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ENNIS BRITTON

# School Law Review



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## Lame Duck Legislative Roundup

In a rare post-Christmas session, the Ohio General Assembly held back-to-back meetings to attempt not only to override Gov. Kasich’s vetoes on some controversial bills but also to continue moving some of the many bills backlogged in the legislature. Several of these bills, and other bills that passed earlier in December, are of interest to schools.

The majority of this month’s newsletter covers these education-related bills. In the summaries below, we have included the current status of each bill. Most of the bills have already been signed by the governor, but some still have not been sent to him for his signature. The effective dates will be the 91st day after the governor signs the bill. For most of the bills included below, the effective dates will be mid-March to early April.

## House Bill 58: Cursive Handwriting

Gov. Kasich signed HB 58 on December 19. This new law requires the Ohio Department of Education (ODE) to include supplemental instructional materials on cursive handwriting in the English language arts model curriculum for grades K–5. These materials must be included by July 1, 2019, and will be updated periodically. Use of the supplemental instructional materials is not mandatory. R.C. 3301.0726

## HB 66: Parent Phone Call for Student Absence

A proposal for schools to notify parents of a student’s unexcused absence via a phone call began in SB 82, which was amended into HB 66 during the lame duck session. Proposed initially as a requirement for public schools to notify parents of a student’s unexcused absence within 90 minutes of the start of the school day, the original bill was later amended to require a phone call

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within 120 minutes; this language was retained in HB 66 as passed by the General Assembly.

Although R.C. 3313.205 has not changed substantively, it now requires that a school's notification procedure be subject to a new section of the Revised Code, R.C. 3321.241. This new section requires school attendance officers or their designee to notify parents of a student's unexcused absence within 120 minutes of the start of the school day. This notification may be made by a number of methods:

- An in-person phone call
- An automated phone call
- A notification through the schools automated student information system
- A text message
- An email
- An in-person visit
- Any other notification procedure that has been adopted by the board of education

Schools are *not* required to notify a parent who already has notified the school of the student's absence. An immunity provision is built into the law, stating that a school district or any officer, director, employee, or any member of the school district board of education is not liable in a civil action for injury, death, or loss to person or property from an employee's action or inaction in good faith compliance with this section. Schools are not required to notify parents of students who are home-schooled or enrolled in online or computer-based instruction, or in instances where a student was not expected in attendance at school, such as when participating in off-campus activities or in the College Credit Plus program.

HB 66 was sent to the governor for signature on December 28.

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## House Bill 137: Peace Officers as Mandatory Reporters

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Signed by the governor on December 19, this new law removes the restriction that required mandatory reporters who are making a report of child abuse and neglect to the public children services agency (PCSA) or to a "municipal or county" peace officer to include all peace officers as defined below. Now, as of the effective date of the bill, all peace officers – not just municipal or county peace officers – may receive reports of abuse and neglect. Peace officers themselves who are making or receiving a report must then report it to the PCSA in the county where the child resides or where the abuse or neglect is taking place, unless an arrest has been made that will result in notification of the PCSA. A "peace officer" is defined as a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or state highway patrol trooper. R.C. 2151.421

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## HB 158: Unemployment Compensation

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HB 158 was signed by the governor on December 19. This bill allows participation in unemployment compensation for an individual who quits their job to accompany their military spouse who was transferred to a location that makes commuting impractical, provided the spouse is in one of the following categories:

- An active-duty member of the U.S. armed forces
- A member of the Commissioned Corps of NOAA
- A member of the Commissioned Corps of public health service

Upon arrival at the new place of residence, the individual receiving unemployment compensation must in all respects be able and available for suitable work. R.C. 4141.29

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## **House Bill 291: Treasurer Insurance**

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The governor signed this bill on December 19. It enacts a new section of the Revised Code to allow school districts and other political subdivisions to adopt a policy, by ordinance or resolution, authorizing the use of an “employee dishonesty and faithful performance of duty policy” (i.e., an insurance policy or self-insurance coverage) rather than obtaining a surety bond to cover losses from fraud, dishonesty, or failure to perform duties for employees who otherwise would be covered by a surety bond. The amount of coverage must be equal to or greater than the maximum amount of the bond required by law. The policy must be in effect prior to the employee’s assuming his or her duties. A political subdivision that does not adopt such a policy must continue to obtain surety bonds. R.C. 3.061

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## **House Bill 338: School Bus Driver Medical Exams**

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Signed by Gov. Kasich on December 19, this bill allows licensed chiropractors and federally certified medical examiners to be among those authorized to provide annual school bus driver medical exams. R.C. 3327.10

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## **House Bill 343: Property Valuation Complaints**

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HB 343 passed out of the Senate committee, but it appears that the Senate ended the year without voting on this bill.

