

Independent School Law

For more than 40 years, Independent Schools, their Trustees, Heads of School, CFO's and other administrators have relied upon the representation of Schenck, Price, Smith & King's School Law practice group -- one of the largest such practices in the State -- for assistance with all facets of school operations. Our attorneys have a tremendous depth of experience and practical approach to dealing with the issues faced by Independent Schools.

We represent Independent Schools of all sizes, denominations and educational philosophies throughout New Jersey and the United States. Our experience and familiarity with the needs of Independent Schools enhances our ability to provide legal services efficiently and expeditiously, yet with individualized attention.

Independent Schools face a wide range of issues not ordinarily considered under the umbrella of "school law", including environmental issues, corporate issues, insurance coverage, municipal zoning, pension issues, and defense of employment law claims. As a full-service law firm with over 85 attorneys and two dozen practice groups, we have the in-house resources and capacity to address the entire field of legal issues faced by Independent Schools.

Student Matters:

SPSK's school law attorneys routinely counsel Independent Schools on a variety of student matters and lecture and provide trainings across the United States on a variety of student issues. Our expertise includes:

- Drafting Student Handbooks
- Student Discipline & Due Process
- Bullying/Cyberbullying
- 24/7 and Code of Conduct Policies
- Field Trip Policies
- Student & Family Homestay Agreements
- Student Searches
- Drug & Alcohol Testing
- Suspension/Expulsions
- I-9 Issues

- Honor Code Policies/Academic Expectations
- Attendance Issues
- Health Concerns
- Acceptable Computer Use Issues
- Social Media
- Matrimonial Complications
- Transportation
- One-to-World Device Policy Development
- Athletic & Eligibility Issues
- Student Disability/Accommodation Issues
- Pupil Records & Retention

Independent School Governance:

- Bylaw Design & Drafting
- Drafting Independent School Handbooks
- Preparing Constitutions & Bylaws
- Ethics & Conflict of Interest Concerns
- Accreditation Monitoring & Assistance
- Trustee Training
- Trustee Appointment or Election Process & Procedures
- Guidance on Running Effective Meetings
- Non-discrimination/Affirmative Action Policy Development
- Public Relations Concerns
- Fundraising

Head of School Matters:

The relationship between the Independent School community, the Trustees and its Head of School is fundamental to the success of the entire Organization. A strong Head of School is at the core of that relationship. Our attorneys routinely counsel our clients

on initiating, perpetuating and transitioning that relationship. The types of services we provide include, but are not limited to:

- Drafting Head of School Contracts
- Executive Compensation Counseling
- Separation Agreements
- Transition/Succession Planning
- Developing Legally Compliant Compensation/Retirement Packages
- Guidance with Head of School Searches

Employment Issues:

Managing employment issues is one of the most complex issues facing Independent Schools. SPSK's team of attorneys provide proactive legal advice and solutions to address the myriad of laws and regulations facing Independent Schools. Our work extends to:

- Drafting Staff Handbooks
- Wage & Hour Law Compliance
- Compensation/Benefits
- Reorganizations, Reductions in Force and Right-sizing
- Labor law expertise including collective negotiations, grievance arbitrations and unfair labor practice charge proceedings
- Developing Evaluation Procedures
- Drafting Employment Contracts
- Dismissal Advice
- Drafting Separation Agreements/Releases
- Training on employment issues for all levels of staff
- Sexual harassment counsel investigations and training
- Workers' Compensation Compliance
- Drafting Whistleblower Policies
- Compliance with State and Federal Anti-Discrimination Laws

- Disability & Accommodation Counseling
- Maternity Leave Policies
- Benefit Packages
- Family Medical Leave Policies
- Social Media & Technology Concerns
- Acceptable Computer & Social Networking Policies
- Attendance Issues
- Performance Appraisals

Land Use & Zoning:

The attorneys at Schenck Price Smith & King have a long history of representing schools in a wide-variety of land use matters including property acquisition, redevelopment and sales. Our group has significant experience with large and small subdivisions, residential, commercial and industrial site plans, zoning, variances, and related permitting and interpretation, as well as decades of experience handling all types of environmental issues.

