

OUR PRACTICE

Independent Schools and Charter Schools

Baker Donelson has been involved in education law since the 1970s and has advised school districts and other educational institutions in critical and routine matters alike, from desegregation and the development of today's student rights environment, to entity formation and developing student handbooks. We have represented or consulted with more than 100 schools and districts, in many instances serving as outside general counsel. In addition, our attorneys frequently speak on issues of school administration and education law, and many have backgrounds in education, including special education and administration.

Strategic advice. We work to understand each school's unique goals and culture to help it address legal issues cohesively with its objectives and budgetary realities. We assist with legal aspects of their strategic planning initiatives, including developing risk management and litigation avoidance strategies and optimizing alternative revenue streams.

Labor and employment. We draft as well as counsel and train on employment procedures and policies. We conduct audits for pay equity, wage and hour, ERISA, whistleblowing and restrictive covenant compliance. We also conduct internal investigations and defend schools in employment litigation, including a full range of discrimination, retaliation and breach of contract claims. We advise on union avoidance, collective bargaining negotiations and administrative grievances.

School funding, financing and tax. We routinely provide advice on issues related to private donations, bank loans, taxable and tax-exempt fund issuances, and tax credit opportunities. We also advise on any taxation, financing and bonding issues, and public funding concerns for charter schools. Tax issues can include charter school tax-exempt status, filings with and dealing with the Internal Revenue Service, and multi-corporate structures that may be applicable to charter schools.

Real estate and construction. We aid in real estate and facility-use arrangements for charter schools, including helping to negotiate leases with property owners for commercial real estate and property for charter schools, and advising in any construction or expansion projects.

Privacy and information security. Lawyers on our team advise on FERPA, HIPAA, cybersecurity/data breach, privacy and social media issues.

Lobbying. Particularly on the charter school front, our attorneys are integrally involved in drafting legislation and policy and lobbying at the local and state levels.

Regulatory. Our team of attorneys is skilled at working with regulatory boards, particularly for charter schools, to navigate the opening of facilities.

Student discipline. Members of our team update policies and student handbooks and litigate student discipline issues.



Representative Matters

Independent Schools

- Advised regarding all manner of policies and procedures related to COVID-19 pandemic.

- Served as legal counsel on independent schools' COVID-19 reopening task force.
- Advised regarding remote/online learning policies and procedures.
- Drafted and reviewed/updated employee handbooks and faculty/staff employment agreements.
- Drafted and reviewed/updated parent/student handbooks.
- Assisted independent schools in parent, staff and media communications.
- Advised regarding sick, vacation and leave policies.
- Conducted board training and advised on all manner of governance issues.

Charter Schools

- Applied for charters to operate a charter school and drafted the necessary legislation to obtain state approval.
- Worked with charter schools on charter applications and the renewal process.
- Advised on taxation, financing and bonding issues, and public funding concerns.
- Aided in the real estate and facility-use arrangements, helped to negotiate leases with property owners for commercial real estate and property for charter schools, and advised related to any construction or expansion projects.
- Assisted in labor and employment matters in connection with hiring, dismissal, due process review, public disclosure and confidentiality matters in connection with charter school employees and staff.
- Monitored state legislative developments that affected charter schools and acted as liaison to state departments of education.
- Served as counsel to management companies and nonprofit organizations operating charter schools.
- Reviewed vendor contracts with businesses and negotiated school management company contracts and operating agreements.
- Assisted with the financing of the acquisition, construction and equipping of facilities utilized by charter schools through the issuance of tax-exempt and/or taxable bonds.