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*Rescinds Policy Number: BBE**Issued: 09/09/1985*

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The Orange County Board of Education will enter into contracts for legal services to the school district including both legal advice and representation in litigation, as needed. Any attorney retained by the board or the superintendent through school district funds represents the legal entity of the school district and not any individual board member or administrator.

The superintendent may consult with the board attorney as needed to carry out administrative operations and to protect the board and school district from liability. Other staff may consult with the board attorney following the 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. In instances where an individual member of the board desires to consult directly with the attorney, the board member will 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. The chairperson of a board committee may consult with the board's 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.

The board will annually evaluate the performance of the Board Attorney and may retain the present attorney based on satisfactory performance.

The qualified attorney will be paid with school funds. Agreement as to duration of contract fee or retainer will be made by the Board at the time of employment.