Construction Counseling:

From initial planning and design through project close-out, our attorneys have decades of experience in assisting our school clients with all phases of the construction process. Our team of construction law attorneys has handled hundreds of millions of dollars of projects over the years and we have achieved outstanding results for our clients when projects do not go as planned.

Our experience allows us to identify and proactively manage project risks and advise clients in making timely and fiscally responsible decisions.

The goal is to help avoid and mitigate claims and to be strategically positioned if litigation or arbitration is required.

Our services extend to:

- Drafting and negotiating favorable complex construction contracts
- Counseling clients through the bidding or RFP process
- Assisting clients in avoiding, minimizing, and resolving disputes during construction

- Providing advice on lien (municipal mechanic's, construction, and residential) and bond issues
- Representing clients before administrative agencies such as the New Jersey Department of Labor, the New York Environmental Control Board, and the United States Occupational Safety and Health Administration
- Counseling clients on job site labor issues, including picketing and disputes
- Litigation representation state and federal courts
- Mediating and arbitrating complex construction disputes strategically and cost effectively

Intellectual Property Guidance:

An Independent School's intellectual property is one of its most important assets. Our attorneys assist clients in identifying and protecting intellectual property assets; identifying, protecting and enforcing intellectual property rights; and identifying and limiting exposure to potential intellectual property liabilities. We also assist in establishing the processes and procedures to review and monitor the creation and use of intellectual property to accomplish these goals. Examples of this are:

- Copyright issues, including fair use, infringement by using materials from the web, licensing and performance of copyrighted works, putting copyrighted works of others on a website
- Trademark issues, including infringement of the brand of another school or business, protection of your name, brands and logos
- Software (and other) licensing issues, including failure to comply with license limitations, addressing whether licensees from third parties grant the rights the school needs

Non-Profit Counseling:

We counsel independent schools on various nonprofit related issues which include the following:

- General Compliance with IRS and State Law Rules
- Nonprofit Governance
- Form 990 Review and Counsel

- Unrelated business income tax counsel
- Advice and structure relating to supporting organizations;
- Charitable solicitation registration and fund-raising;
- Estate planning
- Real property tax exemption

Litigation:

Our School Law team works closely with our litigation practice group, which possesses considerable litigation experience. We regularly appear in both Federal and State court. In fact, five of our litigation attorneys have earned the New Jersey Supreme Court's prestigious designation as Certified Civil Trial Attorneys. Only a small percentage of attorneys in New Jersey have the requisite trial experience and have passed the rigorous exam required to receive this distinction. While we strive to help our clients avoid litigation, when it becomes necessary, we have the expertise to handle any litigious situation.

Risk Management:

Avoiding risk and liability allows the Independent School to do what it does best – educate students. Our attorneys work proactively with School Administrators to:

- Perform risk assessments and counsel schools on how to minimize exposure at all levels of the organization
- Train Administration and Staff on legal issues affecting non-public schools, to avoid legal liability
- Insurance coverage advice

School Safety & Security:

Keeping staff and students safe at school is the highest priority for Independent Schools. Our team of attorneys regularly counsel our school clients on school safety and security matters including:

- The Interplay Between Schools & Law Enforcement
- Student Arrests
- Emergency/Lockdown Procedures
- Criminal History Background Checks
- Retention/Hiring of Security Officers
- Crisis Management

When it comes to school law issues, SPSK’s experienced team of attorneys has seen it all. SPSK recognizes that frequently you and your school administrators require quick, informed and definitive answers when problems arise. Our experience and commitment to excellence allows SPSK to deliver on your commitment to excellence.

Attorneys

- Marc H. Zitomer, Chair
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