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EDUCATION LAW PRACTICE

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Introduction

Spencer Fane's Education Group has extensive experience representing public school districts, private or specialized schools and other education-related organizations. Our attorneys represent educational institutions in both Missouri and Kansas in informal parent or community complaints, administrative proceedings, due process hearings and state or federal litigation.

Like our school and school-related clients, all Spencer Fane attorneys are committed to excellence in service and excellence in education. Some of our areas of service are summarized below.

Administrative Complaints

Whether it's DESE, KSDE, OCR, the EEOC, or another agency with jurisdiction over schools, administrative complaints can be burdensome for school officials.

Spencer Fane's Education Law attorneys have experience dealing with administrative agencies and can assist school clients through the stages of an administrative complaint. Our attorneys also have experience negotiating favorable dismissals of all types of charges. Spencer Fane's attorneys enjoy a reputation among governmental agencies for high quality and credible work.

Litigation

To provide a quality education, school districts employ teachers and staff, contract for services, own property, host events, conduct Board of Education meetings, create and retain education records, supervise extracurricular activities and otherwise serve a prominent role in the community. Each of a District's many functions may create the risk of liability – or at least litigation.

Spencer Fane's attorneys are prepared to represent schools' interests in all area courts. As some litigation costs may be covered by insurance, we work with insurers to provide a defense to covered claims. Our Education Law attorneys also have immediate access to attorneys in other practice areas of this full-service firm.

Special Education

Spencer Fane's expertise in special education is unequalled anywhere in the region. Our attorneys have technical training and practical experience in guiding school districts through the complexities of the IDEA, Section 504, the ADA and other statutes governing services for children with disabilities.

Our knowledge of special education law, our experience in education, and our relationships with governmental agencies uniquely qualify our attorneys to provide

Our Areas of Service Include:

Administrative Complaints

Board Policies

Charter Schools

Constitutional Issues

In-Service Training

Litigation

Open Meetings (Sunshine Law)

Preschools and Daycares

Private Schools

Real Estate

Special Education

Student Discipline

Student Handbooks

Student Records

Teacher Discipline/Termination

Vendor Contracts

outstanding legal service in this specialized area. Our attorneys are also prepared to handle the contentious nature of special education disputes and the strong emotions which often accompany parental challenges.

Discipline of children with disabilities also requires specialized training and individualized attention. Our attorneys assist school officials when discipline questions arise regarding students covered by the IDEA or Section 504.

Constitutional Issues

Questions about Constitutional rights arise in a variety of public school settings, including employment of teachers and discipline of students. Other constitutional issues which arise frequently in schools include freedom of speech or religion questions, student attire, school publications or extracurricular clubs.

Spencer Fane's attorneys have experience handling these constitutional issues and others. Our attorneys work with parents or civil liberties advocates in addressing and solving issues of a constitutional nature.



In-Service Training

It's no secret that proper training of teachers, staff and school administrators is key to avoiding costly legal troubles. Our Education Law attorneys would rather help schools prevent legal

trouble than defend schools against claims of unlawful conduct. To that end, our attorneys frequently speak to school employees on hot topics such as harassment, discipline, special education, and confidentiality of student records. In addition, we have developed on-line training modules in many of these areas for the districts we serve. We firmly believe that quality training, repeated at least annually, is the most effective way to maximize compliance with the many laws governing schools.

Board Policies

Our Education Law attorneys believe quality leadership in schools starts with the Board of Education. Accordingly, the Board's policies must not only comply with frequently changing laws, but must also help in setting the strategic direction of the school district.

Without encroaching into the Board of Education's discretion, our attorneys can assist schools in drafting effective governing policies. For school districts using MSBA, KSBA or other policy services, our attorneys answer questions or recommend modifications which may be in a district's best interest.

