

Board Policy

Duties of ESBOCES Legal Counsel

The Board shall retain the services of attorneys or legal firms for the provision of professional legal services. Said attorneys or legal firms shall be appointed yearly at the Annual Organizational Meeting. The selection of Eastern Suffolk BOCES legal counsel shall be carried out in accordance with State law and regulation, as well as Board policy.

The attorneys must be admitted to the New York State Bar and will be the legal advisors to the Board. In that capacity, the duties of the attorneys are to:

1. advise the Board with respect to all legal matters relating to ESBOCES, including, but not limited to, interpretation of the Education Law of the State of New York and all other statutes, rules, or regulations affecting ESBOCES;
2. be easily accessible to the Board, District Superintendent, Chief Operating Officer, and their designee(s) with respect to legal matters arising in the day-to-day administration of ESBOCES;
3. review and represent ESBOCES in the preparation of contracts, as requested by ESBOCES (other than the contract for ESBOCES legal counsel);
4. advise and assist in matters of litigation pursuant to the retainer agreement;
5. review the legality of policies to be adopted and regulations to be approved;
6. review and advise with respect to any process served upon ESBOCES; and
7. recommend the retention of such special counsel as the attorneys may deem necessary under the circumstances, subject to Board approval.

The President of the Board, District Superintendent, Chief Operating Officer, or their designee(s) may contact counsel on legal matters affecting the operation of ESBOCES. Such decisions to seek legal advice shall be consistent with Board policy, and to meet the needs of ESBOCES or pursuant to formal Board action. When ESBOCES administration determines that unusual types or degrees of professional legal services are required, Board approval shall be obtained.

References:

- Board Policy 1439 - Annual Organizational Meeting