

Education

Counsel for institutions that educate, employ, serve, and strengthen communities

We provide public charter schools, private K-12 schools, public and private colleges and universities, and early childhood education centers with practical, multidisciplinary counsel throughout their life cycle. Our attorneys advise on formation and expansion, as well as daily operations, regulatory compliance, investigations, real estate transactions, and institutional change.

LEADERSHIP



LABOR &
EMPLOYMENT

REAL ESTATE

Bruna E. Pedrini
Chair

Phoenix
PH 602.916.5487
FX 602.916.5687
bpedrini@fennemorelaw.com
www.fennemorelaw.com

WHAT WE DO

Educational institutions are more than places of learning. They are employers, property owners, nonprofit organizations, regulated entities, community partners, and businesses entrusted with the well-being and development of their students. Their legal needs are correspondingly broad and often require counsel who can balance educational missions, operational realities, regulatory obligations, and reputational considerations.

Our Education Practice advises public charter schools, private K-12 schools, public and private colleges and universities, and early childhood education centers. We provide practical, multidisciplinary counsel throughout the life cycle of an educational institution, from formation and expansion to daily operations, regulatory compliance, investigations, real estate transactions, and institutional change.

Whether serving as outside general counsel or assisting with a specific matter, our lawyers work closely with governing boards, school leaders, administrators, in-house legal teams, and other

stakeholders. We understand that decisions in an educational setting rarely involve legal considerations alone. They can affect students, families, employees, governing bodies, donors, regulators, and the broader community. Our advice reflects that wider perspective.

A MULTIDISCIPLINARY APPROACH TO EDUCATION LAW

No single area of law captures the full range of challenges educational institutions encounter. A student complaint may implicate civil rights, disability access, privacy, employment, governance, and reputational concerns. A campus acquisition may involve corporate authority, financing, zoning, environmental review, construction, and accessibility. A leadership transition may require coordinated advice concerning governance, contracts, employment, and communications.

Our Education Practice draws upon lawyers across the firm to provide coordinated advice in the areas that matter most to each institution. This multidisciplinary approach allows us to address immediate legal needs while helping clients anticipate the operational and strategic consequences of their decisions.

OUTSIDE GENERAL COUNSEL FOR EDUCATIONAL INSTITUTIONS

Educational institutions face legal questions every day. Many require prompt, practical guidance informed by an understanding of the institution's mission, structure, culture, and risk profile.

We serve as outside general counsel to educational organizations, providing a consistent point of contact for their legal needs and coordinating support across relevant practice areas. Our lawyers help institutional leaders evaluate risk, develop sound policies, respond to sensitive situations, and make decisions that advance both educational objectives and long-term organizational stability.

We assist with:

Governance and board responsibilities

Institutional policies and procedures

Contracts and commercial relationships

Student and family matters

Faculty, staff, and employment issues

Regulatory compliance

Risk management

Internal complaints and investigations

Facilities and real estate

Crisis response and reputational concerns

Coordination with governmental agencies, regulators, and other stakeholders

By developing a close working relationship with institutional leadership, we can provide advice that is timely, informed, and tailored to the organization rather than addressing each issue in isolation.

FORMATION, GOVERNANCE, AND ORGANIZATIONAL STRUCTURE

The legal structure of an educational institution influences its governance, financing, tax status, operations, and ability to grow. Our lawyers advise schools and education-related organizations on nonprofit and corporate matters at every stage of development. We work with boards and leadership teams to establish governance systems that are legally sound, operationally workable, and aligned with the institution's educational mission.

Our services include:

- Formation and selection of organizational structure
- Nonprofit and tax-exempt organization matters
- Articles of incorporation, bylaws, and governance policies
- Board composition, authority, and fiduciary responsibilities
- Conflicts-of-interest policies and procedures
- Affiliations, joint ventures, and strategic relationships
- Corporate reorganizations and institutional combinations
- Charter school governance and operational structures
- Ongoing corporate compliance and recordkeeping
- Dissolution, restructuring, and succession planning

CIVIL RIGHTS, STUDENT ACCESS, AND INSTITUTIONAL COMPLIANCE

We assist institutions with developing policies and procedures that are legally compliant, understandable, and capable of being implemented consistently. Educational institutions operate within a complex framework of federal and state civil rights and accessibility requirements. Compliance questions may arise in admissions, academics, athletics, employment, student discipline, disability accommodations, campus activities, and access to facilities and programs. When concerns arise, we guide clients in how to respond promptly, conduct fair and thorough investigations, document decisions, and address both immediate and systemic issues.

