

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

Key Contacts



Jack B. Clarke

PARTNER

(951) 826-8233

Connected Industries

[Education](#)

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](#)

- 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



Lauri A. Arrowsmith

OF COUNSEL

LAURI.ARROWSMITH@BBK
LAW.COM

(949) 263-6564

VCARD
LINKEDIN

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



Jack B. Clarke

PARTNER

JACK.CLARKE@BBKLAW.C
OM

VCARD
LINKEDIN

(951) 826-8233

Areas of Focus: Board Governance & Administration | Business Services & School Facilities | Charter Schools | Education Law | Education Litigation | Special Education



Maria E. Gless

PARTNER

MARIA.GLESS@BBKLAW.COM

(951) 826-8333

VCARD
LINKEDIN

Areas of Focus: Education Law | Education Litigation | Special Education | Student Affairs



Cathy S. Holmes

PARTNER

CATHY.HOLMES@BBKLAW.COM

(951) 826-8218

VCARD

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



Paul Lacy

OF COUNSEL

PAUL.LACY@BBKLAW.COM

(916) 551-2837

VCARD

Areas of Focus: Education Law | Education Litigation | Special Education



Juan Ornelas

DIRECTOR OF PRACTICE
SUPPORT*

JUAN.ORNELAS@BBKLAW.COM

(951) 826-8336

VCARD
LINKEDIN

Areas of Focus: ARC: Advanced Records Center | Business Litigation | Education Litigation | Environmental Litigation | Labor & Employment Litigation | Public Agency Litigation



Arlene Prater

PARTNER

ARLENE.PRATER@BBKLAW.COM

(619) 525-1334

VCARD
LINKEDIN

Areas of Focus: Education Law | Education Litigation | Labor & Employment | Labor & Employment Litigation | Municipal Law



Joseph R. Sanchez

PARTNER

JOSEPH.SANCHEZ@BBKLAW.COM

(619) 525-1372

VCARD

Areas of Focus: California Public Records Act | Education Law | Labor & Employment | Labor & Employment Litigation



Mary K. Stracke

PARALEGAL*

MARY.STRACKE@BBKLAW.COM

(951) 826-8334

VCARD

Areas of Focus: Education Law | Education Litigation



Andrea Swinhart

PARALEGAL*

ANDREA.SWINHART@BBKLAW.COM

(951) 826-8463

VCARD

Areas of Focus: Business Services & School Facilities | Charter Schools | Education Law | Education Litigation | Special Education | Student Affairs



Christine N. Wood

DIRECTOR OF PRA SERVICES
AND E-DISCOVERY COUNSEL

CHRISTINE.WOOD@BBKLAW.COM

VCARD

(213) 542-3861

Areas of Focus: ARC: Advanced Records Center | Board Governance & Administration | California Public Records Act | Government Policy & Public Integrity | Municipal Law | Public Agency Litigation

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

EVENT | FEB 13, 2019

ACSA's 2019 Every Child Counts Symposium

Association of California School Administrators

AUTHORED ARTICLES & PUBLICATIONS | NOV 30, 2018

Speech is Speech and It's Protected

Tori Hester Analyzes Ninth Circuit First Amendment Ruling for Public Agencies in PublicCEO

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

EVENT | JUL 20, 2017

The Difficult Issue of School Bullying from a Legal Perspective

8th Annual Safe Schools Conference

LEGAL ALERTS | JUN 02, 2017

School District Can't Stop Transgender Student from Using Restroom of Choice

Federal Appeals Court Upholds Temporary Injunction Against District

EVENT | APR 20, 2017

2017 Federal Civil Practice Seminar

Federal Bar Association Inland Empire Chapter

CLIENT SUCCESSES | APR 05, 2017

School District Prevails in Special Education Placement Case

Partner Karen Van Dijk Earns Victory Before the Ninth Circuit

LEGAL ALERTS | MAR 24, 2017

New Standard for FAPE

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

EVENT | JAN 26, 2017

Special Education Legal Panel

The Orange County Special Education Alliance

LEGAL ALERTS | AUG 28, 2015

Federal Judge Halts Implementation of Waters of the United States Rule

Injunction Applies Only to 13 States That Are Parties to the Case
