

SNIFFEN & SPELLMAN, P.A.

EDUCATION LAW ALERT

May 2019

DeSantis Signs Bill Creating Florida's Fifth School Voucher Program

On May 9, Governor DeSantis signed into law a bill creating Florida's fifth school voucher program, which begins in the 2019-2020 school year. The new program is estimated to cost the state \$130 million, and is aimed to assist children from low-income families whose parents are unhappy with their assigned public school but cannot afford private school. However, critics argue that Florida's voucher programs serve as vehicles for sending public money to private, sometime religious, schools that are not subject to the same standards that the state imposes on public schools.

Read more [here](#).

Florida Passes Bill to Promote Career Training in Schools

The Florida legislature recently passed a bill that requires schools to place a stronger emphasis on vocational and technical training. The bill was one of Governor DeSantis' legislative priorities headed into the legislative session and recognizes that a four-year college degree is not for every student.

The bill mandates courses on career training for middle school students that will assist students with thinking about their career goals and how to achieve those goals once they graduate high school. Also, the bill requires every public high school to provide a financial literacy class.

Read more [here](#).

Colleges and Universities Must Now Report All Litigation to the U.S. Department Of Education

On March 15, 2019, the U.S. Department of Education released guidance on the implementation of the 2016 version of its "Borrower defense" rule. The Rule was originally scheduled to take effect on July 1, 2017, but was delayed by the current administration. However, an October 2018 decision by a U.S. District Court set aside the delay. The purpose of the new reporting obligations is to identify events that may impact the financial responsibility of institutions.

The 2016 Rule requires all institutions of higher education to report a wide range of financial information to the Department, including their litigation information. Since the rule was

originally scheduled to become effective on July 1, 2017, institutions must report litigation information for actions brought or after that time.

Read more [here](#).

George Washington University Student Files Clery Act Complaint Against Institution

During a time when the rules around Title IX are in flux, a George Washington student has filed a complaint with the U.S. Department of Education alleging the school violated a different federal law, the Clery Act, which protects sexual assault survivors. Due to the flux in Title IX rules, many sexual assault survivors are turning to the Clery Act for protection.

The George Washington student's complaint concerns whether administrators informed her of her attacker's sanctions, as the Clery Act requires. Institutions can expect to see more frequent Clery Act violation complaints as Title IX rules remain unsettled.

Read more [here](#).

University of Michigan President to Testify in Sexual Misconduct Suit

A graduate student attending the University of Michigan who was accused of sexual misconduct, brought suit against the University after it froze his undergraduate degree and academic transcripts pending the outcome of the sexual misconduct investigation. Accusing the University of depriving him of due process, the student's representatives have successfully called the University's president to testify and "defend" the school's sexual harassment policy. This extraordinary step was taken largely because "[t]he [U]niversity has utterly failed to identify anyone other than the president who is responsible" for the sexual harassment policy, despite the University offering other administrators as substitutes. Describing this case as a "hot button issue" the judge determined that the president's attendance is more important than almost anything that could be going on at the University, and warranted the President's personal appearance. University of Michigan attorneys have decried this ruling as an abuse of discretion, though no efforts appear to have been made to appeal the decision at this time.

To read more, please click [here](#).

NLRB to Revisit Collective Bargaining by Graduate Students

In 2016, the National Labor Relations Board determined that teaching and research assistants, positions traditionally held by graduate students, at private universities had the right to organize into collective bargaining units. This decision was the most recent in a history of determinations spanning back to 2000, when the NLRB first determined that graduate students had the right to organize. In 2004 the 2000 decision was overturned by an NLRB that was nominated by President Bush, which led to the 2016 determination by the Board nominated by President Obama. The NLRB has recently announced that it intends to address this determination through

rulemaking. The majority of Universities insist that students are not employees, while graduate students are defending what they perceive as their right to organize. Though it is currently unclear what the NLRB intends to do through this action, the prevailing speculation is that the NLRB will overturn the 2016 determination and graduate students will no longer be classified as employees for the purpose of collective bargaining.

Read more [here](#).

From the Lighter Side: There is Something Fishy Going on Here

A Naples man was arrested after he performed a series of odd acts. The gentleman rode up to a residence on a bicycle attired in clothing bearing the logo “FBI”. As he neared the residence red and blue lights on his bike were flashing. He approached a female who was in her front yard, introduced himself as an FBI agent, and demanded proof she lived at the location legally. When she refused his request the “agent” dropped several live catfish on the driveway and rode off into the sunset. He was apprehended shortly thereafter.

Read more [here](#).

Firm News

Robert J. Sniffen and **Michael P. Spellman** have been selected to the 2019 Florida Super Lawyers list. Each year, no more than five percent of the lawyers in the state are selected to receive this honor. Additionally, **Terry J. Harmon** and **Jeffrey D. Slanker** have been selected to the 2019 Florida Rising Stars list. No more than 2.5 percent of the lawyers in the state receive this honor from Super Lawyers annually. Super Lawyers, a Thomson Reuters business, is a rating service of outstanding lawyers from more than 70 practice areas who have attained a high degree of peer recognition and professional achievement.

Jeffrey D. Slanker presented at the 2019 Greater Pensacola Society for Human Resource Management 17th Annual Legal Conference on HR’s Role in Cybersecurity: Analyzing the “E” in the Employment Environment.

Sniffen & Spellman, P.A. is pleased to announce that **Robert J. Sniffen, Michael P. Spellman, Mark K. Logan, and Dawn P. Whitehurst** have received Martindale-Hubbell® Peer Review Ratings™. Mr. Sniffen, Mr. Spellman and Mr. Logan were given an “AV-Preeminent” rating from their peers. This rating is the highest given by Martindale Hubbell and is based upon confidential ratings by members of the Bar and judiciary. Further, Ms. Whitehurst was given a “Distinguished” rating from her peers. Only lawyers with the highest ethical standards and professional ability receive a Martindale-Hubbell Peer Review Rating. AV®, AV Preeminent®,

Martindale-Hubbell DistinguishedSM and Martindale-Hubbell NotableSM are Certification Marks used under license in accordance with the Martindale-Hubbell[®] certification procedures, standards and policies. For more information about how the Ratings process works and how the Ratings are used, please visit www.martindale.com/ratings.

Past Issues of the Labor and Employment Law Alert Available on Website

You may view past issues of the Labor and Employment Law Alert on the Firm's website: www.sniffenlaw.com. After entering the Firm's website, click on the "Publications" page. Our Firm also highlights various articles of interest on our official Twitter feed, @Sniffenlaw.