

Tennessee Public Charter School Commission

General Counsel

JOB DESCRIPTION

Background

In 2019, Governor Bill Lee proposed the creation of a public commission to serve as both an authorizing agent and appellate body for charter schools across Tennessee. The state's legislature subsequently enacted Public Chapter 219 ([codified in Tenn. Code Annotated § 49-13-105](#)) establishing the Tennessee Public Charter School Commission (the "Commission"). The statute set a timeline for the transfer of the charter appellate and authorizer duties currently held by the State Board of Education to the newly-established Commission in 2021.

The Commission will be comprised of nine members selected by the governor and representing a broad geographic cross-section of the state. The Commission's focus on the authorization of quality charter schools will enable deeper engagement with local districts and stakeholders and in turn ensure that decisions impacting students' and families' access to high-quality charter schools are made based on a full appreciation of communities' specific educational needs. The Commission will commence hearing appeals in January 2021, followed by its assumption of responsibility for supervision of charter schools in the 2021-22 school year.

The law creating the Commission also specified that the Commission's daily work be overseen by a full-time director of schools (Executive Director) empowered with authority comparable to those of directors of schools in other Tennessee school districts. The Executive Director is entrusted with responsibility for the staffing and organization of the Commission, subject to oversight by the nine voting members.

To that end, the Commission is seeking a knowledgeable, visionary, and driven leader to formulate and implement the legal structure and systems that will establish the Commission not only as a trusted arbiter in the charter authorization process but also as an exemplar for authorizing entities across the state and nation of thoughtful and student-focused governance.

Position Summary

As its first-ever General Counsel, the General Counsel will provide legal services to the Commission, its Executive Director, and staff. The General Counsel will report directly to the Executive Director and provide legal guidance and counsel in executive and policy decision-making and will serve as a member of the Executive Director's leadership team.

The General Counsel will provide advice and counsel concerning compliance with federal and state statutes and regulations affecting elementary and secondary schools, governmental entities, and nonprofit organizations. This requires preventative legal services and legal representation in the monitoring and resolving of disputes and intricate matters, including those that may lead to litigation. The General Counsel will coordinate with the Attorney General's Office as necessary and leads all legal matters at the direction of the Commission and Executive Director. Given the unique nature of secondary education in the regulatory environment of state charter schools, a significant portion of the General Counsel's duties may relate to

complex problem-solving to resolve matters that may be an obstacle to the Commission's success. Specific duties of the General Counsel include, but are not limited to, the following:

- Providing advice, counsel, and legal support to the Commission Executive Director, and staff;
- Overseeing and directing the Commission's legal team;
- Drafting, reviewing and negotiating contracts and agreements;
- Maintaining an appropriate framework for internal control to evaluate and protect the agency's interests and reduce risk;
- Developing, administering, and interpreting all policies and procedures in accordance with law and the Commission's statutory authority;
- Developing, administering, and interpreting all rules and regulations in accordance with the law and the Commission's statutory authority. The General Counsel works closely with the state Attorney General's office and the Secretary of State to file and promulgate Commission-approved rules, including presentation of rules to the Joint Government Operations Committee of the General Assembly.
- Overseeing the administration of the agency's operations for compliance with applicable Law and ensuring compliance with all statutorily imposed deadlines.
- Providing legal and operational training to key stakeholders, including Commission authorized charter schools;
- Ensuring the Commission's compliance with open meetings and open records obligations; and
- Serving as the Chief Ethics and Compliance Officer for the Commission;
- Serving as the agency's liaison to the Office of the Attorney General;
- Engaging with stakeholders to promote the agency's objectives;
- Supporting the professional growth and development of Commission's legal team;
- Effectively managing other duties as assigned.

