

**TUETH KEENEY COOPER
MOHAN & JACKSTADT, P.C.
PRACTICE AREA PROFILE**

MISSOURI EDUCATION PRACTICE

Our Law Firm is Different by Design

Missouri K-12 educational institutions face an ever-changing legal landscape. Our core belief is that our clients deserve access to the highest quality and highest value legal services. Consistent with this core belief, our Missouri Education Practice is built on three foundations: **PERSONAL CONTACT. QUALITY SERVICES. EFFICIENT RESULTS.**

PERSONAL CONTACT. We understand that our school clients need attorneys that are approachable, consultative, and trustworthy. Our personal contact is at the very heart of what we do. We listen carefully to clients. We seek to understand their unique needs, and work in collaboration with them, as true partners in decision-making. In the end, our clients know they have legal advice they can trust.

QUALITY SERVICES. Clients want attorneys that are knowledgeable, experience and professional. At Tueth Keeney, we pride ourselves on the quality of services we offer schools across Missouri. Tueth Keeney attorneys routinely provide valuable legal counsel to school districts, charter schools, and private schools in virtually all areas of school law. In addition, Tueth Keeney's trial experience is virtually unmatched in Missouri, with our litigation team having a record of success in defending Missouri schools in state and federal court, as well as before administrative agencies.

EFFICIENT RESULTS. In the current fiscal environment, Missouri educational entities need to stretch every dollar. They need a law firm that is innovative, tailored and cost-effective. Using these principles, Tueth Keeney's attorneys are able to provide the best and most efficient results for our clients. We strive to provide innovative solutions to complex problems, tailored to the client's specific needs, and with the goal of reducing the bottom-line cost to our clients.

General Counsel Services to Boards and Administration

Our Missouri education attorneys have knowledge in all facets of school law. We regularly provide guidance on a wide variety of school law matters ranging from general counsel services, including board policy and board governance, to personnel issues, employee discipline / termination, and collective bargaining, to student rights and special education issues, to construction, real estate and property transactions, and school finance and business-related legal issues.

Our attorneys pride themselves on always being available when our clients need us, whether day or night. One of the characteristics of Tueth Keeney's education attorneys is their ability to provide clients with a full range of up-to-date legal advice in the most efficient and cost-effective manner. Our education attorneys can often provide needed advice without spending extensive time on costly legal research. This service is part of the Firm's preventative law program, designed to help clients avoid litigation. Occasionally, a brief telephone conversation will save an education client literally thousands of dollars in future loses, damages, or litigation fees.

Board of Education Policy, Duties & Responsibilities

Our attorneys regularly advise boards of education regarding compliance with laws and policies governing public entities, including the Missouri Open Meetings Act and conflict of interest laws. Our attorneys are also frequently called upon to assist school districts in the area of election law, including board member elections, ballot modifications, and campaign laws. TUETH KEENEY attorneys have considerable experience in advising public bodies on the requirements of these laws.

In addition, maintaining current and up-to-date board policies is often a challenge. Because of the breadth of the Firm's general school law knowledge, it is able to assist Missouri school districts, charter schools and private schools in developing and modifying policies in compliance with the law.

Employment & Personnel Issues

Employee personnel matters are often at the forefront of issues facing Missouri school administrators and boards of education. In today's difficult economic times, our Firm's attorneys regularly counsel Missouri school districts on the ins and outs of reductions-in-force (RIF) of both certified and non-certified employees. We also have substantial experience representing school districts in a vast array of employment matters, ranging from the non-renewal of educational support personnel to tenured teacher termination matters.

Additionally, our attorneys are available to assist school districts, charter schools and private schools with the legal requirements affecting the employment relationship. Our attorneys assist clients in the development and implementation of personnel policies and practices that contribute to a sound human resource program. TUETH KEENEY

attorneys are widely recognized for their creative yet tough approaches toward these important issues.

Collective Bargaining

TUETH KEENEY attorneys regularly assist school districts with informal negotiations and more traditional collective bargaining, including negotiations with certified teachers, non-certified support personnel, and other bargaining units.

