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HOGAN MARREN
BABBO & ROSE, LTD

ATTORNEYS AT LAW

Education Law



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COMPREHENSIVE LEGAL REPRESENTATION FOR ALL KINDS OF EDUCATIONAL INSTITUTIONS

Recognized as a leading national law firm in education law, Hogan Marren Babbo & Rose, Ltd. (HMBR) has an experienced team of attorneys that help clients in the United States, as well as international clients, navigate complex regulatory, transactional, and policy matters in the education sector.

HMBR's attorneys bring diverse legal backgrounds, having served as senior officials at the U.S. Departments of Education and Justice, as well as in-house counsel for both accrediting agencies and universities. Our first-hand knowledge in the education legal environment provides a unique understanding of both the regulatory framework and the needs of educational institutions and businesses, allowing HMBR to anticipate our clients' needs and concerns while managing complex regulatory matters effectively.

HMBR's clients include a broad range of educational institutions and stakeholders, such as colleges and universities, service providers, investment firms, student lenders, education technology firms, and accrediting agencies.

Higher education institutions nationwide routinely face tough decisions as they address legal, regulatory, and financial pressures while still fulfilling their missions. As legal counsel, HMBR's approach is to think creatively and act strategically, partnering with clients to chart a path that helps them achieve their institutional goals.

Practice Areas

GOVERNANCE

HMBR advises clients from small private colleges to large public institutions on governance matters. We understand the challenges clients face, both internally and externally, and work with them to develop and implement appropriate governance models that comply with applicable accrediting standards and regulatory requirements. Whether participating in board meetings or preparing by-laws and corporate policies, our lawyers are well-equipped to advise clients on complex governance issues.

TITLE IX / CLERY / VAWA

As the legal landscape surrounding sex-based discrimination and harassment evolves, educational institutions must take proactive and progressive steps to ensure full compliance with the many laws and regulations applicable to their education programs.

HMBR's attorneys have a unique and first-hand understanding of the Title IX legal framework and the interplay of related federal and state laws (including the Clery Act and the Violence Against Women Act), gained from decades of collective experience working in private practice and within the U.S. Department of Education, including serving in senior leadership positions in the Department's Office for Civil Rights (OCR).

We have helped clients design and implement proactive solutions that mitigate risk and instill confidence across the campus environment—our attorneys regularly provide counsel on emerging legislative and regulatory issues, perform comprehensive Title IX compliance audits, evaluate and develop policies and procedures, conduct investigations and hearings, and provide employee training, among other related services.

ACCREDITATION

HMBR's team of experienced attorneys offers strategic guidance to help institutions navigate complex accreditation challenges. With decades of combined experience, HMBR has successfully assisted public, private, and for-profit colleges and universities in meeting educational standards set by non-governmental accrediting bodies and federal and state regulatory authorities. We are equipped to provide expert advice on substantive change matters, sanctions, and appeals, ensuring successful outcomes for clients.

STATE AUTHORIZATION

HMBR understands the complex rules and regulations associated with state authorization processes, which can vary greatly from state to state, and our lawyers offer a wide range of services to help educational institutions fulfill state approval and licensure requirements. We advise and assist all types of postsecondary institutions on authorization requirements — including traditional public universities, private for-profit and not-for-profit colleges, and non-degree granting career schools — and guide clients through the necessary processes and procedures to maintain compliance with the myriad of state regulatory authorities.

TRANSACTIONS/MERGERS

HMBR has an extensive track record in successfully assisting clients with corporate and business transactions, including corporate restructuring, mergers, acquisitions, debt restructuring, and conversions between for-profit and non-profit entities. We ensure our clients' transaction structure is compliant with complex legal and regulatory requirements and protect their interests.

DISTANCE EDUCATION

As distance learning programs continue to grow and evolve, institutions face an increasingly complex landscape of legal and educational challenges. The HMBR team, with its extensive experience working with accrediting bodies, state and federal education agencies, and NC-SARA, has a deep understanding of the challenges and opportunities in distance education. Whether helping clients successfully launch new programs or ensuring that existing programs have the proper authorization, HMBR is prepared to assist.

STUDENT AFFAIRS

HMBR provides legal support to institutions facing complex legal issues that impact the campus community and student affairs, including emerging topics in anti-discrimination law, constitutional law, administrative law, accreditation, and student data privacy and security.

HMBR's attorneys regularly advise administrative teams on matters such as student discipline, complaints involving race, disability, and other forms of discrimination and harassment, academic dismissals, student disability accommodations, and student speech rights.

To support this work, our attorneys conduct comprehensive compliance audits, lead investigations and hearings, evaluate and develop policies and procedures, provide employee training, and offer representation in government investigations.

