



NSBA's Legal Advocacy Program for State School Boards Associations

NSBA advocates the school board perspective in the Supreme Court and in appellate courts across the country relying heavily on the policy positions developed by its representative Delegate

Assembly. NSBA provides State Association members support for their corporate counsels and NSBA governance, networking and professional development for state association attorneys, support for state school attorneys' councils affiliated with the NSBA Council of School Attorneys (COSA), and a broad range of legal information services. This brochure is designed as a quick State Association reference guide for NSBA legal advocacy services.



Amicus.

The centerpiece of NSBA's Legal Advocacy Agenda is its nationally renowned amicus curiae (friend-of-the-court) program through which the voice of NSBA's State Association members and the collective voice of school boards are heard on every school law case before the Supreme Court of the United States and in many appellate courts across the country. NSBA responds to requests from State Association members and cases identified by NSBA's routine review of school lawsuits.

- **Amicus Curiae:** NSBA's amicus briefs offer the courts a policy perspective of the law and give the courts a unique look at the real world implications of their decisions. The NSBA Board of Directors' Executive Committee approves all amicus filings.
- **Moot Courts:** NSBA provides moot courts to support oral argument development for attorneys arguing

significant school law cases before the Supreme Court. In a recent case, *Safford v. Redding*, NSBA was able to secure expert moot court panelists to help the school lawyer realistically prepare. Through NSBA advocacy in the *Safford* case, the court overturned the Ninth Circuit's decision to remove school official immunity.

- **Pro-bono:** Because of NSBA's pre-eminence in the field of school law, NSBA's amicus program is able to attract national experts and scholars as brief writers ensuring the school law voice is not only strong but also credible. Many more thousands of dollars would be required to support NSBA's amicus program were it not for the pro-bono work of COSA members as well as other national legal experts.
- **Public Opinion:** NSBA's legal advocacy does not stop in the court of law - it functions to influence the court of public opinion as well. In, *Safford*, NSBA was able to successfully

challenge the media-fueled tale of so-called "abuse" of school administrator discretion in this "strip search" case by helping the public understand the difficulties that schools face in dealing with student drug abuse.



Corporate Counsel.

NSBA attorneys not only serve State Association members with substantive school law expertise, they provide corporate counsel to NSBA and share their corporate counsel policies and procedures with state association attorneys to strengthen member association management.

- **Contracts, Personnel, Intellectual Property:** NSBA's Office of General Counsel provides high quality corporate counsel to NSBA and shares "best practices" with executive directors and state association counsel. For example, the Office of General Counsel has created an

extensive staff training program and web enabled sample documents to assist NSBA and State Associations with copyright and trademark management. NSBA has worked with outside counsel to develop a standard hotel contract and training for state association counsel so that states are able to obtain more favorable hotel contract terms.

• **State Association Executive Directors' Liaison:** NSBA's general counsel keeps this group abreast of general school law issues as well as corporate legal issues of particular interest to State Association executive directors and association attorneys such as negotiating hotel contracts, insurance and personnel topics. The general counsel also assists State Association member executive directors with confidential inquiries on association management issues.

• **Governance:** In collaboration with NSBA's legislative staff, the Office of General Counsel provides advice, information and assistance to State Association staff who are submitting policies, resolutions or amendments to the NSBA Constitution & Bylaws on behalf of their members. In addition, the Office coordinates Delegate Assembly reports and operations.



Networking.

Through the State Association counsel work-alike group and leadership positions on the NSBA Council of School Attorneys, State Association attorneys are provided numerous opportunities to share their expertise in school law issues as well corporate counsel issues.

• **State Association Counsel Work-Alike:** This very active networking group has a dedicated NSBA staff attorney to facilitate needs analysis, programming and the professional development of State Association counsel. The work-alike group meets twice a year in conjunction with the spring School Law Seminar and the fall

School Law Practice Seminar in a 4-6 hour program developed by and for the State Association counsel in their role as "corporate counsel" and staff leader for their state attorneys' council. This group has a dedicated e-mail group (list-serv) where State Association counsel issues can be shared daily.

• **COSA Board:** State Association counsel are an integral part of the governance of COSA which represents 3,000 school lawyers and 37 state affiliated councils. State Association counsel have served as chair many times since COSA was founded. Both in-house and outside counsel for State Associations routinely serve on the Board and rise through the officer chairs. In recent years, general counsels from the New York State School Boards Association and Georgia School Boards Association have served as chair, and the State Association counsel from Connecticut and North Carolina are in line for the chair.



CLE & Resources.

NSBA helps State Association counsel keep up-to-date on the latest school law issues by offering over 20 hours of continuing legal education (CLE) each year, plus NSBA attorneys travel and speak throughout the country at the request of State Association members. Opportunities for co-branding and/or co-marketing legal products expand the legal resources State Association members are able to provide to their constituencies.

• **State Association Counsel:** COSA's continuing legal education programs are provided free or at a low cost to State Association attorneys semi-annually, ensuring that State Association attorneys are able to renew their license to practice law with courses that are most pertinent to their practice. Audio conferences tailored to the corporate counsel needs of State Association attorneys are offered several times a year.

• **State Visits:** At the request of State Association members, NSBA attorneys travel several times a year to speak on legal topics at state meetings.

• **Federal Resources & Regulations:** This monthly publication reports the happenings in all federal agencies that may affect school districts. It is not limited to regulatory rulings from the U.S. Dept. of Education, but is a review of all federal agency actions impacting public schools and public agencies from Labor, to Homeland Security, Transportation and beyond. It was created in response to requests from the State Association counsel work-alike group. States may co-brand this publication, edit at their discretion, and disseminate as their own publication with NSBA to their membership.

• **www.nsba.org/cosa:** Hundreds of briefs, articles, books and legal resources are available on the Council's website. In addition, the School Law Primer, a 12 part school law training series, is available for state counsel to edit and use for training as needed.



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