

School Districts

At Foster Garvey, we place a high priority on serving the needs of our school district clients. Our School Districts group is staffed with excellent lawyers who focus their practice on providing creative and sensible advice to school districts.

We offer a full range of legal services to assist school districts on matters involving school finance (bonds, levies and state funding), capital facilities development (construction, real estate, land use and environmental law), insurance coverage, litigation and administrative proceedings, and employment.

School Finance

For more than 70 years, Foster Garvey has served as bond counsel to school districts throughout Washington state in connection with financing capital projects with general obligation bonds (issued as tax-exempt and taxable bonds). We currently serve as bond counsel for more than 130 school districts. Our team's experience also includes providing advice to school districts regarding arbitrage rebate requirements and accounting under federal tax laws, as well as disclosure requirements under federal securities laws. In addition to voted general obligation bonds, we have assisted school districts in financings for the acquisition of school buses, computers, buildings and other equipment and facilities through limited general obligation bonds, short-term obligations, lease purchase or conditional sales contracts. Foster Garvey attorneys frequently draft and review legislation affecting school finance and administration. For example, we drafted the law authorizing issuance of non-voted limited general obligation bonds by school districts, and worked with representatives of WASA and WSSDA in securing its passage. We have further assisted school districts in authorizing changes in the purposes of expenditures from bond proceeds and state matching funds in response to changed conditions. We also assist school districts in drafting election resolutions for M&O, TVF and Capital Levies.

School District Litigation

Foster Garvey's Tom Ahearne has served as lead counsel in the successful landmark school funding litigation, *McCleary v. State*.

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Related Services

Construction
Insurance Coverage
Labor, Employment & Immigration
Land Use, Planning & Zoning
Public Finance & Municipal Government
Public Records & Open Government
Real Estate

In the landmark *McCleary* decision, the King County Superior Court ruled that the state of Washington's approach to funding the local school districts does not satisfy the State's obligation under Article IX of the Washington State Constitution, which provides that it is the "paramount duty" of the State to make "ample provision" for education of all children living in the State. In January 2012, the Washington Supreme Court agreed with the decision of the King County Superior Court and held that the State is currently failing to fulfill this constitutional duty to amply fund education. The Supreme Court reserved jurisdiction to enforce its constitutional ruling, and Tom Ahearne continues to file legal analysis with the Supreme Court related to the State's progress toward full compliance with the Supreme Court's ruling.

Public Disclosure

Foster Garvey has extensive experience advising and assisting public entities, including cities, counties, school districts, public utility districts, port districts, public hospital districts and housing authorities, concerning the Open Public Meetings Act ("OPMA") and the Public Records Act ("PRA"). Our attorneys advise on proper use of executive session, requirements for meeting notices and minutes, and agency practices to help ensure OPMA compliance. Foster Garvey also regularly assists its clients in maintaining compliance with the PRA. We provide a full range of services in this area, including developing policies on disclosure, management, and retention of public records, advising on responses to public records requests, evaluating applicability of exemptions, and providing litigation counsel when needed.

Construction

Foster Garvey School Districts attorneys work with numerous school district clients to assist them with school facility siting, design and construction matters. We have substantial experience with capital facilities projects. Our team provides guidance with respect to design and contractor contracts, construction bid contracts, change orders, general contractor/construction manager (GC/CM) projects, and construction disputes and litigation.

Real Estate, Land Use & Environmental

Our team frequently assists school districts in the acquisition, surplus and sale of real property. We have drafted leases, interlocal cooperation agreements, non-high capital financing plans, and public-private partnership agreements. Additionally, Foster Garvey School District attorneys have advised school district clients in connection with boundary disputes, easements and condemnation. We have been involved in obtaining land use and environmental permits and approval for construction of schools, and working with state and local administrative and municipal agencies and officers. Additionally, our team has experience with water rights, water quality, SEPA, NEPA, hazardous and solid waste, administrative law, and the Endangered Species Act.