



TUETH KEENEY | DIFFERENT BY DESIGN™

## Illinois Education Practice

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### Our Law Firm is Different by Design

Illinois 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. To achieve this core belief, our Illinois Education Practice is built on three foundations: PERSONAL CONTACT. QUALITY SERVICES. EFFICIENT RESULTS.

#### Personal Contact

We understand that our Illinois public education clients need attorneys that are approachable, consultative, and trustworthy. These three words embody Tueth Keeney's personal contact principle foundation. 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, we our clients know they have legal advice they can trust.

#### Quality Services

Clients want attorneys that are knowledgeable, experience and professional. These three words embody Tueth Keeney's quality services principle foundation. Tueth Keeney attorneys routinely provide valuable legal counsel to Illinois school districts and administrators in virtually all substantive areas of school law. In addition, Tueth Keeney's trial experience is also virtually unmatched by any education law firm in Central and Southern Illinois with its litigation team having a record of success in defending Illinois school districts in state and federal court.

#### Efficient Results

In the current fiscal environment, Illinois educational entities need to stretch every dollar. They need a law firm that is innovative, tailored and cost-effective. These three words embody Tueth Keeney's efficient results principle foundation. 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.

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#### MISSOURI

34 N. Meramec Ave., Suite 600  
St. Louis, MO 63105  
T: (314) 880.3600  
F: (314) 880.3601

#### ILLINOIS

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F: (618) 692.4122



## **General Counsel Services to Boards and Administration**

Our Illinois Education Practice attorneys have knowledge in all facets of education 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 and labor relations, to student rights and special education issues, to construction, real estate and property transactions, to 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 the Firm'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 losses, damages, or litigation fees.

## **Board of Education Policy, Duties & Responsibilities**

An important aspect of operating an Illinois public entity is compliance with the Illinois Open Meetings Act (OMA), the Illinois Freedom of Information Act (FOIA), the State Officials and Employees Ethics Act, and the Illinois State Gift Ban Act. Tueth Keeney attorneys have considerable experience in advising public bodies on the requirements of these Acts.

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 Illinois public school districts in developing policies in compliance with the law. Firm shareholder Merry Rhoades serves on the Illinois Association of School Board's PRESS advisory committee.

## **Employment & Personnel Issues**

Employee personnel matters are often at the forefront of issues facing Illinois public school administrators and Boards of Education. In today's tough economic times, our Firm's attorneys regularly counsel Illinois public school districts on the ins and outs of reductions-in-force (RIF) of both certified and non-certified employees of the District. 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.

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Additionally, our attorneys are available to assist school districts 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.

## **Labor Relations & Collective Bargaining**

Tueth Keeney attorneys have assisted in the negotiations of more than fifty collective bargaining agreements for Illinois school districts, including negotiations with certified teachers, non-certified support personnel, and wall-to-wall bargaining units.

Tueth Keeney attorneys are experienced in serving as lead spokesperson for the District bargaining team, negotiating directly on behalf of the interests of public schools. We represent our school clients' interests assertively and effectively, having achieved a number of long-term (four and even five year) agreements and having negotiated concessions on such crucial matters as length of work day and employee discipline. At the same time, our approach is generally typified by a non-confrontational style, and our relationship with the IFT, the IEA 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 growing practice in Illinois collective bargaining.

Beyond negotiations, our Firm's traditional labor experience includes protecting the employer's interests at virtually every stage of the labor relations process. Tueth Keeney has assisted non-union employers to maintain union-free work environments through campaigns, card-checks, and elections, and we have assisted union employers in revising the scope of existing bargaining units through unit clarification proceedings. Our attorneys have effectively pursued and defended unfair labor practice charges before the Illinois Educational Labor Relations Board and the National Labor Relations Board, and successfully defended school districts in contract grievances through private labor arbitration forums such as the American Arbitration Association.

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## **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 in balancing these rights, whether it is consulting and advising school districts regarding Board of Education policies governing student rights, revisions to student handbooks to avoid a possible litigation loss or participating in student discipline hearings.

