

# Services from the Office of Chief Counsel Pennsylvania Department of Education

## 71 P.S. Section 732-301

**DATE OF ISSUE:** July 1, 2007

**REPLACES:** Services from the Office of Chief Counsel,  
BEC 24 P.S. Section 3-301 issued July 1, 1999

### **PURPOSE**

In certain circumstances, school districts and intermediate units may request an opinion from the Office of Chief Counsel. Requests should be presented to the Office of Chief Counsel only if the inquiry:

- has statewide significance, or
- raises questions of constitutional law.

In those instances when it is deemed appropriate, this BEC provides the procedures for requesting an opinion.

### **PROCEDURE**

If a school district or intermediate unit's inquiry meets one of the above conditions, it should be presented to the Deputy Secretary for Elementary and Secondary Education in writing. The subject about which advice is sought should be set forth as completely and precisely as possible and the following material must be attached to the request:

1. appropriate background information (correspondence, manuals, BECs, contracts, etc.);
2. legal opinion(s) of the solicitor of the district or intermediate unit;
3. explanation as to why the Chief Counsel's advice is needed; and
4. the names and telephone numbers of persons who are most knowledgeable about the problem.

The Deputy Secretary for Elementary and Secondary Education will review each request and decide whether to forward it to the Office of Chief Counsel or return it to the school district or intermediate unit.

The Office of Chief Counsel may in its discretion determine whether or not to issue an opinion. Any advice of the Office of Chief Counsel to school districts and intermediate units should be considered advisory only.

### **REFERENCES:**

#### **Purdon's Statutes**

[71 P.S. Section 732-301](#)

**CONTACT BUREAU/OFFICE:**

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