

# Board Information Item

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Information Packet	Board Agenda Information	Board Agenda Action	Board Agenda Consent
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Subject:** Consider and Approve Law Firms to Provide Legal Services for Grapevine-Colleyville ISD

**Contact Person:** Rick DeMaster, Interim Superintendent  
Paula Barbaroux, Chief Operations Officer

**Policy/Code:** BDD(LEGAL) and BDD(LOCAL)

**Priority and Performance Objective:** Priority 4: Strong Financial Stewardship and Internal System Efficiency  
Objective 4.1: Transparent Financial Stewardship  
Objective 4.2: Effective and Efficient District Operations

**Summary:** Per Board Policy BDD(LOCAL), “[t]he Board shall retain an attorney or attorneys, as necessary, to serve as the District’s legal counsel and representative in matters requiring legal services. Services to be performed and reasonable fees and expenses to be paid by the District shall be set forth in writing between the Board and the attorney or attorneys.

Individual Board members shall channel legal inquiries through the Superintendent, Board President, or Board’s designee, as appropriate, when seeking advice or information from the District’s legal counsel.

Advice from legal counsel shall be reported to the Board upon request of the Board or when deemed necessary by the Superintendent, Board President, or Board’s designee.”

The services of an attorney or of a law firm providing legal services to a Texas school district are a professional service as that term is defined in the Texas Education Code. The

procurement requirements of Texas Education Code § 44.031 do not apply to professional services, including services of an architect, attorney, certified public accountant, engineer, or fiscal agent. [Tex. Educ. Code § 44.031(f).]

Contracts for specific professional services are governed by the Professional Services Procurement Act (PSPA). [Tex. Gov't Code §§ 2254.001-.007.] The PSPA defines professional services as services within the scope of the practice of accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, professional nursing, or forensic science. The definition also includes services provided by a person lawfully engaged in interior design. [Tex. Gov't Code § 2254.002(2).] Procurement based on demonstrated competence is appropriate for these professional services.

Legal services from an attorney are not governed by the PSPA and are not subject to the Texas Education Code and, therefore, may be procured as determined by the board.

The District's legal liability coverage is provided by the Texas Association of School Boards Risk Management Fund ("TASB"). TASB has an approved list of law firms in the Dallas-Fort Worth area that have expertise in school law and other related areas. While the District is not required to use TASB-approved law firms for day-to-day matters, the District's defense of claims is only covered by TASB when defense services are provided by one of the approved firms. The District benefits from having a firm already familiar with the legal matter.

The District currently uses Walsh, Gallegos, Kyle, Robinson & De Los Santos, P.C. (Walsh Gallegos) in Irving for special education matters and Leasor Crass, LLC (Leasor) in Mansfield as general counsel. Jackson Walker is no longer counsel for the Board of Trustees. Walsh Gallegos is a TASB-approved firm. Leasor is not a TASB-approved firm. The recommendation is to establish a relationship with a firm to also serve as general counsel and to expand Walsh Gallegos' services to serve in that capacity in the interim, while the Board and Superintendent consider and interview firms.

**Attachments:**

**Recommendation:** | The recommendation is for the Board of Trustees to approve expanding the relationship with Walsh Gallegos to also serve as general counsel for the District, while the Board and Superintendent consider additional firms.