

JOB DESCRIPTION

San Diego County Office of Education

General Counsel

Purpose Statement:

Under the direction of the County Superintendent, plans, organizes, oversees, and provides professional legal counsel and direct management of the Office of General Counsel; provides representation and general legal counsel on all matters for schools and offices within the County Office of Education (COE) at the direction of the Superintendent or designee; prepares and conducts litigation and administrative law hearings as directed by the Superintendent; supervises and evaluates the performance of assigned personnel.

Diversity Statement

Because each person is born with inherent worth and dignity, and because equitable access and opportunity are essential to a just, educated society, SDCOE employee commitments include being respectful of differences and diverse perspectives, and being accountable for one's actions and the resulting impact.

Essential Functions

- As the chief legal officer of the COE, administers the legal activities of the COE's legal staff and outside legal firms.
- Prepares and renders legal opinions upon request to the Superintendent and COE administrative staff.
- Prepares, supervises, and conducts litigation and administrative law hearings as directed by the Superintendent; performs duties necessary or desirable in conjunction therewith on behalf of the COE, including, but not limited to, preparing and reviewing pleadings and trial and appellate briefs, negotiating between parties, and conducting trials and hearings at the level of original jurisdiction or on appeal.
- Provides direct oversight over the drafting of legal documents, rules and regulations, resolutions, applications of diverse kinds, and other legal or quasi-legal papers upon request; approves such writings as to legality and form.
- Provides advice and counsel on collective bargaining activities, including negotiating collective bargaining agreements; conducts grievance arbitrations and participates in settlement negotiations related to same; represents the COE in administrative hearings and/or litigated matters arising from collective bargaining agreements as requested.
- Provides legal advice and guidance to Human Resources staff and other staff regarding employee rights and obligations and disciplinary matters; provides trainings on legal issues and avoidance of liability; assists in preparing draft charges and other associated documents for certificated and classified disciplinary actions to be presented for approval to Superintendent; represents the COE in contested disciplinary and other related hearings as requested.

- Writes, reviews, and approves contracts and other such legal instruments, state and federal grant application agreements, agreements for real estate transactions and professional service agreements; advises and represents COE staff in connection with same.
- Advises school districts within the jurisdiction of the COE at the direction of the Superintendent.
- Provides advice to staff in connection with education and special education matters; represents the COE in administrative hearings related to same.
- Represents the COE in hearings and proceedings before state hearing and mediation officers, Office of Civil Rights, and State Department of Education; assists in the implementation and interpretation of, writes and reviews procedures and policies regarding zero-tolerance and student discipline policies; communicates with Section 504 officer to assure compliance with Board-adopted policies.
- Provides legal assistance in the drafting of State legislation proposed by the COE for presentation to the California State Legislature or the United States Congress. Appears before federal, state, and local legislative bodies to present the COE position on COE issues pending before those legislative bodies; provides required information to the State. Conducts major litigation involving the COE as directed by the Superintendent.
- Provides legal assistance and advice to the COE regarding oversight and management of charter schools; reviews applications and other material submitted for petition to assure compliance with applicable legal and COE rules and regulations; provides legal assistance in the development of charter school policies and procedures.
- Attends and provides legal advice at meetings of the Board of Education, ad hoc committees established by the Superintendent, citizen committees, and other meetings as directed by the Superintendent.
- Serves as liaison to outside counsel retained to represent the COE on matters handled in connection with Risk Management; provides input and guidance to Risk Management personnel as needed.
- Attends and participates in professional group meetings, stays abreast of new trends and innovations in the field of law, and provides training to COE staff and clients on legal and quasi-legal matters.
- Serves as a resource person to the Superintendent and division administrators regarding changes in administrative policy and the screening, planning, development, appraisal, and interpretation of legally-related phases of new or special projects or programs.
- Anticipates the legal effect of emerging programs and projects, and provides legal support for both educational and administrative programs proposed by the Superintendent and staff.

