

Independent & Charter School Law

Schools are, among other things, employers, purchasers of goods and services, owners or lessees of real property, and financial managers. Our attorneys regularly provide advice and services to our school clients in each of these areas, with a special depth of experience in the representation and counseling of independent schools and charter schools.

We represented our clients in virtually all areas that affect independent educational institutions, including the full range of employment and labor issues, personnel policies and procedures, student disciplinary issues, special education responsibilities, insurance matters, and real estate and leasing matters. Our attorneys have experience in representing schools of all sizes, philosophies and denominations.

Our goal is to work closely with school leadership to avoid litigation through the use of preventive measures and counseling. However, when litigation arises, our team of attorneys stand ready to represent our school clients before all courts and administrative agencies.

We serve schools as their general counsel, having provided guidance in the following areas:

Administration

- School structure and management, including government filings and preparation of by-laws and amendments
- Conduct board meetings, including statutory compliance and proper maintenance of minutes and records
- Restructuring, including moving of facilities and changes in management and Board composition
- Financing arrangements
- Facilities construction and renovation contracts and related litigation
- Real estate sale and leasing
- Equipment leasing and software licensing
- Vendor contracts (including tuition payment systems)
- Insurance coverage
- Compliance with constitutional and statutory mandates
- Sexual misconduct by teacher or administrator with student or other minor
- School liability for acts of staff, and school responsibility to indemnify staff for individual liabilities
- Charitable immunity

Employment & Labor

- Employment contracts
- Staff compensation disputes, including pension issues
- Employee discipline, including suspension of employment with or without pay, termination of employment, and non-renewal of contract

- Internal investigations
- Employee leave matters, including policies regarding childbirth leave
- Severance agreements
- Tenure issues
- Hiring and background checks of job applicants
- Wage and hour disputes
- Labor organization issues

Student Affairs

- Tuition collection
- Student discipline
- Student civil rights issues
- FERPA and confidentiality of student records
- Independent school admission issues and charter school lottery issues
- Legal responsibilities in responding to suspected child abuse, including communications with relevant state agencies
- Violence by students, including threats, weapons possession, and “zero tolerance” policies
- Bullying, including online misconduct/harassment
- Drug and alcohol policies and enforcement
- Medical issues, including administration of medication to students, arrangements with outside medical providers, and school nurses
- Student internships and related contracts
- Special education requirements