

BLAKELY EVANTHIA SIMONEAU

ACADEMIC APPOINTMENTS

Syracuse University College of Law

Syracuse, NY

Associate Professor of Law

COURSES: Education Law, Constitutional Criminal Procedure - Investigative

Incoming, August 2026

New York University School of Law

New York, NY

Acting Assistant Professor, Lawyering Program

COURSES: Lawyering; Abolition: the Carceral State, Injustice, and Imagining Alternatives (1L Reading Group)

June 2024 – May 2026

EDUCATION

Boston University School of Law, Juris Doctor, 2012

Boston, MA

Activities: Moot Court (2009)

Criminal Clinical Program, Student Attorney (Spring 2011 - Fall 2012)

Research Assistant, Markham & Read (2010 - 2012)

Internships: Office of the State Public Defender, California (Summer 2011)

Colorado State Public Defender's Office (Summer 2010)

University of Colorado, Double Bachelor of Arts in Anthropology and English, 2008

Boulder, CO

Honors: *magna cum laude*

Honors Thesis: Body Fat Deposition and Female Fertility, an Evolutionary Perspective

Activities: C.U. Student Helpline, Volunteer (2004 - 2005)

Casa de la Esperanza, Tutor (2005 - 2006)

Bead For Life, Volunteer (2005 - 2006)

Study Abroad: Oxford University, St. Catherine's College (Fall 2006 - Spring 2007)

PUBLICATIONS: ARTICLES

Speaking Out Of Turn: In Loco Parentis and the Future of Student Speech, 91 Mo. L. REV. 4 (forthcoming 2027)

This article examines the Supreme Court's most recent student speech case, *Mahanoy Area School District v. B.L.* By turning to a centuries-old doctrine, *in loco parentis*, the Supreme Court continues its steady march towards a more restrictive view of students' rights and provides avenues to further restrict students' constitutional rights, risking the creation of a future generation of citizens stifled by both the arm of the state and by parents.

[*Technology, Tinker, and the Digital Schoolhouse*](#), 23 SANTA CLARA L. REV. 431 (2024).

In *Mahanoy Area Sch. Dist. v. B. L.*, the Supreme Court considered a school's ability to discipline a student for off campus speech. One factor the Court found weighed in favor of schools was whether

the school had issued the device used for the speech. This article argues that this factor should be removed from the analysis as it is unnecessary and disproportionately limits the speech of lower income students, in essence guaranteeing more robust constitutional protections to affluent students.

[*Overrepresented, Under Protected: Discipline and the Constitutional Rights of Students with Disabilities*](#), 54 SUFFOLK U. L. REV. 439 (2021).

Children with disabilities are overrepresented across nearly every school discipline metric. Yet, they are left without sufficient constitutional criminal procedural protections in school. Although the Supreme Court conceded that a child's age must be a factor when engaging in the Fourth Amendment search and Fifth Amendment custody analyses within schools, no such consideration is given to a student's disability. This article argues that the only way to ensure children with disabilities retain their full constitutional rights inside the schoolhouse gate is to include disability in the Fourth and Fifth Amendment analyses.

[*The Right to Special Education: Undocumented Children and the Promise of Plyler*](#), 30 BERKELEY LA RAZA L.J. 1 (2020) (Symposium).

Undocumented children in immigration detention facilities have the right to access education, yet these children, on American soil and in the government's custody, remain unprotected by the Individuals with Disabilities Education Act. This article argues that undocumented children's potential value to our society cannot be assumed away by their uncertain immigration status, and that if the right to education is taken seriously, these children cannot be excluded from the receipt of special education.

[*Special Education in American Prisons: Risks, Recidivism, and the Revolving Door*](#), 15 STAN. J. C.R.-C.L. 87 (2019).

The Individuals with Disabilities Education Act intentionally omits from its protection some of the most vulnerable individuals - those with disabilities incarcerated in American prisons. These exceptions all but ensure this population is unable to access meaningful education, contributing to a revolving door of incarceration and disenfranchisement. This article explores these exceptions, providing an overview of the denial of special education services in a broader social context, considering the costs to both the individual and society as a whole.

[*Stay Put and the Individuals with Disabilities Education Act: A Proposal for Clarity and Change*](#), 21 U. PA. J.L. & SOC. CHANGE 153 (2018).

The IDEA has failed to keep up with the changing landscape of education, and this lack of progress is particularly evident in the unresolved issues surrounding the "stay put" provision. The effect has been to freeze the parties in inappropriate circumstances for drawn out periods of time while the matter winds through the multi-stage resolution process. This article explores the problems surrounding the stay-put provision and proposes two legislative solutions.

OTHER PUBLICATIONS & WORKS IN PROGRESS

From Educator to Interrogator: the Constitutional Consequences of Compulsory Reporting Laws (draft in progress)

There has been a proliferation of compulsory reporting laws which require school officials report student conduct to law enforcement. This article examines the impact of these laws on students' Fifth Amendment rights. It argues that these laws create an agency relationship between schools and law enforcement and alter the nature of in-school questioning, necessitating the provision of Miranda warnings by school officials.