- Supervises the conduct of investigations into charges that legal requirements or rules of the Superintendent or the Personnel Commission have not been followed in connection with employer-employee relations.
- Advises and assists the Superintendent in the drafting of rules, regulations, resolutions, legal forms, and other documents.
- Analyzes, drafts, and prepares amendments to proposed and existing legislation and other matters of concern to the Superintendent and/or staff.
- Prepares required reports and special reports as requested.
- Evaluates the performance of assigned personnel.
- Serves as a member of the Superintendent's cabinet.

Other Functions:

- Performs other related duties as assigned for the purpose of ensuring the efficient and effective functioning of the work unit.

Job Requirements: Minimum Qualifications:

Knowledge and Abilities

KNOWLEDGE OF:

Comprehensive knowledge of legal matters related to public school districts, including public employment and public contracting;

Current education laws and regulations regarding COE legal matters, including pertinent administrative laws;

Modern office practices, procedures, and equipment and record-keeping techniques;

Oral and written communication skills;

Interpersonal skills using tact, patience, and courtesy;

In depth knowledge of provisions of the Education Code, Government Code, and other laws, rules, and regulations related to the activities of the COE;

Administrative organization of the COE and school districts;

Basic concepts and applications of electronic data processing and technology;

Principles of public relations and political activities;

Principles of training, employee evaluation, employee relations, and progressive discipline;

Methods of legal research and computer and legal software applications;

Brown Act and conflict of interest laws and provisions.

ABILITY TO:

Independently handle complex legal matters with minimal direction;

Conduct administrative hearings, trials, and motion hearings and appeals;

Communicate effectively both orally and in writing;
Establish and maintain cooperative and effective working relationships with others;
Meet schedules and timelines;
Demonstrate strong leadership skills;
Work effectively with legal and nonlegal staff, outside legal contacts, and the community;
Train and advise legal staff;
Organize work effectively and efficiently;
Demonstrate strong research, writing, and analytical skills;
Demonstrate computer literacy;
Understand and administer a budget;
Understand broad concepts and integrate legal input into major District policy decisions;
Manage a complex schedule and staff;
Understand and make decisions on billing practices in the management of outside counsel.

Working Environment:

ENVIRONMENT:

Remote, office, and courtroom environment; driving a vehicle to conduct work.

May be designated to perform duties in an alternate work setting using computer-based equipment.

PHYSICAL ABILITIES:

Dexterity of hands and fingers to operate a computer keyboard; sitting or standing for extended periods of time; hearing and speaking to exchange information and make presentations; seeing to read and write reports. All requirements are subject to possible modification to reasonably accommodate individuals with a disability.

Education and Experience:

Education: Juris Doctor degree from an American Bar Association accredited school of law; and

Experience: A minimum of ten (10) years of experience in the practice of law. Counsel experience in school and education law for a large public or private agency, and five (5) years supervising the work of attorneys or legal staff required. Experience and training in trial work, educational code, and/or school and labor laws strongly preferred.

Equivalency: Any combination of education and experience equivalent to a Juris Doctor degree from an American Bar Association accredited school of law; and a minimum of ten (10) years of experience in the practice of law. Counsel experience in school and education law for a large public or private agency, and five (5) years supervising the

work of attorneys or legal staff required. Experience and training in trial work, educational code, and/or school and labor laws strongly preferred.

Required Testing

N/A

Certificates, Licenses, Credentials

Active member in good standing of the State Bar of California and license to practice law in the State of California and admission to all California courts.

Eligibility for admission, to the Ninth Circuit and federal courts desired.

Valid California driver's license.

Continuing Educ./Training

Continuing Legal Education as required by the State Bar of California

Clearances

Criminal Justice Fingerprint/Background Clearance

Physical Exam, including drug screen

Tuberculosis Clearance

FLSA Status: Exempt

Salary Grade: Classified Senior Management Grade 004

Designation: This position is designated as Senior Management

Personnel Commission Approved: March 16, 2022

Revised: 05/2022