



ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 1705

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CATEGORY: **General Administration, Legal Processes**

EFFECTIVE: **12-10-63**

SUBJECT: **Legal and District Policy Releases**

REVISED: **2-01-2002**

A. PURPOSE AND SCOPE

1. To outline administrative procedures governing introduction, preparation, processing and issuance of district communications of a legal or policy nature, including requests for legal opinions.
2. **Related procedure:**
 District legislative program 0700

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: B-2700; Education Code Section 35041.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Office of General Counsel, Office of the Superintendent.
2. **General Counsel**
 - a. Upon request of the Board of Education, superintendent, and administrative staff, provides necessary legal counsel and advice relating to governance and operation of the district.
 - b. Provides legal representation for district personnel when required and as requested by the Board of Education, superintendent, or chief of staff.

D. IMPLEMENTATION

1. **Requests for Legal Counsel**
 - a. **Originator** clears with division head the nature and purpose of request for legal counsel, advice and/or representation.
 - b. **Division head**, at his/her option, may review request with the chief of staff; if request is approved, forwards to General Counsel.
 - c. **General Counsel** provides originator with necessary legal counsel, advice, and/or representation when approved by the Board of Education, superintendent, or chief of staff.

2. **Requests for Changes in Policies or Procedures Requiring Legal Assistance**

- a. **Initiator** forwards request through channels to General Counsel, including any materials, documentation, or evidence that might assist in evaluating need for change.
- b. **General Counsel** may assist initiator in drafting proposed change; attaches comments thereto, and forwards to the superintendent.
- c. **Superintendent**
 - (1) Initiates further study when necessary to evaluate proposed change.
 - (2) Forwards recommendation to the Board of Education when necessary.
 - (3) Transmits decision on change to General Counsel for release and dissemination, or other disposition as the superintendent or board may direct. Normally, changes, when approved, are incorporated in district administrative procedures manuals.

E. FORMS AND AUXILIARY REFERENCES

F. REPORTS AND RECORDS

G. APPROVED BY



Chief of Staff, Terrance L. Smith
For the Superintendent of Public Education