In addition, the General Counsel should bring expertise and a proven track record to their execution of the following essential functions:

- Work in close partnership with the Commission's members and counterparts on the state and local levels to mobilize all aspects of the organization in advance of the 2021 start dates mandated in statute. Specific responsibilities in this period will include but are not limited to:
 - Facilitate the efficient, well-informed, and strategic activities of the Commission in both its mandated domains of charter school oversight and appellate review, and its long-term platform as an agent for continuous advancement of academic outcomes and opportunities in charter schools across the state of Tennessee. Specific responsibilities related to these functions include but are not limited to:
 - Guide the Commission in its formulation of rules, policies, standards, and procedures that align with its own organizational mission and vision, state goals, priority objectives, legislative mandates, and procedural directives related to Tennessee's charter schools.
 - Manage the thorough and efficient dispensation of authorization applications, appeals, and activities for charter schools, ensuring timely decisions by Commission members.
 - Support and empower commissioners in their utilization of Tennessee charter laws in both their consideration of charter school applications and ongoing oversight of academic performance.
 - Provide tailored policy analyses and/or research in anticipation of or in response to issues deemed to be pertinent to the work of the Commission.
 - Advise the Commission on best practices in charter school authorization and oversight based on both prior knowledge and the current context affecting Tennessee schools and students. This counsel should seek to consistently reinforce the Commission's

simultaneous aims to both expand statewide access to high-quality charter schools and inspire other authorizing entities to emulate its tenets of thoughtful governance.

- Facilitate oversight activities alongside commissioners and staff in order to inform recommendations related to the renewal, revocation, targeted support, or closure of charter schools.
- Serve as the Commission's key legal liaison in the establishment and maintenance of productive working relationships with partners in the state (e.g. TDOE, SBOE, THEC, Office of the Attorney General, legislative and executive leaders) and nationally that ensure the sustainability and lasting impact of the Commission's work.
- Represent the Commission and serve as its key legal liaison with advocacy groups, constituents, legislators, and media.
- Ensure compliance with relevant federal and state legal requirements by both commissioners in their official duties (e.g. ethics and conflicts of interest, expenditure of public funds, transparency of Commission activities) and staff in their daily professional duties (e.g. risk management, information security, fiscal controls).
- Oversee fulfillment of public records requests and responses to internal or external complaints/concerns.
- Advise the Commission, the Executive Director, and staff regarding imposition of sanctions based on unacceptable academic performance, financial or operational mismanagement, issues impacting student health or safety, unlawful conduct, or lack of compliance with directives issued by the Executive Director or Commission.
- Travel as needed to monitor the activities and/or educate the public about the administration, monitoring, and evaluation of charter schools supervised by the Commission or the overarching work of the Commission as a whole.
- In conjunction with counterparts from TDOE and SBOE, oversee the provision of targeted technical assistance to prospective and current charter schools authorized by the Commission.
- Perform other related duties and responsibilities as deemed appropriate and necessary by the Commission.

Required Qualifications

- Deep base of professional expertise in K-12 education law and an appreciation of the unique role that charter schools can play in advancing student achievement when cultivated and supported with fidelity and forethought.
- Thorough grasp of the tenets of effective charter school governance, management and finance, and system-level leadership and a thorough understanding of laws and regulations governing charter school authorization and governance.
- Juris Doctor degree from an accredited law school and admitted to practice law in the State of Tennessee.
- Eight years of experience in educational law, charter school authorization, contract negotiation, statutory interpretation, rule and policy drafting and promulgation, and Open Records/Open Meetings Act. Note: An equivalent combination of education and job specific experience that provided the knowledge, experience, and competencies required to successfully perform the job at the level listed may be substituted on a year-over-year basis.
- Experience managing or supporting leadership in controversial and high-profile matters.
- Ability to work collaboratively and communicate effectively with multiple and diverse stakeholders.
- Highly effective communication skills in both written and inter-personal mediums.

Required Travel

This position requires a moderate amount of travel on the state and local level, with some travel beyond the state of Tennessee also required. The frequency of in-state travel will increase as the total number of charter schools supervised by the Commission grows.

Salary & Benefits

Salary is competitive and commensurate with qualifications. In addition, a comprehensive benefits package is included.

Application Process

Interested candidates should submit a resume, letter of intent, and a minimum of three professional references to Mary.Elam2@tn.gov. Applications will be accepted on a rolling basis until the position is filled.