TUETH KEENEY attorneys are experienced in serving as the lead spokesperson for the district bargaining team, negotiating directly on behalf of the interests of public schools, and acting as facilitators, working to bring the parties to agreement. We represent our school clients' interests assertively and effectively. At the same time, our approach is generally typified by a non-confrontational style, and our relationship with the NEA, the MSTA, and other public sector unions remains positive.

In many other cases, TUETH KEENEY attorneys have successfully assisted district bargaining teams in their negotiations by working behind the scenes, helping to prepare proposals and counter-proposals in advance, and offering feedback, advice and guidance to bargaining team members regarding negotiations strategy. Our willingness and ability to assist districts as much, or as little, as they request is a hallmark of our practice in Missouri collective bargaining. Our attorneys were asked to partner with MSBA to provide the initial collective bargaining training following the Missouri Supreme Court determination regarding collective bargaining for teachers. We have continued to provide collective bargaining training for organizations and individual school districts as the law in this area continues to develop.

Student Rights & Discipline Matters

Balancing the Constitutional right of students to attend public schools against maintaining a conducive learning environment is a challenge for school administrators and boards of education. TUETH KEENEY attorneys assist school districts and charter schools in balancing these rights, including confidentiality and access to student records, searches of students, dress codes, school district control over student newspapers, religious activities, and other forms of student speech.

In addition, our attorneys regularly represent school districts and charter schools in student discipline and expulsion proceedings. Firm attorneys also assist school districts, charter schools and private schools in ensuring that their policies and procedures are up-to-date with respect to student matters, including discipline expectations and responses to allegations of bullying, harassment, and other misconduct. Tueth Keeney attorneys regularly represent school districts and charter schools in complaints before the Office for Civil Rights of the United States Department of Education, successfully defending school districts and charter schools by obtaining dismissals and negotiating reasonable resolutions.

Special Education & Student Disabilities

The legal aspect of providing special education and related services to students is ever changing. TUETH KEENEY prides itself on keeping abreast of recent developments in special education, whether it is a legislative change to the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), its implementing regulations, the Missouri State Plan, or recent case law decisions.

TUETH KEENEY attorneys have extensive experience in resolving disputes between school districts and parents of students with disabilities under both IDEA and Section 504. Avoiding a special education due process hearing is important to each school district and charter school. To assist districts and charter schools in avoiding these costly and time consuming proceedings, TUETH KEENEY attorneys routinely provide valuable guidance on writing the defensible Individual Education Program (IEP) or 504 Plan so that each eligible student receives the required free appropriate public education. When a dispute over a student's goals, services, or placement cannot be resolved through informal means, such as a resolution session or mediation, Firm attorneys' advocacy on behalf of public school districts and charter schools spans the entire spectrum from the basic administrative proceeding to complex litigation, including investigations by the Office for Civil Rights, due process hearings, and state and federal litigation culminating in settlement, trial, or resolution on appeal.

The legal aspects of disciplining a special education student are complex. School administrators regularly consult with TUETH KEENEY attorneys to better understand students' rights under the IDEA and Section 504, the school's authority to impose discipline, and to ensure that the school's interests are protected while safeguarding the rights of the students.

Firm attorneys are recognized for their knowledge and experience in special education matters by being presenters on the topic of special education for groups such as the Missouri Council of Administrators of Special Education, the Missouri Association of School Administrators, and EducationPlus.

Real Estate & Construction Issues

Our attorneys have experience with real estate sales and purchases, title issues, leases, financing, construction and property management. Our goal is to bring specialists together at the beginning of a project to advise the client on how to avoid problems, while maintaining the ability to deal aggressively with possible violations and the related regulatory enforcement actions that arise in the course of any development project or day-to-day business operation.

In the construction area, we provide services including contract preparation, negotiation and administration. We provide construction counseling and claim avoidance through risk shifting, efficient claim analysis and creative dispute resolution techniques. We advise our clients on project administration, contract interpretation, project

scheduling, claims analysis and preparation, contract termination, insurance issues, and surety bond issues.

