

## SLOAN R. SIMMONS

PARTNER

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### EDUCATION

J.D., University of California,  
Davis, School of Law

B.A. (summa cum laude)  
California State University,  
Chico

### PRACTICE AREAS

Litigation  
Students

### BAR ADMISSION

California

### 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.

### 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), and the California County Superintendents Educational Services Association (CCSESA).

### 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 *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 *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.
- > 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.
- > 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.
- > Mr. Simmons also prepared briefing for *Chavez v. City of Los Angeles* (2010) 47 Cal.4th 970, in support of the City of Los Angeles on behalf of amicus curiae the League of California Cities and the California State Association of Counties, which is one of several federal and state cases in which Mr. Simmons has prepared amicus curiae briefs.
- > 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.

## ARTICLES

Mr. Simmons' article "*Disciplining Students for E-Communications*" was published in the Daily Journal in January 2010. His February 2012 article "*What's Next in ACLU's Student Fee Case*" was also published in the Daily Journal.

## 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.