



## Religious & Parochial Schools



### What's it like to work with F3?

As a religious or parochial school, your mission is to provide your students with an excellent education based both on your relationship with your religious affiliation and on the demands of the society at large. As attorneys devoted to education in all its forms, our representation and counsel are based on a deep understanding of and sensitivity to your school's unique governance structure, community, and religious/cultural milieu.

### What can F3 solve for you?

While as a religious or parochial school you are not regulated in the same way as public schools, you nevertheless have some federal and state compliance requirements, a governance structure, business activities, real estate, facilities, employee, and more – all with legal implications with which F3 attorneys have long, education-specific experience. Whether a matter is related to your religious affiliation, to the unique characteristics of your school, or to the needs all schools have in common, F3 has the broad scope and depth of experience to be your partner in solving it.

**Today, an increasing number of families are selecting faith-affiliated schools for their children's education. Reasons for doing so may be religious, political, or others. Religious and parochial schools may reflect a family's views on both their faith and allow their voices to be present in their children's education. Although similar in most ways, religious and parochial schools differ in that "parochial" schools are Catholic schools, and "religious" schools might be affiliated with any faith or an independent Catholic school not affiliated with an archdiocese. A parochial or religious school's relationship with its faith organization and related tenets are key in understanding the beliefs and structure under which that school operates. These factors all have an impact on how F3 attorneys counsel**



**these clients, especially regarding governance, funding, and other matters. Our sensitivity to how each school operates is a key element of our relationship with any school.**

The legal frameworks of religious and parochial schools are the same in most regards. Most religious and parochial schools rely on tuition to cover the majority of operating costs. Both have more freedom than public schools to make their own rules, such as hiring and firing, tenure, and a curriculum/pedagogy that generally includes religious instruction and they are not bound by most provision in the Education Code. Their governance structures are not state-empowered boards of education and superintendents, but may instead be boards of trustees and/or an overseeing religious organization, such as a Catholic archdiocese or Jewish *yeshivot*. We serve these clients by learning about their community and stakeholders, their day-to-day operations, and their long-term goals. We also are keenly aware of those areas where religious and parochial schools must follow federal and state laws and regulations and advise them accordingly.

## Navigating civil regulation of religious schools

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California public schools have the California Education Code – thousands of pages — most of which does not apply to religious and parochial schools. There are federal and California laws and regulations that absolutely do apply to these schools. Schools may not, for example, violate federal and state anti-discrimination laws. And some things a religious or parochial school may have the right to do still require counseling because they are not exempt from civil lawsuits. Federal laws that apply include Title VII and Title IX protections, the Americans with Disabilities Act (ADA), the Family Educational Rights and Privacy Act (FERPA), and others. In California, nonpublic schools must file the Private School Affidavit annually, reporting school information required by the education code under penalty of perjury. Clients count on F3 not only to make sure they are not only in compliance with all applicable law, but also to provide guidance on best practices to advance their mission while avoiding conflicts.

## The influence of school funding

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Sources of funding make a big difference in religious and parochial schools. If a faith is funding a school, it typically wants more authority. There are gradations of dependency on the faith's hierarchy. Is the school run by religious officials or by educators? Understanding how a school is financed will determine who the decisionmakers are on capital projects, for example, and how funds may be requested and allocated. A clear understanding of how the finances work is critical to helping religious and parochial schools met their objectives. To be effective, F3 attorneys acquire this understanding.



## On the operational side

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F3 attorneys use our deep understanding of how schools operate to provide counsel on legal and best practices that apply to their specific situation. What should a school do if parents are pressuring the school's administrators on curriculum matters? When board meetings become contentious – as they often do – what is the administration's best response? When parents are upset over denials of admission or curricular matters, what should happen next? And if the school decides to build a new facility, the legal needs range from real estate and financing to architectural and construction contracts. We regularly advise religious and parochial schools on operational matters from everyday operations to long-range planning. And we are acutely aware that sometimes when nonpublic schools reach out to education-focused law firms, they may risk getting the same advice as these attorneys would provide to a public school. F3 is different. There are simply no cookie-cutters in our toolkit.

## F3 is known for these strengths

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- Cultural sensitivity
- School funding
- Governance counseling
- Employment counseling
- School business matters
- Federal and state compliance
- Real estate, construction, and facilities
- Special education
- Education technology
- Accreditation
- Conducting investigations
- Dispute resolution



## Related Professionals

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