



At Foster Pepper, 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, accurate 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.

AREAS OF FOCUS

School Finance

For more than 70 years, we have served as bond counsel to school districts throughout Washington 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 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. We 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.

Litigation & Dispute Resolution

Foster Pepper's Tom Ahearne, has been lead counsel in the successful landmark school funding litigation, *McCleary v. State*. In the landmark *McCleary* decision, the King County Superior Court ruled that the State'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 State 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 by 2018.

School Districts

Construction

Our 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 and Environmental

We frequently assist 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, we have advised school districts regarding 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, we have experience in water rights, water pollution, SEPA, NEPA, hazardous and solid waste, administrative law, and the Endangered Species Act.

Public Disclosure

Foster Pepper 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 Pepper also routinely 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. Our attorneys are actively engaged in this evolving area of law and regularly discuss new developments on Foster Pepper’s [Local Open Government Blog](#).