

Education Practice Group

The attorneys in our Education Practice Group regularly provide training to our school clients, covering a range of topics. Our training programs typically range from one to two hours (unless noted below). Many schools like to have us present the training in the week or so before students return to school in the fall. We use PowerPoint presentation format with an interactive discussion. We can present the program in a webinar format or on site. We build numerous hypothetical situations into the training to help focus the audience on the situations and solutions. Examples of some of our more popular programs include:

Programs for Administrators and Managers:

- Overview of laws governing the school's relationship with its employees: This comprehensive program covers all of the federal and state laws that govern the School's relationship with its faculty and staff. We discuss hiring, interviewing, background investigations, reference checks, harassment, discrimination, family leave laws, disability issues, documentation, coaching, counseling, disciplining, and terminating (or not renewing contracts of) employees. This program is a four- to six-hour program, depending on your needs.
- Overview of laws governing the school's relationship with its students: This comprehensive program covers all of the federal and state laws that govern the School's relationship with its students including Title IX, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act as well as state contract and tort claims. We cover proper admissions procedures, enrollment contracts, confidentiality concerns, student handbooks, and child abuse, as well. This program is a four- to six-hour program, depending on your needs.
- Wage Hour Compliance: This comprehensive program covers the typical wage hour exemptions in private schools; discusses requirements for each exemption; discusses common problem areas; focuses on options for paying non-exempt employees; discusses requirements for the summer camp exemption; explains the Department of Labor's position on volunteers (and whether volunteers are really employees), and provides several hypothetical questions to work through. This is a one- to two-hour program.
- To Contract or Not?: This program covers the numerous types of contracts that schools regularly enter into with employees; service providers on campus (tutors, speech therapists); service providers off campus (uniform companies, book companies); and governmental entities (cities, school boards), and discusses the risks and benefits of each. The speaker provides numerous examples of problems and substantial liability that can arise through these relationships and methods to avoid them. The speaker discusses best practices for each type of contract.
- Americans with Disabilities Act: This program focuses on the definition of disability, how it typically arises in school settings, the employee's rights and obligations, and the employer's rights and obligations. This is an area that we can combine the discussion of employment issues with student issues if you would like. We use many case studies and provide some case citations for more in depth discussion. This is a one-to-two hour program.
- Leadership Excellence Workshop: Managing to Enhance Productivity: In this workshop, we provide a brief overview of the civil rights laws that the administrator/manager is responsible for complying with and explain their broad application to the employment relationship. We focus on basic behavioral expectations briefly, and then turn the discussion to the leadership component, including

timely coaching/feedback for subordinates, good documentation, and how to handle the need to separate. We use case studies to show how employee behavior develops over time and needs to be addressed on a timely and appropriate basis to avoid surprise and liability.

- Handling Government Investigations: This program discusses the proper response when a government investigator appears at the School demanding to view records and/or speak with either faculty or students. Knowing the School's rights in such a situation is critical. This is a one- to two-hour program.
- Unlawful Harassment: This program provides School administrators with hands-on tools for identifying and responding to allegations of harassment. The program provides a comprehensive overview of federal and state laws and a detailed discussion of how to identify and investigate a harassment complaint. The program covers both workplace harassment concerns and student-student harassment concerns. This is a one- to two-hour program.
- Changing Nature of the Faculty/Student Relationship (also referred to as our "Adult/Student Boundaries Training"): This program addresses the need of faculty and coaches to understand appropriate boundaries when interacting with students. This program can be structured to be delivered either to administrators (for their communication to faculty) or to faculty and administrators. We cover the liability concerns, how to set boundaries, and concerns of inappropriate behavior. This is a one- to two-hour program.
- Family Medical Leave: This program provides School administrators with hands-on tools for identifying and responding to requests for family medical leave. The program provides a comprehensive overview of the new amendments to the Family Medical Leave Act, including unique rules governing leave taken near the end of a term. We typically suggest combining this with the Americans With Disabilities Act discussion because these issues must be considered together. This is a one- to two-hour program.
- Student Handbooks: This program guides administrators in the best practices for creating a comprehensive student handbook. We discuss the structure of the handbook, specific policies to be included and specific policies to be avoided. This is a one- to two-hour program.
- Employee/Faculty Handbooks: This program guides administrators in the best practices for creating a comprehensive faculty and/or staff handbook. We discuss the structure of the handbook, specific policies to be included and specific policies to be avoided. This is a one- to two-hour program.
- Hiring and Firing Seminar: This program provides an in-depth discussion of the best practices to be used by the School in the hiring and separation processes. We analyze employment applications, interviews, offer letters and employment contracts, and discuss the School's obligations under federal law when conducting background investigations. We then talk about the best practices to employ when a decision is made to end the relationship. This is a one- to two-hour program.
- Student Enrollment Contracts: This program provides an in-depth discussion of the best practices for drafting comprehensive enrollment contracts that can protect the School from a variety of claims. This is a one- to two-hour program.
- Emerging Internet Issues: This program covers the emerging concerns, both in student and employee relations, arising from internet and computer usage, both on and off campus. We discuss cyberbullying, child pornography, social networking issues and appropriate policies and procedures for proper usage of the school's systems. We focus on proper training, policies, and preventive actions. This is a one-hour program.

