

K-12 EDUCATION

Husch Blackwell is committed to K-12 education. Our law team understands the unique issues facing elementary and secondary schools, including civil rights compliance, privacy concerns, mandatory reporting, and constitutional rights. Drawing on our century of experience in education, our K-12 team provides public and private institutions with skillful and cost-effective legal counsel, so schools can concentrate on serving their K-12 students and communities.

Our legal guidance to clients in the K-12 education sector includes:

- Age Discrimination in Employment Act (ADEA)
- Americans with Disabilities Act (ADA)
- Equal Educational Opportunities Act (EEOA)
- Every Student Succeeds Act (ESSA)
- Individuals with Disabilities Education Act (IDEA)
- Title VI – Nondiscrimination on the basis of race, color, and national origin
- Title VII – Indian, Native American, and Alaska Native education
- Title IX – Nondiscrimination on the basis of sex in federally assisted programs



As a school board attorney, I have worked closely with John Borkowski for several years on racial discrimination and compliance issues. John is a lawyer's lawyer. He is a very knowledgeable and effective advocate. He relates well to his clients and regulatory staff. It's been a privilege to work with him.

— Frank D.
Upchurch III,
Upchurch, Bailey &
Upchurch, PA —

Contact Information

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Representative Experience

Successfully defended Metro Nashville Public Schools through a multiweek trial and an appeal in the Sixth Circuit and Supreme Court over racial discrimination claim.

Advised largest Texas school district on all aspects of procurement and contracting related to \$2 billion infrastructure improvement program.

Successfully negotiated dismissal with prejudice on behalf of private school client regarding copyright, negligent hiring, and contract claims.

Negotiated modification of court-ordered remedy with U.S. Department of Justice on behalf of school.

Defended program for English-language learners against class action challenge filed against public school district.

Mediated student suicide case to avoid multi-million dollar exposure for private school.

Successfully obtained partial unitary status for public school district subject to desegregation order in facilities, noninstructional staff, and administrative staff.

Secured motion to dismiss filed on behalf of private school client in litigation involving claims by former student alleging race and gender discrimination claims stemming from alleged hazing.

Counseled and assisted multiple public school districts to comply with desegregation orders and consent decrees

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pending in federal courts throughout the country.

Handled numerous Office of Civil Rights investigations involving alleged discrimination on the basis of race, national origin, disability, sex, sexual orientation, and gender identity.

Currently advising numerous educational institutions regarding claims their websites are not accessible under the Americans with Disabilities Act.

Conducted internal sexual harassment investigations on behalf of school boards.

Helped school districts develop appropriate civil rights policies and develop and conduct appropriate training programs.

Advised school districts on litigation under the Individuals with Disabilities Education Act (IDEA).

Prepared amicus brief for educational associations in IDEA, desegregation, English language learners (ELL), and employment cases in federal appellate courts and the Supreme Court of the United States.

Counseled a school district interested in expanding pre-K education programs on available federal grants and related compliance issues.

Defended a school district and administrators accused of violating Title IX and state tort law in case involving bullying and student suicide.

Regularly advise boards of education, trustees and administrators on matters involving employee hiring,

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evaluation, remediation and termination, student rights and discipline, civil rights, school zoning, voting rights, contracts, open records laws, church/state issues, and other constitutional matters.

Defended school district in a class action suit brought by parents seeking systemic changes in the delivery of special education services and received a favorable outcome for the client.

Handled more than 150 faculty and teacher termination cases in the past five years, including due process hearings and appeals.

Negotiated and drafted multiple superintendent contracts for a major metropolitan school district, including contracts for interim employment. All of these cases have involved negotiations with the prospective superintendent, counsel, and the board.

Successfully obtained dismissal with prejudice of employment discrimination claim involving gender. The case was pending in federal court and was dismissed without any of our client's depositions being taken or briefing motions for summary judgment.

Obtained summary judgment on behalf of education clients in more than 50 lawsuits involving discrimination claims by former employees, students' personal injury claims, and sexual harassment claims by employees and students.

Represented a school district against civil rights and open records claims brought by a former student arising out of

bullying within school district athletic program.

Defended two school districts against lawsuits alleging that they had failed to properly roll back property tax levies and received favorable outcomes on behalf of clients.

Represented school district in administrative proceedings against regulations implemented by the State Department of Education with a favorable outcome for the client.

Handled numerous school district appeals in federal appellate courts and the Supreme Court of the United States.

Following student lawsuit against education client alleging breach of contract, Title IX violations, and disability discrimination, we successfully mediated claims for client and required no payment. The court granted our briefing on plaintiff's motion to proceed under pseudonym on behalf of the educational institution in litigation involving disability discrimination and Title IX claims.

Advised dozens of educational institutions on compliance with the anticipated change in minimum salary threshold for FLSA exemptions; our work included detailed employee classification, as well as policy and procedure audits and design of creative measures to minimize the financial impact of the expected change in law.

Represented a local public school district in collective bargaining with its teachers' union.

Obtained summary judgment on behalf of school district of all civil rights and equal protection claims arising out of

donation of property.

Audited and revised employee handbooks for public and private institutions, with particular emphasis on non-discrimination policies, workplace speech, and regulation of employees' use of social media during working hours.

Drafted award-winning amicus brief that successfully resulted in U.S. District Judge Barbara J. Rothstein issuing a preliminary injunction order in connection with the U.S. Department of Education's recent rulemaking that would have directed hundreds of millions of dollars toward private schools and away from public school districts nationwide.