Open Meetings (Sunshine Law)

As political subdivisions of the state government, public school districts are subject to open meeting and open record laws. These laws can be complicated and even inadvertent noncompliance can be problematic. Our attorneys can help administrators comply with open meeting requirements while also conducting sensitive business consistent with state law. Spencer Fane can help balance the public's right to information with a school district's

public's right to information with a school district's need to conduct certain business in confidence.

Student and Staff Handbooks

If drafted carefully, student and staff handbooks provide notice of important practices and policies. Likewise, well drafted handbooks can be a district administrator's first resource when facing a potentially difficult situation.

Like Board policies, handbooks must be reviewed frequently and updated to comply with current legislation and current practices. Our attorneys have experience reviewing proposed handbooks and recommending language to position a school most favorably.

Real Estate

Because all school districts are also owners of property, issues arise regarding the use, sale, or transfer of land. Each of these transactions can be a costly trap for school districts if administrators are not extraordinarily careful. Our attorneys are experienced at reviewing contract and property description language and pride themselves in negotiating transaction terms which are favorable to school clients.

In those cases where a School District must acquire property through condemnation, our attorneys can guide you through that process. They have extensive experience involving the value of real estate acquired through condemnation.

Teacher Discipline/Termination



Although many teachers have a legal interest in continued employment, schools and parents have clear interests in the protection and education of students. If a teacher fails or refuses to fulfill teaching responsibilities, there must be consequences. Therefore,

Spencer Fane's Education Law attorneys help school districts take appropriate remedial measures within constitutional bounds. We assist in the informal discipline of a teacher, a formal termination or non-renewal of a teacher, or the revocation of a teacher's certificate.



Student Discipline

Spencer Fane's Education Law attorneys have experience handling all types of questions regarding discipline of students, including those with disabilities. Our attorneys assist immediately when a discipline situation arises, attend discipline hearings, or participate in discipline appeals before the Board of Education (or its designated committee). If a family retains legal counsel during any stage of the discipline process, our attorneys work with opposing

counsel to make sure the proceedings are smooth, efficient and otherwise productive.

Our attorneys also help draft effective discipline policies and insightful student handbook provisions. Well written policies and handbooks are critical in preventing many student discipline issues or in defending schools against allegations of unlawful disciplinary action.

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Student Records

The confidentiality of students' educational records is protected by federal law. Although the general rule is clear, sometimes the precise definitions and exceptions raise difficult questions. Therefore, our attorneys work closely with school officials to insure full compliance with FERPA and its implementing regulations.

Although FERPA questions arise in a variety of contexts, we frequently see them in litigation between separating parents. Our attorneys work with administrators, teachers and parents to cooperate in custody proceedings while also protecting confidential-

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administrators, teachers and parents to cooperate in custody proceedings while also protecting confidentiality interests.

Vendor Contracts

Often, providers of services or products tender form contracts to school officials with pages of “legalese” and small print.

While expert legal review of all such contracts may not always be necessary, our attorneys have experience protecting schools’ interests when significant contractual issues arise. Therefore, even language proposed by a trusted provider may place the school district at a significant disadvantage should a dispute arise. Our attorneys recommend or negotiate changes with the district’s interests in mind.

Charter Schools

Charter schools frequently face issues which are shared by public school districts. However, resolution of these challenges is and must be unique to the type of school involved.

Spencer Fane’s Education Law attorneys help charter schools prevent or resolve legal issues involving education. Our attorneys also help charter schools deal with “charter challenges,” such as funding or board issues, relationships with public schools or relationships with private insurers.

Preschools and Daycares

Spencer Fane’s Education Law attorneys represent preschools and daycares in a variety of matters, including investigation of parent complaints, reports of abuse or neglect and development of facility policies. Our attorneys also represent preschools and daycares before administrative agencies regarding licensing issues.

Private Schools

Spencer Fane’s Education Law attorneys have experience guiding private and parochial schools through

issues unique to the private sector. Our attorneys understand that private school concerns require unique considerations and specialized answers. Our attorneys help teachers and administrators navigate the complicated statutes and regulations applicable to private school education.



**Attorneys in Spencer Fane’s
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