

BOND

INDEPENDENT SCHOOLS

Bond, Schoeneck & King has a long history of representing independent pre-schools and K-12 schools. We are fully capable of meeting the unique, comprehensive needs of independent schools. By drawing on a depth of experience from attorneys firmwide, our independent school clients receive effective, timely and efficient services. Because we serve a large number of clients in this specialized area, we stay current with the evolving requirements of the law and achieve sound, practical results.

Independent School Law Matters

In addition to the specific subject areas outlined below, we provide our independent school clients with a full range of services, including:

- serving as general counsel to boards of trustees and human resource professionals;
- preparing and updating board policies, resolutions and legal notices;
- assisting with tuition reimbursement issues;
- providing advice and technical assistance on renewals and revisions of charters, as well as applications for initial provisional charters and state recognition status;
- providing effective representation in administrative proceedings, as well as state and federal court proceedings;
- counseling and assisting with agency audits and implementing improvement plans; and
- providing general advice, counsel and legal opinions regarding all aspects of independent school operations.

We also are highly skilled at crisis management issues that may arise and impact a school's community.

Drafting and Reviewing Enrollment and Tuition Agreements

A properly drafted enrollment and tuition agreement is an essential part of a school's risk management strategy. We carefully draft and review these contractual agreements to deter potential claims against the school and to protect the school's interests.

Special Education

We offer a full range of legal services on matters involving the education of students, including compliance issues arising under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, the American with Disabilities Act (ADA) and state laws and regulations impacting on students with disabilities; attendance at Committee on Special Education (CSE) meetings; and representation at impartial hearings, appeals to the state review officer, civil lawsuits and administrative proceedings.

Student Matters

We have vast experience in all areas of student-related matters, such as student discipline; search and seizure issues; student rights and responsibilities; student enrollment; privacy and release of student records and student data; equal access issues; and child abuse in the educational setting. We are also highly skilled at navigating the domestic issues (e.g., custody disputes) that can arise particular to independent schools.

Purchase, Construction and Renovation

Our property and construction law practice can assist in negotiating, drafting and reviewing contracts for purchase of and improvements to real property, including purchase, owner/architect, owner/contractor and contractor/subcontractor agreements; enforcing or defending construction claims through alternative dispute resolution; and negotiating and reviewing energy performance contracts. We also assist independent schools with certificate of occupancy requirements and compliance with local, state and federal education rules and regulations.

About Bond, Schoeneck & King

Bond serves individuals, companies and public-sector entities in a broad range of areas.

With more than 300 lawyers and 15 offices, we represent clients in manufacturing; agribusiness; commercial lending and real estate and construction; energy; health care and long term care as well as municipalities, school districts, higher education and other exempt and nonprofit organizations. We maintain 11 offices across New York; and one each in Boston; Kansas City; Naples; and Newark.

Bond is committed to understanding our clients' needs and providing comprehensive, practical, high-quality and responsive solutions. We strive to maintain the highest professional and ethical standards, and to provide leadership in community activities, pro-bono work and service to the Bar.

For more information, visit bsk.com.

Environmental

Our firm has represented clients on environmental issues dating back to the late 1940s. Our practice addresses all aspects of environmental law including environmental review of school district construction projects under the New York State Environmental Quality Review Act (SEQRA); permit applications and enforcement proceedings; regulatory compliance; environmental considerations involved in the leasing, sale and purchase of real property; and regulation of asbestos projects, indoor air pollution, storage tanks, disposal of laboratory and other hazardous wastes and compliance with the SEQRA as it relates to educational projects.

In-Service Training

We provide interactive and embedded training to boards of trustees, administrators and staff on many aspects of school law, including governance and oversight, student performance data, school safety issues (student discipline, search and seizure, use of force, dress codes, social media use); mandated reporting of child abuse and neglect; confidentiality of student records and compliance with subpoenas and requests for information; compliance with the IDEA and other disability laws; and labor and employment law topics, such as sexual harassment, disability discrimination, teacher evaluation and discipline and proper investigatory methods. We train on any school law issues and will tailor the presentations to address the specific needs and concerns of your school.

Labor and Employment Law

We provide the full spectrum of labor and employment law services to independent schools, including the negotiation, draft and review of employment agreements for school leaders and teachers; negotiation of collective bargaining agreements; defense against employment discrimination claims before the state Division of Human Rights, Equal Employment Opportunity Commission and in state and federal courts; assistance in the preparation and/or review of employment-related school board policies, handbooks and administrative regulations; counseling on day-to-day employee relations matters and on a full range of equal employment opportunity issues; counseling school leaders on individual employee situations (e.g., certification, disability, etc.); disability discrimination, effective supervision and discipline, the Family Medical Leave Act (FMLA) and New York State Paid Family Leave (PFL); assistance with harassment and employment discrimination investigations and reporting; advice on state and federal wage/hour matters; counsel on OSHA regulations and enforcement; unemployment insurance matters; and immigration issues.

Tax Certiorari

We assist our clients in real property taxation and assessment review matters and in obtaining charitable, educational, religious, business investment and environmental exemptions.

Exempt Organizations – 501(c)(3) Schools

Bond has a long history of serving exempt organizations with a wide range of services to address their unique issues from inception to ongoing counsel for the varied opportunities and challenges they face on a day-to-day basis. In counseling our exempt organization clients, we seek to minimize the costs and impact of legal requirements on their operations. Our aspiration is to become a valued, long-term, trusted adviser. We offer a full range of services, including:

- Advice in the formation of the organizations (e.g., the comprehensive preparation of organizational documents, bylaws, trust and member agreements, purchase of appropriate liability and D&O insurance protection for directors and officers plus volunteers and submission of required documents to state and federal agencies for approval).
- Preparation, review and analysis of legal agreements (e.g., bank financing, employment and confidentiality, contracts with service providers and leases to ensure that these transactions comply with regulations applicable to tax-exempt organizations).
- Guidance on corporate governance and board of director best practices (e.g., compliance with New York State's Nonprofit Revitalization Act, definition of director roles and responsibilities and committee structures).
- Advice to board members in the development of policies related to conflicts of interest, ethics, whistleblowing and record retention. As a part of our service to boards and directors, Bond has developed a director education program on a full range of board governance issues.
- Counsel to organizations as they seek to grow through affiliations, acquisitions and mergers.
- Assistance to exempt organizations in the establishment and administration of endowments, including the development of pledge agreements and planned giving vehicles. Additionally, we have provided advice related to U.S. laws affecting foreign charities and the formation of "friends" organizations to support foreign charities.

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