~~with prior authorization by the Board regarding the area(s) for which advice is sought.~~ Such requests may be in writing, in person or by telephone. Each member of the Board shall have access to the Board's attorneys and may request legal advice about school business from the attorneys. Prior to such individual access, the Board member will gain approval from the Board during a regular or special meeting. ~~If approval is given, the attorneys shall first contact the Superintendent to verify Board approval and then may provide the advice in writing or provide a memorandum of the advice given orally. Such communication from the attorneys shall specify the person requesting the advice, the question presented, any background facts provided in connection with the question, and detail the legal analysis or advice provided. If the attorney is able to meet with the entire Board and deliver the advice to them rather than to an individual member, the written letter will not be necessary. Should a written letter be necessary, the attorney shall present a copy to the Superintendent for distribution to individual Board members.~~ The advice received shall be shared with the Board and Superintendent as determined by legal counsel.

~~Copies of all written requests for opinions shall be furnished by the Superintendent to all Board members.~~ Requests for opinions requiring research or substantial amounts of work on the part of private counsel shall be in writing when practicable.

All advice received from the attorneys is privileged under the attorney-client privilege and all recipients of such advice and the written letters/memoranda thereof shall keep such advice strictly confidential.

Adopted: date of manual adoption

LEGAL REF.: [22-5-4 NMSA](#)