

POLICY BDG

Board of Education Las Cruces Public Schools

Related Entries:

Responsible Office: Board of Education

LEGAL SERVICES

I. PURPOSE

The Board of Education is committed to a policy which allows the Board and Superintendent to appoint and access legal counsel in service of the Board subject to the procurement laws of the State of New Mexico.

II. POSITION

- A. Legal counsel for the Las Cruces Public Schools is appointed to serve the Board of Education. The Board President and the Superintendent are authorized to consult with the Board's attorney(s) as needed, and to delegate such authority as appropriate. In the event of any dispute between the Superintendent and the Board, it shall be clearly understood that the Board's attorney(s) shall represent the Board's interests.
- B. Upon request of the Board, or when determined necessary by the Board President or Superintendent, the Board President or Superintendent shall report advice from legal counsel to the Board.
- C. If the Superintendent and Board President choose not to consult the Board's legal counsel on a matter raised by at least two members of the Board, the attorney(s) shall respond to a request for information made in writing to the firm by the two members. The attorney(s) shall notify the Superintendent and all Board members of the two-member request and of the date of response by the firm. The response from the attorney(s) to such a request shall be made available to the entire Board, and if appropriate to the Superintendent. It shall be the duty of the Board President or Superintendent to share with Board members the attorney's response to the two-member request or a sufficient summary of it to keep the Board well informed.
- D. No district employee may consult the Board's legal counsel without permission of the Superintendent or designee.
- E. The Superintendent, or his/her designee is authorized to serve as the Board's representative in any mediation or settlement conference involving a claim or suit covered by the New Mexico Public School Insurance Authority (NMPSIA) wherein NMPSIA is providing the defense. When serving as the authorized representative pursuant to this paragraph, the Superintendent or designee, upon request of NMPSIA, shall have the authority to enter into settlement agreements on behalf of the

Board as part of its obligation to cooperate with NMPSIA under the Memorandum of Coverage. The Superintendent shall keep the Board informed of the pending litigation and any agreement entered into pursuant to this paragraph.

III. REVIEW

This policy shall be reviewed on an ongoing basis in accordance with the Board of Education policy review process.



8/21/2018

Board of Education, President

Date Approved

History: New Policy 10.21.08; Revised 6.19.18; Counsel Review 6.13.18

Legal Reference: NMSA 1978, §22-5-4(E)