

# Education Experience



## PRACTICE GROUP LEADERS

### Corporate

Christopher T. Greene  
Gary R. Maas

### Labor & Employment

Melinda G. Disare

### General Litigation

Sheri L. Mooney

Damon & Morey has represented numerous school districts and private educational institutions in both litigation and non-litigation matters. This experience has helped us to better address educational issues involving human resources, student services, instruction, finance and management services.

## LITIGATION RELATED

### • Federal and State Civil Rights Laws

Damon & Morey attorneys have extensive litigation experience defending both public and private employers in all types of civil rights litigation. We have represented clients in claims involving the following statutes: Title VII, Age Discrimination in Employment Act, Equal Pay Act, Americans with Disabilities Act, 42 U.S.C. §§1981, 83, and 85 and the New York State Human Rights Law.

Our Labor and Employment and General Litigation attorneys have handled employment discrimination and other civil rights claims on behalf of a number of school districts before the EEOC, New York State Division of Human Rights and Federal and State Courts.

### • Tort Liability of School Districts and Officials

Our attorneys regularly defend school districts, municipalities, and public authorities in tort claims of all types. Additionally, we have been selected by national, regional and specialty line insurance carriers to represent their insureds. We have handled numerous matters involving playground and sports injuries, technology class accidents and transportation related claims.

Damon & Morey works aggressively to avoid the expense and delay of courtroom resolution. Our attorneys appear in arbitration proceedings as counsel or arbitrator, and we are frequently consulted for pre-litigation counseling and risk management advisement.



- **Rehabilitation Act (504) and Americans with Disabilities Act**

Damon & Morey handles the defense, education, and prevention of claims arising under these statutes and the New York State Human Rights Law. The Rehabilitation Act prohibits discrimination on the basis of disability or handicap by any entity receiving federal funding. The ADA similarly prohibits disability discrimination in employment and mandates accessibility in places of public accommodation and in the provision of public services. Our experience litigating claims and counseling clients on compliance places us in a unique position to represent any school's interests.

- **Constitutional Issues Such As Due Process and First Amendment**

Issues such as Education Law §3020-a, substantive and procedural due process involving student, teacher and staff discipline, removal of books and curriculum changes, aid to parochial schools and the scope of that aid, benedictions and invocations at graduation, religious holidays, display of religious symbols, use of facilities by outside organizations, equal access by students, the Religious Freedom Restoration Act, free exercise of religion, student rights for free expression, staff and board members free speech and expression rights, independent contractors' free speech rights, search and seizure, and many others, raise constitutional questions for schools on a daily basis. Our attorneys have frequently litigated constitutional claims in both Federal and State Court and are prepared to provide legal advice, counseling and assistance as the need arises.

### **SCHOOL ADMINISTRATION RELATED**

Our attorneys have significant experience in all aspects of school district administration including election procedures, the Open Meetings Law, the duties and obligations of Boards of Education and school officers, appointments of officials, interscholastic athletics, student requirements, standards and familial issues and disabled students. Additionally, we have advised numerous districts and schools on such important issues as:

- Federal Law Affecting Public Schools
- New York State Education Law
- Student Rights, Superintendent's Hearings, Searches and Seizures, CSE and CPSE Laws
- Regulations and Decisions of the New York State Commissioner of Education
- General Municipal Laws
- Real Estate, Construction, & Finance
- Contingency Budgets in New York State
- School Transportation in New York State
- New York State Contract Law
- New York State Civil Service Law
- Administration of Collective Bargaining Agreements in School Districts and the Taylor Law
- Discipline of Classified and Certified Employees
- Grievance Administration and Arbitration
- Tax Issues Pertaining to Wages and Employee Benefits