Protecting the confidentiality of student related information, particularly special education information, is an important legal obligation imposed on public educational entities. The Firm's attorneys are versed in the legal intricacies of the Family Educational Rights and Privacy Act or FERPA and the Illinois School Student Records Act or ISSRA, and can readily guide school administrators through the often confusing and complex provisions of these two Acts.

## **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), the Illinois School Code or their respective implementing regulations, or recent case law decisions. Firm attorneys also actively participate in the development of special education related statutes and regulations through the Special Education Concerns Committee of the Illinois Council of School Attorneys.

Tueth Keeney attorneys have extensive experience in resolving disputes between school districts and parents of disabled students under both IDEA and Section 504. Avoiding a special education due process hearing is important to each public school district. To assist districts 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" or FAPE. When the dispute over the special education student's goals and objectives, special education and related services and placement cannot be resolved through informal means, such as a resolution session or mediation, Firm attorneys advocacy on behalf of public school districts spans the entire spectrum from the basic administrative proceeding to complex litigation, including Office of Civil Rights' investigations, due process hearings, and state and federal litigation culminating in settlement, trial, or resolution on appeal.

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The legal aspects of disciplining a special education student are complex. School administrators regularly consult with Tueth Keeney attorneys to better understand the student's rights under the IDEA and Section 504, the school district's authority to impose discipline, and to ensure that the District'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 Illinois Alliance of Administrators of Special Education, the Illinois Association of School Boards, the Illinois Council of School Attorneys, the Illinois Principals Association, the Illinois State Bar Association, and the National Council of School Attorneys.

### **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. We have worked with Illinois public school districts to obtain needed monies to meet the day-to-day operating expenses of the district. We have also worked with various bond counsels, such as Chapman and Cutler, to assist public schools in meeting their financial obligations, whether it is the construction of a new building or restructuring of current debt.

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The firm's experience in the area of school finance encompasses more than bond issues or other financial transactions. Tueth Keeney attorneys have prevailed in matters before the Illinois Department of Revenue on property tax exemption matters and the Illinois Property Tax Appeal Board on matters regarding property assessments. Tueth Keeney attorneys also served as counsel in the first court challenge to the Illinois 1% School Facilities Tax Act.

In today's difficult economy, all governmental entities are looking for creative financing opportunities. Often times, cities and villages turn to Tax Increment Financing or TIF to provide needed city or village improvements. When a city or village creates a TIF, the school district generally loses revenue. Tueth Keeney attorneys are well versed in the ins and outs of TIFs. Because of our experience, we work with school districts to minimize a school district's financial loss when a TIF is instituted through either negotiating with the city or village to be made whole for any losses or challenging the TIF in court.

Tueth Keeney attorneys are also knowledgeable in other business-related legal issues, such as the formation of a related not-for-profit organization to assist in defraying operating costs. Our experience in preparing by-laws or intergovernmental agreements that control the relationship between the Districts that comprise a special education district is unmatched by any other downstate Illinois school law firm.

### **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 to increase client awareness of potential legal problems and preventative solutions.

Our Illinois Education Practice attorneys Merry Rhoades and D. Shane Jones have been approved by the Illinois State Board of Education to provide mandatory School Board Member Training in accordance with Illinois School Code Section 10-16a, and they have individually and jointly provided mandatory board Training to school boards in Central and Southern Illinois.

In addition, members of our Illinois Education Practice are often asked to present legal training and in-services to Boards of Education, and to school faculty and staff. We are often asked to make presentations at beginning-of-the-year in-service meeting and have presented practical information on a wide variety of legal issues ranging from complying with Special Education and Section 504, to identifying, preventing and responding to Sexual Harassment, to conducting sound employment investigations, improving employee performance evaluations, and a variety of other matters.

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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 Districts 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 Illinois school districts in state and federal court, with recent Defense Verdicts on matters ranging from Section 504, to Separation of Church and State, to First Amendment free speech, to student discipline matters and general tort liability.

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, Prairie State, Brokers Risk, and Liberty Mutual, among others.

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