

ST. MARY'S COUNTY PUBLIC SCHOOLS SUPERVISORS AND ADMINISTRATORS POSITION DESCRIPTION

CHIEF COUNSEL

POSITION: Chief Counsel

REPORTS TO: Superintendent of Schools

LOCATION: Office of the Superintendent

NATURE OF WORK:

The Chief Counsel is responsible for providing legal counsel to the Superintendent, the Superintendent's Cabinet, the Superintendent's Support Services Team, other staff as needed, and the Board of Education when requested. The Chief Counsel must possess knowledge of Constitutional law, Maryland law, knowledge of Maryland statutes and regulations pertaining to education and administration of schools, as well as the Board of Education of St. Mary's County policies and regulations.

ESSENTIAL FUNCTIONS:

The Chief Counsel provides legal counsel to the Superintendent, school district administrators and staff, and the Board of Education. This position performs a range of legal and administrative guidance on all matters of school law to include employment, labor, teacher certification, student, and special education issues.

DUTIES AND RESPONSIBILITIES:

These examples are illustrative and not all-inclusive:

- Serves as chief counsel to the Superintendent, school district administrators, and staff on school law, to include labor practices as well as certification issues.
- Implement, administer, interpret, and advise on the negotiated agreement, grievance decisions, and arbitration processes as necessary.
- Collaborate with Human Resources and other departments regarding disciplinary and due process procedures.
- Research, interpret, advise staff of legal matters involving Board policies and administrative regulations, educational law, federal, state, and county laws and regulations, Maryland State Board of Education (MSBE) Bylaws, negotiated agreements, and other contracts, instructional programs, and related functions and services of the school system.
- Monitor, review, and comment on rules pending before the MSBE and other state agencies that pertain to school labor management and teacher certification.
- Renders oral and written opinions to administrative and school staff for guidance on legal matters/issues; analyze legal controversies and recommends disposition.
- Advise on Open Meetings Act and Freedom of Information Act compliance.
- Participate in tenured teacher and employee dismissal hearings and procedures as needed.
- Review pending legislation and court decisions as to their impact on the school system and advises the Superintendent and staff accordingly.
- Conduct, coordinate, and document a variety of workplace and school-based investigations of a confidential and sensitive nature when necessary.
- Prepare and conduct litigation at all levels in the courts; handle appeals, and recommend settlement based on a professional evaluation of the nature and implications of the proceedings.
- Review contracts and agreements and approve their legality as appropriate.

- Work with and provide advice to school-based personnel on legal issues, including parent-child custody disputes, student discipline, subpoena responses, and complaint resolution.
- Prepare and present personnel and student cases before the Board.
- Draft agreements, leases, sale/purchase contracts in which the school system is a party.
- Attend all Board of Education meetings, and give advice on legal implications of actions taken.
- Advise administrators to ensure compliance with local, state, and federal employment and labor regulations (e.g., OSHA, EEO, FMLA, Workers' Compensation, ERISA, FLSA, and Wage & Hour).
- Manage legal matters and proceedings in cases involving student rights under special education and other federal laws, including mediation and due process proceedings.
- Conduct pre-trial investigations, interview witnesses, argue motions, prepare documents for the trial of cases; and try cases as appropriate.
- Discuss case results with the Superintendent and staff to evaluate and improve performance for future cases.
- Draft and review Board policies and regulations.
- Advise the Superintendent of Schools and the Board in all contracts and negotiations.
- Perform other duties as assigned.

QUALIFICATIONS:

- Graduation from an accredited school of law and admission to the Bar of the State of Maryland.
- Ten (10) years of professional experience as an attorney in court, administrative proceedings, and trials. Experience in employment law, arbitration, education law, and special education law preferred.
- Thorough knowledge of principles, methods, and practices of legal research.
- Thorough knowledge of judicial procedures and of the rights of evidence.
- Thorough knowledge of the common law and of the county, state, and federal laws and precedents.
- Knowledge of collective bargaining and the administration of collective bargaining agreements.
- Knowledge and understanding of human resources practices and employment laws and regulations.
- Knowledge of education law and MSBE Bylaws, court and administrative hearings, and effective techniques in the presentation of such cases.
- Possess a high level of independent thinking, sound legal judgment, and critical decision making in all aspects of the job.
- Possess the ability to analyze legal issues, facts, evidence, and precedents in highly complex legal documents and instruments.
- Possess the ability to prepare contracts, other legal instruments, and court presentations with high effectiveness.

TERM OF EMPLOYMENT:

Full-time twelve-month position.

SALARY GRADE RANGE:

The salary for this EXEMPT position will be based on SMASA salary schedule for eleven and twelve-month employees – Range H.

BARGAINING UNIT ELIGIBILITY: Confidential – Exempt

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