# POSITION DESCRIPTION

# GENERAL COUNSEL, DEPARTMENT OF EDUCATION

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| **OVERVIEW** | |
| Senate Committee | Health, Education, Labor and Pensions |
| Agency Mission | To promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.[[1]](#endnote-1) |
| Position Overview | The General Counsel serves as the principal adviser to the Secretary on all legal matters affecting Departmental programs and activities. |
| Compensation | Level IV $155,500 (5 U.S.C. § 5315)[[2]](#endnote-2) |
| Position Reports to | Secretary of Education  Deputy Secretary of Education |
| **RESPONSIBILITIES** | |
| Management Scope | In fiscal 2015, the Department of Education had $90,029 million in outlays and 3,862 total employment.[[3]](#endnote-3) The Office of the General Counsel has three legal practice areas, each of which is headed by a Deputy General Counsel, and an operations management staff, headed by an Executive Officer. The Office’s seven divisions are organized under these areas: Immediate Office of the General Counsel; Program Service; Departmental Law and Postsecondary Education; and Ethics, Legislative, and Regulatory Services. |
| Primary Responsibilities | * Provides legal advice and services to the Secretary, Deputy Secretary, and the Principal Officers of the U.S. Department of Education, as well as any other person authorized to request that advice or those services. * Prepares or reviews for legal form and effect public documents, rules, and Federal Register Notices issued by the Department, and legal instruments entered into by the Department. * Represents the Secretary, the Department, or any of its officers or units in court or administrative litigation, except for administrative proceedings initiated by the Office for Civil Rights. * Serves as liaison to other Federal agencies in connection with legal matters involving the Department. * Drafts legislative proposals originating in the Department and reviews the legal aspects of proposed or pending legislation. * Leads and manages the regulatory function of the Department and drafts selected regulations. * Prepares or reviews pleadings, briefs, memoranda, and other legal documents for proceedings involving the Department or requested by other Government agencies for use in proceedings, except for administrative proceedings initiated by the Office for Civil Rights. * Coordinates and manages the Department's ethics program and provides Department-wide ethics advice and training. * Serves as the Department's Claims Officer under the Federal Tort Claims Act and the Military Personnel and Civilian Employees Claims Act of 1964. |
| Strategic Goals and Priorities | [Insert relevant policy priorities of incoming administration] |
| **REQUIREMENTS AND COMPETENCIES** | |
| Requirements | * Accomplished and widely respected attorney with experience serving as a key and trusted advisor to executive leadership/clients * Background in education, either K-12 or Higher Ed * Experience/understanding of education policy and related regulatory issues * Proven track record of addressing complex legal matters across a spectrum of issue areas * Significant management experience |
| Competencies | * Highly effective leader, with the highest standards of personal and professional integrity * Ability to manage exceptionally diverse range of issues, usually under time constraints and political sensitivities * Able to creatively solve problems and offer solutions * Able to provide strategic and pragmatic counsel * Work effectively across large, complex organizations * Remain calm and cool under pressure * Develop and maintain a strong network of relationships inside and outside the organization * Impeccable judgment * Superb communications skills, both oral and written |
| **PAST APPOINTEES** | |
| James Cole, Jr., General Counsel, Delegated the Duties of Deputy Secretary of Education, (2014-2017, and Deputy Secretary 2016-2017).  Previously: Deputy General Counsel, U.S. Department of Transportation, 2011-2014; Partner, Wachtell, Lipton, Rosen & Katz, 2004-2011; Associate, Wachtell, Lipton, Rosen & Katz, 1996-2004. | |
| Philip H. Rosenfelt, Acting General Counsel or Deputy General Counsel “delegated to perform the functions and duties of the General Counsel” (2011-2014).  Previously: various legal positions with the U.S. Department of Education and its predecessor (Department of Health, Education, and Welfare) since 1971. | |
| Charles P. Rose, General Counsel (2009-2011).  Previously: Founding Partner, Franczek Radelet & Rose P.C., 1994-2009; Partner, Vedder, Price, Kaufman & Kammholz, 1984-1994. | |
| Kent D. Talbert, General Counsel (2006-2009).  Previously: Deputy General Counsel for the Division of Business and Administrative Law and the Division of Legislative Counsel, U.S. Department of Education, 2001-2006; earlier served for over 12 years on House and Senate staff, both as Education Policy Counsel for the House Committee on Education and the Workforce, and as a professional staff member of the Senate Committee on Labor and Human Resources. | |

1. Partnership for Public Service agency profile [↑](#endnote-ref-1)
2. The Consolidated Appropriations Act, 2017 (Public Law 115-31, May 5, 2017), contains a provision that continues the freeze on the payable pay rates for certain senior political officials at 2013 levels during calendar year 2017. [↑](#endnote-ref-2)
3. Partnership for Public Service agency profile [↑](#endnote-ref-3)