

## **Governance**

### **Board Attorney**

The Board of Control may enter into an agreement for legal services with one or more attorneys or law firms to be the Board Attorney(s). The Board Attorney represents and advises the Governing Board and the Board of Control in the discharge of their respective duties to govern SASED. The Board Attorney shall not represent another client if the representation involves a concurrent conflict of interest, unless permitted by the Ill. Rules of Professional Conduct adopted by the Ill. Supreme Court. The Board Attorney serves on a retainer or other fee arrangement as determined in advance. The Board Attorney will provide services as described in the agreement for legal services. SASED will only pay for legal services that are provided in accordance with the agreement for legal services or are otherwise authorized by this policy or a majority of the Board.

The Executive Director and Board Chairpersons are authorized to confer with and/or seek the legal advice of the Board Attorney. The Board may authorize a specific member to confer with legal counsel on its behalf.

The Executive Director may authorize the Board Attorney to represent SASED in any legal matter until the Board has an opportunity to consider the matter.

The Board of Control retains the right to consult with or employ other attorneys and to terminate the service of any attorney.

### **Legal Fees**

SASED will promote and support legal clarifications, defend legal positions and/or support suits that will clarify special education issues that affect the entire cooperative.

### **Due Process/Legal Assistance Policy**

SASED will support member districts with technical assistance, staff energies, data and consultation prior to, during, and after all due process issues. SASED will offer this support during the due process preparation for a hearing throughout the full legal process until the issue is resolved, even if this involves various levels of litigation.

The member district involved in a due process or related litigation will bear all costs and legal responsibilities related to the disposition of the matter.

If a legal opinion is requested by a member district, SASED may utilize its legal firm(s) to obtain such legal opinion, and/or request such legal opinion through the Regional Office of Education and/or from the Illinois State Board of Education Legal Department. However, SASED will pay no costs for SASED legal representation at a district due process meeting or other legal hearings.

Technical assistance services are defined, generally, as those provided by SASED to districts as part of a member districts' membership in SASED. These services are at no special or extra costs beyond the normal membership rate structure. These services include but are not limited to: consultation, training of staff, background legal opinions to present to district throughout due process, and presentation to the district of all required programmatic and student information.

LEGAL REF.: Rule 1.7 (Conflict of Interest: Current Clients) and Rule 1.13 (Organization as Client) of the Ill. Rules of Professional Conduct adopted by the Ill. Supreme Court.

CROSS REF: 4:60 (Purchases and Contracts)

ADOPTED: December 19, 2007

UPDATED: February 22, 2017