Education Litigation

Overview
From IEP, disability accommodation and labor and employment disputes to facilities management, safety, environmental issues and financial constraints — education institutions must overcome far more than the typical hurdles public agencies face. Handling these and a host of other issues requires a wide range of regulatory and legal knowledge and experience.

Best Best & Krieger LLP’s cross-disciplinary Education Litigation team represents public and private K-12 schools, school districts, county offices of education, community colleges and universities, special education local plan areas and education foundations. We help these clients minimize risk, avoid potential pitfalls, and resolve litigation while managing costs when going to court proves unavoidable.

Our litigators have successfully represented educational institutions at all levels of state and federal court. We manage every aspect of litigation, preparing and responding to discovery requests including depositions, requests for admissions, interrogatories, requests for production of documents, and motions for physical and mental examinations. We represent our clients at motion hearings and litigate disputes in trial courts and on appeal, when necessary. BB&K attorneys also have extensive experience in handling collective bargaining negotiations, administrative hearings and proceedings, impasse procedures, grievances, discipline appeals, and layoff hearings.

Meeting Our Clients’ Needs In & Out of Court
Our attorneys have litigated disputes involving a wide range of issues, including:

- School board governance and administration
- Business services and school facilities
- Regulatory compliance
- Charter schools, including applications, petitions, revisions and renewals
- Oversight responsibilities, fiscal monitoring and investigations
- Land acquisition and related real estate matters
- Environmental issues
- Finance, acquisition and construction of facilities
- Special education and Section 504

Related Practices
- Board Governance & Administration
- Business Services & School Facilities
- Charter Schools
- Eminent Domain
- Environmental Law & Natural Resources
- Government Policy & Public Integrity
- Public Agency Labor & Employment
- Public Agency Litigation
- School Finances, Developer Fees & Mitigation
- Special Education
- Student Affairs

Key Contacts
Jack B. Clarke
PARTNER
(951) 826-8233

Connected Industries
Education
Americans with Disability Act and disability accommodations
Facilities management and safety issues
Student affairs
Student discipline, suspension and expulsion
Labor, employment, unions and collective bargaining matters
Discrimination and harassment claims
Contracts
Civil rights, due process, equal protection, free speech/religion and other constitutional challenges
Statutory law claims
Academic governance
Admission processes
Family Educational Rights and Privacy Act, pupil records and other privacy issues

Beyond the courtroom, we assist school districts in responding to federal and state complaint investigations and compliance reviews, in conducting audits and complaint investigations, and in mediations, arbitrations and settlement discussions. We also advocate regarding legislative initiatives and assert and defend our clients’ interests before government agencies and regulatory bodies, including the Public Employment Relations Board, the National Labor Relations Board, the California Department of Education, the California Office of Administrative Hearings and the federal Office for Civil Rights.

Comprehensive Risk Avoidance and Litigation Prevention Strategies
We recognize the benefits of avoiding litigation whenever possible. Taking a proactive approach, we work with clients on developing risk avoidance strategies and complaint/response procedures. We help create and revise student handbooks, and school policies and practices. We offer training to assure staff compliance.

People

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OF COUNSEL
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Areas of Focus: Education Law | Education Litigation | Public Finance | Special Education

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VCARD LINKEDIN
### Areas of Focus:
- Board Governance & Administration
- Business Services & School Facilities
- Charter Schools
- Education Law
- Education Litigation
- Special Education
- Student Affairs

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**Areas of Focus:**
- Education Law
- Education Litigation
- Special Education
- Student Affairs

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**Areas of Focus:**
- Board Governance & Administration
- Business Services & School Facilities
- Charter Schools
- Education Law
- Special Education
- Student Affairs

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**Areas of Focus:**
- Business Litigation
- Environmental Litigation
- Labor & Employment Litigation
- Municipal Law
- Public Agency Litigation

### Paul Lacy
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**Areas of Focus:**
- Education Law
- Education Litigation
- Special Education
Our attorneys have litigated disputes involving a wide range of issues, including civil rights, due process, equal protection, free speech/religion and other constitutional claims, contracts, facilities management and safety issues, Americans with Disability Act and disability accommodations, Finance, acquisition and construction of facilities, Oversight responsibilities, fiscal monitoring and investigations, Charter schools, School board governance and administration, facility planning and design, contracts, labor, employment, labor and employment law, and Section 504, unions and collective bargaining matters.

Beyond the courtroom, we assist school districts in responding to federal and state complaints and investigations, in conducting audits and overhauling policies and practices. We offer training to strategies and complaint/response procedures. We help create and revise proactive approaches, we work with clients on developing risk avoidance strategies, and we manage every aspect of litigation, preparing and presenting in administrative and judicial forums.

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**News & Events**

**CLIENT SUCCESSES | FEB 14, 2019**

**BB&K Defeats Program Management Services Contract Challenge**

Los Angeles Community College District's $80 Million Program Management Services Contract Properly Awarded, Court Finds

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**EVENT | FEB 13, 2019**

**ACSA’s 2019 Every Child Counts Symposium**

Association of California School Administrators

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**AUTHORED ARTICLES & PUBLICATIONS | NOV 30, 2018**

**Speech is Speech and It’s Protected**

Tori Hester Analyzes Ninth Circuit First Amendment Ruling for Public Agencies
LEGAL ALERTS | OCT 10, 2018
Public Bus Ad Gets a Free Ride
County Cannot Prohibit Ad Content Solely Because it’s Disparaging or Potentially Disruptive, Ninth Circuit Holds

LEGAL ALERTS | AUG 07, 2018
Ninth Circuit: No “Amen” to School Board Invocation
Prayers Violated First Amendment

LEGAL ALERTS | JUN 21, 2018
“Protected Activity” Rejected by California Appellate Court Under Anti-SLAPP Statute
School District Officials’ and Board Members’ Actions at Issue

EVENT | MAY 23, 2018
Occupational and Physical Therapy: Legal Issues and Best Practices
Orange County Department of Education - Special Education Services

EVENT | APR 18, 2018
2018 Federal Civil Practice Seminar
Federal Bar Association Inland Empire Chapter

EVENT | FEB 15, 2018
What are Student Records and What are Public Records
ACSA Every Child Counts Symposium

EVENT | JAN 30, 2018
Discipline and Expulsion Best Practices
NBI Workshop - IEPs and 504 Plans

EVENT | DEC 01, 2017
Bullying: The Legal View and Cost
CSBA Annual Education Conference and Trade Show
The Difficult Issue of School Bullying from a Legal Perspective
8th Annual Safe Schools Conference

School District Can’t Stop Transgender Student from Using Restroom of Choice
Federal Appeals Court Upholds Temporary Injunction Against District

2017 Federal Civil Practice Seminar
Federal Bar Association Inland Empire Chapter

School District Prevails in Special Education Placement Case
Partner Karen Van Dijk Earns Victory Before the Ninth Circuit

New Standard for FAPE
Program Must Allow Child to Make Progress “Appropriate in Light of Child’s Circumstances”

Special Education Legal Panel
The Orange County Special Education Alliance

Federal Judge Halts Implementation of Waters of the United States Rule
Injunction Applies Only to 13 States That Are Parties to the Case