

## **Response to Questions on the FY 2010 County Lines of Business & Schools Program Review Processes Fall 2008**

**Request By:** Supervisor Smyth

**Response By:** FCPS, Office of the Superintendent

**Question:** What is FCPS funding of \$3.2 million for legal counsel specifically used for?

**Response:** The FY 2009 approved budget for Divisionwide Legal Counsel is approximately \$4.0 million.

Funding for salaries and benefits is \$0.6 million and supports an in-house legal staff consisting of three attorneys and an assistant. These attorneys provide advice to the School Board, Superintendent, and staff on a wide range of legal issues including education law (federal and state), employment, Freedom of Information Act, Family Educational Rights and Privacy Act, contracts and grants, governance, constitutional issues (such as freedom of speech and religion claims by students and employees), family law issues impacting schools, and civil rights. They also draft policies, regulations, contracts, and other legal documents; research and draft legislation; represent the Superintendent in administrative hearings before fact-finding panels, the Civil Service Commission, the School Board and other entities; negotiate with opposing counsel regarding claims and disputes; train school administrators and other non-legal staff regarding legal issues, and coordinate outside counsel.

Funding for operating expenses is \$3.4 million and it mainly covers outside counsel fees, principally from the firms of Hunton & Williams and Blankingship & Keith. The former defends the School Board in litigation and provides specialized advice in areas in which in-house staff lack expertise or time to do so, such as real estate, intellectual property, tax, environment, public financing, and insurance. The latter provides special education advice and litigation defense. Other firms provide specialized services in workers compensation, employee benefits, and grants as needed.