EXTERNAL GENERAL COUNSEL

HMBR's attorneys offer comprehensive legal counsel to institutions that do not have the benefit of in-house counsel. Our team leverages years of experience to address routine legal matters, such as drafting and reviewing contracts, and more complex legal challenges impacting day-to-day and long-term operations, such as reviewing lending agreements and credit facilities for compliance with applicable educational regulations. In doing so, HMBR provides its clients with a cost-effective solution tailored to the unique needs of higher education institutions.

TITLE IV — FINANCIAL AID

Rules and regulations governing eligibility under Title IV are broad and complex. The failure to fully understand federal government requirements can place the institution and its students at risk of losing federal funding. HMBR helps colleges and universities secure regulatory approval and maintain eligibility by taking a proactive approach, working with clients to evaluate and review their Title IV policies, procedures, and operations. Where a client has attracted enforcement attention, HMBR regularly represents institutions in responding to requests for information, program reviews, administrative hearings, and, court action to protect our clients' rights.

Client Success

- Conducted highly sensitive and complex investigations of alleged discrimination based on sex, including individual and class claims
- Conducted comprehensive audits of sexual harassment / sex-based discrimination policies and procedures
- Developed new and revised sexual harassment / sex-based discrimination policies and procedures
- Served as hearing officer and appellate decisionmaker in the grievance process
- Represented private and public educational institutions in mergers, acquisitions, nonprofit conversions and the necessary change in ownership processes with the United States Department of Education, state regulators and accreditors.
- Provided Title IX training to school personnel responsible for the investigation and resolution of complaints
- Advised public universities on responding to Clery Act review reports by the U.S. Department of Education.
- Represented colleges and universities in disability and other discrimination cases before the U.S. Department of Education
- Advised colleges and universities on issues relating to free speech and student organizations
- Successfully defended a postsecondary institution in responding to a state administrative complaint filed by a student with a disability

Attorneys

Charles P. Rose

Shareholder | Co-Chair, Education Practice

With over 40 years of experience, Mr. Rose has a national practice representing educational institutions, corporations, investment firms, and foundations. Prior to joining HMBR, he served as General Counsel at the U.S. Department of Education under President Obama.

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Debora L. Osgood

Shareholder

Served as the National Enforcement Director in the U.S. Department of Education's Office for Civil Rights (OCR) and is a nationally recognized expert on civil rights laws and regulations governing educational institutions.

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Emily P. Bothfield Partner

Counsels educational entities in areas including civil rights compliance, board governance, student discipline, free speech & expression, campus safety, student disability, and data privacy and security.

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Megan Chan Partner

Assists clients with all aspects of financial aid compliance, including audits, reviews, regulations, FAFSA Simplification Act, and Title IV procedures, policies, and training. Megan has prior experience working internally at a higher education institution.

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Linh T. Nguyen Partner

Advises clients on an extensive list of federal and state statutes and regulations including Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, and the Family Educational Rights and Privacy Act, among others.

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Dennis M. Cariello

Shareholder | Co-Chair, Education Practice

Served as both Deputy General Counsel for Post-Secondary Education & Regulatory Services and Assistant Secretary for Enforcement for the U.S. Department of Education's Office of Civil Rights.

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J. Michael Tecson

Shareholder

Successfully leads various transactions including mergers, sales and acquisitions of nonprofit and forprofit educational institutions, and assists clients with navigating related educational regulatory processes.

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Tommy Screen Partner

Represents clients on an array of education law and policy, government and regulatory compliance, corporate governance, and institutional transactions after serving for nearly a decade as general counsel at two institutions of higher education.

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George P. Sellis Partner

Offers his corporate and institutional clients broad experience in commercial transactions, regulatory compliance, and corporate governance.

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Patricia V. Edelson

Non-Attorney Professional

Brings over 40 years of experience in the financial aid field and has extensive knowledge of Title IV of the Higher Education Act after working at the Department of Education for over 20 years.

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SOPHISTICATED ADVOCATES FOR

REGULATED INDUSTRIES

ABOUT THE FIRM

Established in 1993, Hogan Marren Babbo & Rose, Ltd. (HMBR) has assembled an experienced team of highly skilled attorneys known for their expertise across an array of legal areas, including the field of education law.

As a boutique firm, we concentrate on practice areas where our team has developed deep, specialized knowledge and can provide exceptional value. We excel in delivering strategic solutions and responding promptly to regulatory and legal inquiries.

Our attorneys are committed to balancing thorough representation with thoughtful cost management and are dedicated to professionalism, integrity, efficiency, and achieving results. This unique blend of attributes positions HMBR distinctively in the market and ensures we consistently offer top-quality service to our clients.



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