

Sloan R. Simmons

Partner



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Overview

Sloan R. Simmons is a Partner in Lozano Smith's Sacramento office and co-chair of the firm's Litigation Practice Group. His areas of expertise are civil rights and all forms of school district and public agency trial court litigation and appeals, as well as student issues. Mr. Simmons' years of experience on student issues for school districts of all sizes and in all regions of the state has resulted in his expertise in nearly all student related matters. Mr. Simmons was named a Top Lawyer in Schools & Education by Sacramento Magazine in 2020.

Presenter Experience

Mr. Simmons has presented on the intersection of student free speech and other constitutional and statutory rights, discipline, and the technology and several other issues before the California School Boards Association (CSBA), Association of California School Administrators (ACSA), California Small School Districts' Association (SSDA), California Association of Supervisors of Child Welfare and Attendance (CASCWA), the California County Superintendents Educational Services Association (CCSESA), the Council of School Attorneys (COSA) associated with the National School Boards Association (NSBA), and the California Council of School Attorneys (CCSA).

Significant Cases

- In *Anderson Union High School District v. Shasta Secondary Home School* (2016) 4 Cal.App.5th 262, Mr. Simmons was part of the Lozano Smith litigation team that successfully argued, in a case of first impression, that the geographic and site limitations of the Charter Schools Act (Ed. Code, § 47600 et seq.) are applicable to all charter schools, including "nonclassroom-based" programs.
- In *A.T. by and through L.T. v. Baldo et al.* (9th Cir. 2019) 798 Fed.Appx. 80, Mr. Simmons successfully argued that a dozen school administrators and employees were entitled to qualified immunity for Fourth Amendment and substantive due process claims alleging arising from their implementation of restraints provided for under a student's IEP.
- In *Newark Unified School District v. Superior Court* (2015) 245 Cal.App.4th 887, Mr. Simmons successfully obtained appellate writ relief in an opinion where the Court of Appeal held that a public entity may seek the return of and "claw back" documents protected by the attorney-client privilege that are inadvertently disclosed in a response to a Public Records Act request, establishing new precedent on this issue of first impression.
- In *Nathan G. v. Clovis Unified School District* (2014) 224 Cal.App.4th 1393, Mr. Simmons successfully defended the district's involuntary transfer of student to continuation high school and obtained first published opinion interpreting the involuntary transfer statute, appropriate level of review under same, and the nature of other means of correction necessary before imposing an involuntary transfer.

- In *Clovis Unified School District v. Chiang* (2010) 188 Cal.App.4th 794, Mr. Simmons assisted school district in invalidating audits of several state mandated cost reimbursement claims worth more than \$30 million, based upon the use of invalid, underground auditing documentation rule by the State Controller's Office.
- In *M.N. v. Morgan Hill Unified School District* (2018) 20 Cal.App.5th 607, Mr. Simmons successfully defeated a petition for writ of administrative mandate, which sought to reverse an expulsion of a student who repeatedly sexually assaulted a classmate, and later prevailed on appeal, obtaining the first published appellate opinion to clarify the evidentiary rules and standard of review for expulsion proceedings.
- In *A.T. by and through L.T. v. Dry Creek Joint Elementary School District et al.* (E.D. Cal. June 20, 2017), Mr. Simmons successfully argued for the dismissal of education-related section 504 and ADA claims due to application of statute of limitations, among other successful arguments.
- In *Koenig v. Warner Unified School District* (2019) 41 Cal.App.5th 43, Mr. Simmons successfully argued that the health benefits provision of employment termination agreement violated statutory limitation on noncash benefits paid upon termination of local agency administrators' contracts and that the plaintiff was otherwise not entitled the relief sought.
- In *A.A. v. Raymond* (E.D. Cal. July 22, 2013) 2013 WL 3816565, assisted in successfully defeating a bid to halt school closures by way of preliminary injunction, where the district court agreed that plaintiffs were unlikely to succeed on the merits of their equal protection, American Disabilities Act, and due process claims challenging the school closures.
- In *McGuire v. Roseville Joint Union High School District* (E.D. Cal. 2022) 2022 WL 4096014 and 2022 WL 4473391, Mr. Simmons successfully moved to dismiss a complaint alleging claims against a school district in relation to the district's implementation of the State's COVID-19 face covering requirement and related issues.
- Mr. Simmons conducted briefing preparation on the published decision *Alex G. v. Board of Trustees* (E.D. Cal. 2005) 387 F.Supp.2d 1119, successfully defending against section 504 and ADA discrimination and retaliation claims in the special education context.
- In *Rimando v. Alum Rock Union Elementary School District* (9th Cir. 2009) 356 Fed.Appx. 989, Mr. Simmons successfully argued that a California public school district is a "State employer" for purposes of the Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA) and consequently suits against school districts under USERRA must be filed in state court, a decision which is the first of its kind in the Ninth Circuit.
- Mr. Simmons has also prepared many amicus curiae briefs on behalf of school district, state and national school and municipality associations, including briefs before the California Supreme Court, the Ninth Circuit Court of Appeals, federal district courts, and over a dozen of such briefs in cases before the California Court of Appeal, on topic including employee speech, public finance, state mandates, student disability rights, charter schools, and state mandates.

Education

While attending law school he received the honor of Outstanding Oral Advocate, was selected as a member of the Order of the Barristers, and as a member of the University of California, Davis, National Moot Court Team. He also held the position of Senior Articles Editor for the 2002-2003 and co-chaired the law school's Advocates for the Rights of Children student organization. As an undergraduate, Mr. Simmons presented his Honors Thesis, "Justice William J. Brennan Jr.: Bringing Justice to Education" at the 2001 Western Regional Honors Conference.