

Student Services Department

Purpose:

The Special Education Attorney provides the District with expert legal counsel and representation with respect to special education law, ensuring compliance with applicable state and federal statutes, and therefore ensuring that students eligible for special education services are lawfully and faithfully served.

Reports to: Executive Administrator for Student Services

Nature & Scope:

The Special Education Attorney works independently, performing work of a regular and recurring nature under general supervision. The nature of the work requires adherence to statutes, policies, procedures and legal standards. The work requires regular independent judgment and the ability to independently prioritize and organize work. The incumbent interfaces with Board members, District and school administrators, staff, parents, patrons, litigants and their counsel, and outside entities including the courts, police, and other agencies involved in justice.

Essential Job Functions:

1. Conducts oneself in the best interest of students, in accordance with the highest traditions of public education and in support of the District's mission.
2. Provides legal guidance, advice and services to the District in matters of special education law, including providing technical legal expertise, counsel and assistance to the Superintendent, School Board, and executive team.
3. Assists District administrators and school personnel in investigating and responding to complaints and suits.
4. Assists in planning various preventive measures concerning special education law, including identifying potential risks and making appropriate recommendations.
5. Oversees preparation for special education litigation and administrative law hearings, including the preparation of pleadings, trial and appellate briefs, negotiations between parties, the conduct of trials and hearings at the level of original jurisdiction or on appeal, and other court or hearing appearances.
6. Prepares and/or reviews various legal and quasi-legal documents, including agreements, contracts, policies, resolutions, rules and regulations.
7. Writes, reviews and revises written policies and procedures to ensure District compliance with special education laws and establish best practices. Serves as an expert legal resource for decisions regarding special education policies and procedures.

8. Coordinates with governmental agencies to ensure District compliance with state and federal special education requirements.
9. Represents the District in various special education legal proceedings, including complaint investigations, due process hearings, court appearances, negotiations, arbitration, and mediation.
10. Oversees District response to special education legal proceedings, including document production, strategy development, discovery, subpoenas, summons, and depositions.
11. Prepares legal opinions on special education matters for District leadership. At times prepares legal opinions on matters outside of the realm of special education for District leadership.
12. Provides assistance in the drafting of state legislation relevant to special education.
13. Provides advice and counsel to School Board and other meetings on matters requiring interpretation of laws pertaining to special education, including the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, the ADA Amendments Act (ADAA), and other applicable statutes, ordinances and regulations.
14. Maintains confidential and accurate records and documentation related to hearings, investigations, mediations and other legal matters related to special education law.
15. Serves as liaison between the District and outside counsel on matters relating to special education law.
16. Assists outside counsel in defending suits brought against the District, including evaluating findings, developing strategies and arguments, gathering records and other evidence, conducting research, interpreting policies and procedures, and conducting staff interviews.
17. Provides trainings and technical assistance to District staff on matters of special education law; helps ensure all District staff remain compliant with applicable special education law and all relevant legislative changes.
18. Remains current on legislation, court decisions, regulatory issues and other legal matters pertinent to special education and makes appropriate recommendations to the executive team.
19. Consults with the District's General Counsel for the purpose of resolving complaints and lawsuits, formulating written policies and procedures, and monitoring legal expenditures related to special education.
20. Maintains effective working relationships with other members of the Department as well as other school personnel and community members, including those from diverse cultures or backgrounds or those who speak limited or no English.
21. Complies with all procedures outlined in the *Code of Professional Conduct and Annual Notices for Education Practitioners, Teachers, Support Staff, Administrators, Substitutes Handbook* and all other Beaverton School District Policies and Procedures.

The statements contained above reflect general details as necessary to describe the principal functions of this job but should not be considered an all-inclusive listing of work requirements. Individuals may at times perform other duties as assigned which could include work in other functional areas to cover absences or relief, to equalize peak work periods or otherwise to balance the workload.

Required Qualifications:

1. Must possess a Juris Doctorate degree from an accredited law school.
2. Must be licensed to practice law in the State of Oregon.

3. Must possess considerable knowledge of legal principles, procedures and case law relevant to special education.
4. Must possess three years' experience in the practice of law related to public education.
5. Must possess excellent written and oral communications skills.
6. Must possess a valid Oregon or Washington driver's license.

Working Conditions:

The Special Education Attorney works primarily within an office environment. The work environment is often controlled and quiet, but will also frequently include moderate to loud noise. The work environment may include exposure to unpleasant interior temperatures, dirt, and communicable diseases.

From time to time the Special Education Attorney will be present in court proceedings or other hearings and legal proceedings which take place outside of the District. The work will generally be performed during regular business hours, but may occasionally require attendance at meetings at night and on weekends.

Work Year: 12-month

Bargaining Unit: Non-represented

FLSA Status: Exempt

Date Approved: November 26, 2018

Date Revised: November 26, 2018

The Beaverton School District recognizes the diversity and worth of all individuals and groups. It is the policy of the Beaverton School District that there will be no discrimination or harassment of individuals or groups based on race, color, religion, gender, sexual orientation, gender identity, gender expression, national origin, marital status, age, veteran status, genetic information or disability in any educational programs, activities or employment.