

SANDS ANDERSON MARKS & MILLER

Education Law

Attorneys in Sands Anderson Marks & Miller's Education Law Practice Section have served as counsel to school boards in Virginia as well as to several universities. Team members have regularly advised school boards regarding personnel matters (contracts, discipline, grievances, and policies), student education and disciplinary matters (FERPA, IDEA, ADA, free speech and other constitutional and civil rights issues), board operations and governance (FOIA, Conflicts of Interest, and Procurement), construction and maintenance of facilities (construction, PPEA, lease purchase, ADA); financing of school projects (Literary Loan and VPSA financing), government contracting and grant compliance, real estate acquisition (condemnation, purchase, leasing), and general litigation defense.

As seasoned advisors to public school boards and school administrators, the attorneys at Sands Anderson bring experience and knowledge to their role as counsel to a school board. Phyllis C. Katz served as legal counsel to the Virginia Department of Education, the College of William and Mary and the University of Mary Washington. She has also served as a special education hearing officer and taught courses in special education law. Phyllis is widely known for her knowledge of and focuses her practice in public employment law, general governance/operations, contracting and civil rights/First Amendment issues.

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Effectively Dealing with Absenteeism

- An employee who is not at work cannot perform job duties
- Tardiness is as much of an attendance issue as is a full day absence
- Know the types of absences which are protected by law
- Make certain that all employees adhere to the procedures established for requesting leave
- Treat all employees the same
- Leave taken for medical reasons may fall simultaneously under several categories - FMLA, ADA, WC, Sick
- Treat intermittent leave (e.g. leave for medical appointments, or coming in late) the same as all other leave - it needs to be approved in advance
- Properly record all leave (FMLA leave has special reporting requirements)
- Leave other than FMLA, ADA and military leave is a privilege not a right
- Coming to work and working is an essential in most jobs, therefore make it so by stating the requirement in position descriptions, performance evaluations and other communications

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