Navigating Pendency: Challenges, Misconceptions, and Unresolved Issues, National Academy for IDEA Administrative Law Judges and Impartial Hearing Officers (July 2025)

While the IDEA's pendency provision's mandate that students "remain in their then-current education placement" pending resolution of the dispute appears straightforward, the actual application of the provision is often anything but. For a provision impacting nearly every case brought under the IDEA, myriad challenges remain regarding pendency. The paper builds on my prior work, identifying ongoing jurisdictional splits, common misconceptions, and potential resolutions by looking to the history and purpose of the provision.

Understanding: Special Education Law, Book, Carolina Academic Press (co-author with Richard Marsico) (draft in progress)(anticipated publication December 2026).

Special education law treatise to serve as a companion to an already published textbook, *Special Education Law and Practice: Cases and Materials*. The book will provide law students and practitioners a clear guide to navigating special education matters, offering insights into jurisdictional differences, policy considerations, and updated caselaw concerning novel legal issues.

ACADEMIC PRESENTATIONS & ENGAGEMENTS

Speaking Out Of Turn: In Loco Parentis and the Future of Student Speech

- AALS Annual Meeting, Section on Children and the Law: Children in the (Re)Making of America.
Presenter - January 8, 2026
- New York University School of Law, Academic Careers Program Scholarship Clinic
Presenter - April 7, 2025
- University of Tennessee College of Law, Tennessee Journal of Law and Policy Symposium:
Academic Freedom in Education
Presenter - April 4, 2025
- Loyola University New Orleans College of Law, AALS Sections on Education Law and Children
and the Law Works in Progress Symposium
Presenter - September 21, 2024
- New York University School of Law, Lawyering Scholarship Colloquium, "Half-Baked Ideas
Session"
Presenter - June 18, 2024

Navigating Pendency: Challenges, Misconceptions, and Unresolved Issues

- Practising Law Institute, School Law Institute
Presenter - May 2026
- New York State Impartial Hearing Officer Continuing Legal Education Program
Presenter - March 25, 2026
- Maryland Office of Administrative Hearings, Continuing Legal Education
Presenter - March 20, 2026
- National Academy for IDEA Administrative Law Judges and Impartial Hearing Officers, New
York, NY

Presenter - July 9, 2025

- AALS Section on Disability Law Summer Work-in-Progress Session, Remote
Presenter - July 14, 2025

From Educator to Interrogator

- CrimFest, Fordham School of Law, Presenter - July 13, 2026
- University of California Law San Francisco, AALS Sections on Education Law and Children and the Law Works in Progress, Presenter - October 10, 2025
- New York University School of Law, Lawyering Scholarship Colloquium
Presenter - June 18, 2025
- New York University School of Law, Lawyering Scholarship Colloquium, “Half-Baked Ideas Session”
Presenter, February 18, 2025

Technology, Tinker, and the Digital Schoolhouse

- Child Law & Rights Writers’ Workshop, Remote
Presenter, November 5, 2021

The Right to Special Education: Undocumented Children and the Promise of Plyler

- Berkeley Law School, Berkeley La Raza Law Journal Symposium, 30th Anniversary
Invited Symposium Speaker, March 2019 (Cancelled Due to COVID-19)

Legal Matters Impacting Private Special Needs Schools

- Massachusetts Association of Approved Private Schools
Presenter, May 27, 2015

After-School Program Compliance with Federal and State Disability Laws

- Newton After School Association
Presenter, May 13, 2015

GUEST LECTURES

New York Law School

New York, NY

Guest Lecturer

Spring 2021, Fall 2022, Fall 2023

COURSE: Special Education Law and Practice Seminar

PROFESSIONAL EXPERIENCE

Achievement First, Inc.

New York, NY

General Counsel

February 2022 – June 2024

Chief legal advisor to education nonprofit with public charter schools across three states with over 2,000 employees and 15,000 students. Led legal, board governance, and compliance teams. Advised

on issues ranging from First Amendment rights of students and staff to employment law, corporate governance, and nonprofit organization.

Success Academy Charter Schools

New York, NY

Senior Legal Counsel, Legal Counsel, School Advisor

August 2017 – January 2022

Led special education legal compliance for a public charter school network of forty-six schools with over 20,000 students. Advised on special education issues, drafted and implemented network-wide policies, and developed and conducted trainings on special education compliance.

Clark, Hunt, Ahern & Embry

Boston, MA

Associate

September 2014 – July 2017

Represented clients in litigation matters including special education law, torts, contract law, and disability law. Appeared in federal court, state court, and administrative law courts for hearings and trials. Developed policy memoranda for nonprofit special education schools.

Markham & Read

Boston, MA

Associate, Law Clerk

September 2012 – August 2014

Represented clients in state and federal courts on issues including criminal law, tort law, disability law, education law, and contract law. Second chaired a federal trial, appeared in state courts for hearings and motions practice, attended depositions and mediations, and drafted legal documents including appellate motions.

SERVICE

New York University

Lawyering Scholarship Colloquium, Co-Chair (2025 – 2026)

Boston University

First Year (1L) Mentor Program, Mentor (2015 – 2019)

East End House

Board Member (2016 – 2017)

BAR ADMISSIONS

- Massachusetts
- Maine (Inactive)
- U.S. District Court of Massachusetts
- U.S. District Court of Maine