We help clients with:

- Title IX compliance, policies, grievance procedures, and investigations
- Title VI discrimination and retaliation matters
- Title VII employment discrimination and workplace investigations
- The Individuals with Disabilities Education Act
- Section 504 of the Rehabilitation Act
- The Americans with Disabilities Act
- Disability accommodations and accessibility
- Student and employee complaints
- Anti-discrimination, harassment, and retaliation policies
- Training for boards, administrators, faculty, and staff
- Responses to regulatory inquiries and agency proceedings

INVESTIGATIONS AND SENSITIVE INSTITUTIONAL MATTERS

Complaints involving discrimination, harassment, retaliation, sexual misconduct, disability access, or workplace conduct can present significant legal, operational, and reputational risk. They also require a process that is impartial, trauma-informed where appropriate, and attentive to the rights of all participants. Our approach is rigorous, discreet, and sensitive to the educational environment in which the matter arises.

Our lawyers are experienced in conducting and advising on investigations under Titles IX, VI, and VII, as well as investigations involving institutional policies and codes of conduct. Depending on the institution's needs, we may serve as independent investigators, advise internal investigators, evaluate an existing process, or counsel decision-makers regarding findings and appropriate next steps.

We advise on:

- Investigation planning and scoping
- Interim measures and immediate risk assessment
- Witness interviews and evidence review
- Credibility and factual analysis
- Investigation reports and findings
- Procedural fairness and consistency
- Confidentiality and information management
- Corrective action and policy improvement
- Communications with students, families, employees, boards, and regulators
- Training designed to reduce future risk

REAL ESTATE, FACILITIES, AND CAMPUS DEVELOPMENT

Real estate decisions are often among the most consequential investments an educational institution makes. Schools, colleges, universities, and early childhood centers must consider not only traditional transaction terms but also licensing, land use, accessibility, safety, financing, operational suitability, and long-term institutional objectives.

We advise educational clients on the acquisition, development, financing, leasing, operation, and sale of real property. Attorneys on [our real estate team](#) work to identify issues early and help clients move projects forward efficiently.

We assist with:

- Purchase and sale transactions
- Leasing and ground leasing
- Due diligence
- Title and survey review
- Land use, zoning, and permitting
- Development and construction matters
- Financing and security arrangements

Facility-sharing and joint-use agreements
Easements and access rights
Environmental considerations
ADA and accessibility issues
Disposition of surplus or former educational property

EMPLOYMENT AND WORKFORCE MATTERS

Educational institutions are significant employers with distinctive workplace cultures and responsibilities. Their employment decisions may involve faculty, administrators, classroom staff, coaches, counselors, health professionals, volunteers, and other personnel working directly with students. Our goal is to help clients resolve workplace concerns fairly and effectively while protecting institutional continuity and minimizing disruption to the educational community.

Attorneys in our [labor & employment](#) group support clients with:

Employment agreements and personnel policies
Hiring, evaluation, discipline, and separation
Wage-and-hour compliance
Leaves of absence and disability accommodations
Discrimination, harassment, and retaliation
Title VII investigations
Faculty and staff handbooks
Independent contractor and volunteer classifications
Restrictive covenants and protection of confidential information
Workplace training
Employment litigation and agency proceedings

SPECIAL EDUCATION SUPPORT

Fennemore assists K-12 schools in navigating the complex legal requirements governing special education, including compliance with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act. We advise schools on student accommodations, individualized education programs, evaluations, discipline, and related procedural requirements, while also helping administrators respond to special education concerns, administrative complaints, due process matters, and other disputes. Our goal is to help schools address these issues thoughtfully and proactively while supporting compliance and effective educational decision-making.

PRACTICAL COUNSEL GROUNDED IN EDUCATIONAL MISSION

We recognize that educational institutions measure success in more than financial terms. They are accountable to students and families, employees and faculty, governing boards, regulators, donors, and the communities they serve.

Our lawyers provide sophisticated legal counsel with that responsibility in mind. We help clients manage risk, strengthen their institutions, protect access to educational opportunities, and

remain focused on their central mission: educating and supporting the next generation.