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- Bullying Issues: This program outlines the recent trends in student bullying (and harassment), discusses the nature of claims that can be asserted, provides guidelines on drafting a bullying policy and implementing an anti-bullying program, involving the entire community. This is a one-hour program.

Programs for Administrators and/or Teachers include:

- Child Abuse: This program discusses one of the most difficult areas for School administrators and faculty: how to identify the signs and symptoms of child abuse. The program provides guidance on how to establish internal procedures for responding to these allegations as well as a comprehensive discussion of the School's state law reporting obligations. This is a one- to two-hour program.
- Student Discipline and Investigation: Too often, student disciplinary decisions are being questioned by the courts. This program provides School administrators and faculty with hands-on tools for investigating and documenting student disciplinary decisions. This program includes a review of how courts interpret discipline for off-campus issues (including internet and e-mail violations) and best practices for honor council proceedings. This is a one- to two-hour program.
- Student Disabilities: This program provides an in-depth discussion of how to comply with the Americans With Disabilities Act and Section 504 of the Rehabilitation Act. We include numerous hypotheticals to work through with case citations. We discuss how to identify a request for an accommodation as well as how to respond to such a request. This is a one- to two-hour program.
- Supervision, Classroom and Field Trip Safety: This program provides faculty with hands on tips on how to improve classroom, playground, and field trip safety. We use case studies and an interactive discussion to drive home the nuances of the law and to help teachers understand how their actions or inactions may be viewed in the legal context. This is a one- to two-hour program.
- Professionalism in Communications: This program provides an in-depth discussion of teacher communications with parents, students, and third-parties. We focus on parent-teacher conferences, including planning for the conference, communicating with the proper person, documenting important information, careful writing, confidentiality, privacy issues, and recommendation letters. We often include a second part of the program which focuses on faculty communications with colleagues (harassment concerns). This is a one- to two-hour program.

Programs for Other Staff Employees include:

- Confidentiality and Professionalism: This program is designed to educate staff members on their obligations to handle communications about families, students, school, and employees in a confidential way; to understand, recognize, and report problematic information to the proper administrators or supervisors at the school; and to understand and enforce appropriate boundaries with students and parents. This is a one to two hour program.
- Harassment: This program provides employees with an understanding of how their actions can impact the comfort of other employees, parents, and students; how to avoid problematic communications and actions; how to communicate to others (professionally) when their behavior or conduct is not consistent with a professional school environment; and how to appropriately report concerns of potential harassment or non-professional actions. Engaging in this type of training on a regular basis (for all employees) can help the school avoid harassment claims and/or establish a defense to a claim of unlawful harassment. This is a one hour program.

We also have student training programs on the subjects of bullying, harassment, cyberbullying, and hazing. We have presented this to several schools for the 6 through 12 grades. To maintain audience interest, we have different programs for the different level of students (lower, middle, and upper). The students actively participate and help find solutions to bullying and other exclusionary activity. In addition, our upper school student program includes other issues of concern to these near adults, focusing on how their behavior may be criminal (sexual activity, assaults, booze parties) and result in unanticipated consequences (legal action, criminal action, loss of employment, dismissal from school, or failure to be accepted at college).

We can also combine programs or create specific programs tailored for the needs of your School on nearly any topic. The cost for an existing program includes a small fee for customizing the program (usually about 30 minutes) and the actual time for conducting the program (usually two to eight hours, depending on the School's needs). That amount can be discussed once the program is finalized.

For information on scheduling or pricing any of these programs (or if you want the firm to create a program to address your specific needs), please contact your Fisher & Phillips attorney or:

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