0174 LEGAL SERVICES

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In accordance with N.J.A.C. 6A:23A-5.2, the Board of Education adopts this Policy and its strategies to ensure the use of legal services by employees and the Board of Education members and the tracking of the use of legal services.

The Board of Education authorizes the Superintendent of Schools, the School Business Administrator/Board Secretary, and the Board President as designated contact persons to request services or advice from contracted legal counsel.

The Business Administrator shall be responsible to review all legal bills and confer with designated contact persons in reviewing such legal bills.

In accordance with the provisions of N.J.A.C. 6A:23A-5.2(a)2, the Board designates the administrative staff member to review all legal bills and designates contact persons to ensure the prudent use of legal services. These procedures shall be followed not withstanding any minimum thresholds established by law or code including the thresholds as set forth below.

School districts with legal costs that exceed one hundred thirty percent of the Statewide average per pupil amount should establish the procedures outlined in 1, 2, 3, and 4 below and, if not established, provide evidence such procedures would not result in a reduction of costs. In the event that legal services provided to the Millstone Township School District shall exceed the threshold established, the district shall be required to follow the abovementioned procedures.

1. The designated contact persons shall ensure that contracted legal counsel is not contacted unnecessarily for management decisions or readily available information contained in district materials such as Board policies, administrative regulations, or guidance available through professional source materials.

2. All requests for legal advice shall be made to the designated contact persons in writing and shall be maintained on file in the district offices. The designated contact person shall determine whether the request warrants legal advice or if legal advice is necessary.

3. The designated contact persons shall maintain a log of all legal counsel contact including the name of the legal counsel contacted, date of the contact, issue discussed, and length of contact.

4. All written requests for legal advice and logs of legal counsel contacts shall be forwarded to the Business Administrator, who shall be responsible to review all legal bills and compare all legal bills to the contact logs and to investigate and resolve any variances.

Any professional services contracts for legal services shall prohibit advance payments. Services to be provided shall be described in detail in the contract and invoices for payment shall itemize the services provided for the billing period. Payments to legal counsel(s) shall only be for services actually provided.

School districts and vocational school districts are prohibited from contracting with legal counsel or using in-house legal counsel to pursue any affirmative claim or cause of action on behalf of district administrators and/or any individual Board members or pursuing any claim or cause of action for which the damages to be awarded would benefit an individual rather than the school district as a whole.

The Board of Education will annually establish, prior to budget preparation, a maximum dollar limit for each type of professional service, including legal services. In the event it becomes necessary to exceed the established maximum dollar limit for the professional service, the Superintendent of Schools shall recommend to the Board of Education an increase in the maximum dollar amount. Any increase in the maximum dollar amount shall require formal Board action.

Contracts for legal services will be issued by the Board in a deliberative and efficient manner that ensures the district receives the highest quality services at a fair and competitive price or through a shared service arrangement. This may include, but is not limited to, issuance of such contracts through a request for proposals (RFP) based on cost and other specified factors or other comparable processes. Contracts for legal services shall be limited to non-recurring or specialized work for which the district does not possess adequate in-house resources or in-house expertise to conduct.

In the event the Millstone Township School District expenses for legal services exceed 80% of the annual budgeted amount, the Business Administrator shall notify the full Board of Education of that fact at the next regularly scheduled Board of Education meeting after such determination has been made.

N.J.A.C. 6A:23A-5.2

Adopted: 26 November 2001
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