



FP Beyond the Curve

Fisher Phillips' Education Practice Group Federal Financial Assistance (SBA PPP Loan Process) Compliance Program

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We are aware that many private and independent schools have received or are in the process of applying for the Paycheck Protection Program loans from the Small Business Administration. As schools know from our April 5, 2020 Alert, these SBA loans constitute the receipt of federal financial assistance (FFA) to schools. Schools will be required to comply with several federal laws that they have not dealt with in the past including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, the Age Discrimination Act, and Section 504 of the Rehabilitation Act. These laws, and the SBA regulations, contain both substantive requirements and procedural requirements, and it is imperative that schools show a good faith effort to comply.

Fisher Phillips is helping make compliance with these new federal regulations as easy and affordable as possible for independent and private schools. We are pleased to announce that our Education Practice Group is prepared to assist private and independent schools with their compliance needs. **For a flat rate of \$3,000, we will provide the following services (with additional services available for additional fees):**

- An outline of our simple three phase approach to federal compliance.
- A customized policy that the school can distribute and post during the regulatory period and remove from its regular policies after the federal regulation is lifted.
- Prepare notices and disclosures required to be distributed in accordance with the various regulations advising of the school's non-discrimination policies and processes.
- Provide a sample posting for the school's website.
- Provide complimentary access to a webinar training for the designated Title IX/Section 504 compliance officer(s) and senior administrators. This webinar will have Q&A opportunities

and will be geared toward the fact that many independent and private schools will be under federal regulation for a relatively short period.

For additional fees, our Education Practice Group attorneys and SBA Loan attorneys can:

- Develop necessary forms, including for complaints and processing of Title IX and Section 504 complaints and accommodation forms;
- Create an Accommodations Plan compliant with Section 504;
- Answer questions, provide guidance and counsel on the applicable facility and property accessibility regulations;
- Assist religious schools with applying for waivers from provisions of Title IX that conflict with their religious tenets;
- Assist with the PPP loan nuances and forgiveness processes; and
- Assist with a plan for rolling back the policies and procedures once federal regulation no longer applies.

For information on the program or to begin the compliance process, please contact your Fisher Phillips Education Practice Group attorney. If you are not yet a Fisher Phillips client, contact Suzanne Bogdan (Florida) at sbogdan@fisherphillips.com; or Susan Guerette (Philadelphia) at sguerette@fisherphillips.com; or Kristin Smith (Texas) at klsmith@fisherphillips.com

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