SpencerFane®

K-12 Education Law

We take our school work very seriously.

The Spencer Fane K-12 Education Law team boasts some of the most influential education attorneys in the Midwest and South, with many years of experience representing public, private, and specialized schools, and other education-related organizations and associations.

Overview

We guide educators in the legal ins and outs of dealing with both parents and government agencies

Having represented educational institutions and educators for decades, we know how to resolve the wide variety of issues that confront them – helping teachers and administrators understand and navigate laws and regulations governing schools and, importantly, avoiding litigation.

Spencer Fane attorneys advise on the full range of issues facing K-12 educators, including teacher tenure and termination, student discipline, students' rights, special education, athletics eligibility, contract negotiation, policy development, administrative compliance, complaint investigations, and personnel matters. We also provide training and in-service assistance to staff members at all levels.

Areas of Focus

General Counsel

Addressing day-to-day operational issues and advising on strategic direction. The Spencer Fane K-12 Education team has extensive experience guiding school districts and school leaders on the full range of legal and regulatory issues confronting primary and secondary schools. Members of our team advise on:

- **Administrative complaints**, including charges brought by DESE, OCR, and EEOC.
- **Board policies**, including drafting governing policies, compliance with changing laws, and advising and modifying policies recommended by state policy services.
- **Constitutional issues**, including rights of teachers, discipline of students, recognition of outside groups, freedom of speech and religion, student attire, school publications, and extracurricular clubs.
- **In-service training**, including training related to harassment, discipline, special education, and confidentiality of student records.
- **Open meetings and records**, balancing the public's right to information with a school district's need to conduct certain business in confidence.

- **Student and staff handbooks**, including drafting practices and policies, and reviewing and updating to comply with current legislation and best practices.
- **Student records**, including compliance with confidentiality rules and FERPA, and representing schools in the context of litigation between parents.
- **Vendor contracts**, recommending and negotiating changes to standard contracts with a school district's interests in mind.

Special Education

Guiding school districts through a complex web of special education requirements. Providing appropriate services to children with disabilities as required by state and federal law may be one of the most difficult challenges school districts face, and Spencer Fane attorneys are uniquely qualified to help.

Members of our Special Education team have technical training and practical experience in guiding school districts through the complexities, advising on:

- **Section 504, IDEA, ADA, and other statutes** governing services for children with disabilities.
- **In-service training** and conducting training sessions.
- **Student discipline** and related issues.
- **Investigating parental complaints** and developing administrative responses.
- **Representing school districts in due process hearings**, as well as state and federal court.

Student Discipline

Preventing student discipline issues and defending schools against allegations of unlawful disciplinary action. Well-written policies and handbooks can shape expectations and the school environment to minimize disciplinary problems, and Spencer Fane K-12 Education attorneys have extensive experience drafting effective policies and effective student handbook provisions.

But when a discipline situation arises, our lawyers assist immediately – attending discipline hearings and participating in discipline appeals before the Board of Education (or its designated committee).

Members of our K-12 Education Law team handle all types of questions regarding discipline of students, including those with disabilities. And 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.

Teacher Discipline / Termination

Guiding administrators in taking appropriate remedial measures within constitutional bounds. 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, consequences may be appropriate.

Spencer Fane K-12 Education Law attorneys help school districts address underperforming teachers, including assisting in the informal discipline of a teacher, a formal termination or nonrenewal of a teacher, or the revocation of a teacher's certificate.