



**SOLVING YOUR
SCHOOL DISTRICT'S
LEGAL ISSUES**

PRESENTERS

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INTRODUCTION

- Legal issues of school districts encompass a broad range of topics, and include, but are not limited to, those related to Constitutional rights, employment, contract negotiations and development, student discipline, data privacy rights, governance, special education, real estate, general business, family law, bonds, and construction.
- Although larger school districts may have more significant legal issues than smaller districts, all school districts will need legal advice at some point because each of them has students, employees, and business arrangements.
- Not seeking timely legal advice causes significant potential risk and liability; therefore, national and state school board associations provide guidelines for their members about working with attorneys. For instance, most guidance indicates that board members or administrators should call an attorney in the following circumstances: (1) upon receipt of a legal document from a court or regulatory agency; (2) if the district has been accused of violating the rights of a student, employee, parent, or other community member; (3) if someone reports or discovers a potential violation of law; (4) for advice before major events such as real estate transactions, large-dollar contracts, or termination of an employee; and (5) for review and revision of district practices and policies to ensure compliance.

OPTIONS RELATED TO MANAGING SCHOOL DISTRICT LEGAL SERVICES

- In-house legal counsel model
 - full-time/part-time
- Outside legal counsel model
- Hybrid model
- Additional resources

Supervisory/Reporting structure

Advising the board and
superintendent

Member of the administrative
decision-making team

Ethical concerns – conflicts of
interest/attorney-client privilege

**THE FIT OF
IN-HOUSE
COUNSEL IN
THE SCHOOL
DISTRICT
STRUCTURE**

GENERAL ROLES AND RESPONSIBILITIES OF IN-HOUSE COUNSEL

Preventative Legal Work

- Responding to daily inquiries
- Training
- Policy development and management
- Providing legal updates to school board members and administrators
- Participation in planning as part of the district leadership team
- Establishing consistent systems and practices throughout the district

BROAD SCOPE OF DUTIES AND SPECIAL PROJECTS

- School board governance work
- Contract review/negotiation
- Labor/employment matters
- Special education matters
- Student discipline
- Student data privacy matters
- Litigation matters – internal and external administrative hearings
- Subpoenas/Records requests

BROAD SCOPE OF DUTIES AND SPECIAL PROJECTS (CONT.)

- Student/School resource officer issues
- Complaints from federal and state agencies, including the Office for Civil Rights at the U.S. Department of Education, the Equal Opportunities Commission, the Utah Anti-Discrimination and Labor Division, etc.
- Managing legal services by outside providers
- Family law issues, e.g. namely the review and use of court orders related to child custody and possession
- Title IX compliance



UNIQUE BENEFITS OF IN-HOUSE COUNSEL

- Convenience of access to immediate legal advice
 - Intimate knowledge of the community, district history, personnel, and operations
- Ability to have early and frequent interventions/mediation in disputes



QUESTIONS