File: BDG



**Board Attorney**

The Board recognizes that the increasing complexities of agency operations frequently require professional legal services. Therefore, it shall retain a competent attorney and legal firm to systematically provide such services.

A decision to seek legal advice or assistance from such attorney shall originate from the Board, the executive director or persons specifically authorized by the Board or executive director. The executive director shall inform the Board prior to requesting unusual type or amounts of legal services.

The purpose of this policy is to provide a method for determining if and how member districts should share legal costs associated with the cooperative programs sponsored by the BOCES.

Should a case or legal matter impact the BOCES as a whole or having the potential of setting precedent for all districts simultaneously, the shared costs would be paid for the current BOCES operational budget. Any cost beyond the budget amount would be allocated according to the student pro-rational calculation used in the BOCES budget process at the time of board approval of the current budget.

To be eligible for shared cost, a case or legal matter must be one where the outcome has the potential to impact the operation of the BOCES or more than one member school district. To illustrate the spirit of this policy, such a case might address commonly adopted BOCES procedures, aspects of the IEP process, or service delivery methods. An incident isolated exclusively to one district or a matter in which district has chosen to avoid or act contrary to the advice of the BOCES executive director or special education director shall not be within the scope of this policy and the BOCES would not be responsible for legal costs incurred defending such a position.

Adopted: September 21, 2016