We also have extensive experience in preparing, analyzing, defending, and prosecuting construction claims, including change orders, defective plans and specifications, delay and termination. Our vast experience with construction matters includes prosecuting construction defect claims, including mold contamination claims. In this area, we have retained and worked with technical consultants in architecture, project scheduling, engineering and other disciplines.

School Finance & Business Issues

TUETH KEENEY recognizes the financial and fiscal restraints placed on public education institutions. Our attorneys have represented school districts and charter schools in a variety of matters designed to maximize resources available to districts. Our representation has included obtaining the release of impounded protested tax monies, opposing requests by not-for-profit corporations for property tax exemptions, and assisting school districts with financial and business transactions, including vendor agreements. Additionally, our firm has successfully litigated challenges to funding issues under the Hancock Amendment, including a Missouri Supreme Court ruling that requires the State to fully fund early childhood special education.

Board Member Training & Staff In-Service

Our attorneys pride themselves on their client training activities – training that is designed to not only satisfy legal mandates, but also to increase client awareness of potential legal problems and preventative solutions. Members of our Missouri Education Practice are often asked to present legal training and in-services to boards of education, and to school administrators, faculty and staff. We have presented practical information on a wide variety of legal issues, including identifying, preventing, and responding to sexual harassment; improving employee performance evaluations; compliance with the IDEA and Section 504; and student confidentiality.

TUETH KEENEY attorneys are regularly asked to present at seminars and conferences sponsored by state and national organizations, including the National School Boards Association, the Missouri School Boards Association, the Missouri Association of Rural Education, the Missouri Association of School Administrators, and the Missouri Association of School Business Officials, among others. Additionally, our education attorneys conduct annual school law seminars across Missouri that are free to school district administrators and board members, and that provide up-to-date, comprehensive information regarding a variety of school law topics.

Our commitment to ongoing communication with our clients, and to providing preventative in-service and training on best practices to help avoid legal issues before they are created, helps school districts and charter schools know when they should call for legal advice. Advance training and in-service, along with on-going communication

and advice, often results in a substantial savings in legal fees by preventing problems and reducing litigation.

School Litigation & Insurance Defense

Over the last several years, the Firm's attorneys have successfully defended more than 100 discrimination and other employment and student-related litigation matters. Our attorneys have obtained summary judgment in nearly every category of employment and student-related litigation. We have also defended many cases in trial, as well as in appeals in federal and state courts throughout the Midwest. We have a particular record of success in defending Missouri school districts in state and federal court, including obtaining a defense verdict against the ACLU in a free speech case that upheld the authority of a Missouri school district to respond to student threats in the post-Columbine era, and a summary judgment order in favor of the school district in a challenge under the Missouri Human Rights Act to a school district's non-renewal decision.

Our litigation expertise has been enhanced by our regular appointment to represent Missouri and Illinois schools by leading insurers of educational institutions, including United Educators Risk Retention Group, Arthur J. Gallagher & Co., Gallagher-Bassett Services, Brokers Risk, and Liberty Mutual, among others.

Charter Schools

Charter schools play an increasingly important role in the changing educational landscape across the country, including in Missouri. As non-profit corporations operating public schools, charter schools face unique legal challenges. TUETH KEENEY attorneys assist charter schools in meeting those challenges, providing advice on board of director formation and governance, policy issues, charter issues, and employment and student matters. Our attorneys apply our extensive knowledge of Missouri education law and experience with Missouri school districts to our representation of charter schools, while staying abreast of the developing legal landscape and its unique application to charter schools.

Private Schools

Our Missouri education attorneys assist private schools with all facets of school operations, including board of director formation and governance, policy and handbook issues, and guidance in employment and student matters. We are often asked to present legal training and in-services to administrators, faculty and staff on a variety of issues, including identifying, preventing and responding to sexual harassment; supervision and liability issues; and student confidentiality. Our proactive, preventative approach allows schools to reduce overall legal costs, while increasing efficiency and positive relations with faculty, staff, parents and students.