The bill would have prohibited boards of education from filing a property valuation complaint or countercomplaint without first adopting a resolution to authorize the filing at a public meeting. The Senate Ways and Means Committee passed a substitute bill, which would have allowed for board-initiated challenges to private property valuation changes of \$75,000 or more, allowed for several board resolutions to be passed in a single vote, and required a notice to property owners only if the challenged valuation differs by \$75,000 or more.

Although this bill appears to have died in the Senate, a similar version may be proposed in the next General Assembly.

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## **House Bill 425: Public Records**

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This bill was sent to the governor for his signature on December 31. The bill exempts from public records law the following images captured on police body camera or dashboard camera recordings:

- Image or identity of child who is a primary subject of the recording
- Death of person or dead person’s body unless killed by peace officer or consent from relatives obtained
- Death or grievous bodily harm of officer, firefighter, paramedic or first responder while engaged in official duties unless consent from relative obtained
- Grievous bodily harm or act of severe violence unless caused by law enforcement
- Nudity
- Protected health information of person in a health care facility

- Information that could identify a victim of a sex offense, domestic violence or menacing by stalking
- Information provided by informants if revealing their identity could subject them to a risk of harm
- Personal information of a person who is not charged, arrested, cited or issued a written warning
- Police contingency plans or tactics to prevent crime and maintain order
- Conversation between police officer and citizen not involving police activities
- Interior of a residence or private business not open to the public unless it is location of adversarial encounter or use of force by police officer.

The following court records may be released only if the subject of the recording provides consent:

- Record that will not be used in probable or pending criminal proceedings
- Record that has been used but was dismissed or judgment entered
- Record that provides for mandamus action to court of claims, requires clear and convincing evidence

The bill also provides that the infrastructure record of a public school is not a public record for purposes of public records law. An “infrastructure record” includes any record disclosing the configuration of critical systems such as computer, communication, electrical, mechanical, ventilation, water, plumbing systems, security codes, or structural configuration of a building. “Infrastructure record” also means any risk assessment by state or local law enforcement conducted at the request of a school district. It does not mean a simple floor plan. R.C. 3319.073

## **House Bill 477: Miscellaneous School Provisions**

HB 477 was delivered to the governor for signature on December 31. This bill contains miscellaneous provisions for schools, as summarized below.

The bill changes the definition of “form” to include electronic reports, documents, and other instruments used in EMIS or used to gather education data under state or federal law or rule. R.C. 3301.133

In the section that deals with in-school and out-of-school suspensions for students in grades prekindergarten through three, a provision was added to provide school district employees with additional civil immunity for their decision not to provide or procure mental health services for suspended or expelled students unless the decision was made with malice, in bad faith, or in a wanton or reckless manner. R.C. 3313.668

Since the world has moved on as it relates to technology, the term “pocket pager” and its definition were deleted from the section of the law allowing school districts to prohibit carrying an electronic communication device in school buildings or on school grounds. R.C. 3313.753

The bill also modifies language that was previously adopted this past summer in SB 216 with regard to qualifications of paraprofessionals who are assigned to provide academic support to students in core subject areas. Under the newly revised statute, the requirement that core subject paraprofessionals satisfy one of four additional conditions will apply only to paraprofessionals who work in programs supported by Title I funds. R.C. 3319.074

The bill also repeals the following sections of the Revised Code:

- 3301.073 – Regarding the state board of education furnishing technical or financial assistance to school districts to assist in the development and preparation of budgets and other financial information
- 3301.0722 – Regarding the definition and use of a “form”
- 3301.111 – Regarding the state board submitting an education policy report to the governor
- 3301.21 – Regarding the State Action for Education Leadership fund
- 3301.25 – Regarding the Ohio Veterans Plaza videotape distributed to secondary schools
- 3301.86 – Regarding the OhioReads classroom reading improvement grants program

- 3301.88 – Regarding criminal records checks
- 3301.95 – Regarding use of funding under the American Recovery and Reinvestment Act of 2009 (obsolete)
- 3301.96 – Regarding grants awarded under the Race to the Top program
- 3302.037 – Regarding a 2016 report to study the “similar students measure”
- 3302.30 – Regarding a pilot project in Columbiana County for a multiple-track high school curriculum
- 3311.061 – Regarding the intent of the 116th General Assembly (1986) in a Senate Bill on school district territory
- 3313.206 – Regarding the McGruff House symbol
- 3313.711 – Regarding the application of R.C. 3313.71 to elementary and high schools

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## House Bill 491: Licensure and More

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HB 491 was signed by the governor on December 19. It was initially introduced as a bill to create a new substitute license for pupil services personnel, which remained in the bill and is very positive for school districts. But as the lame duck session concluded, many education-related provisions from other bills were amended into this bill, resulting in a number of miscellaneous changes.

### **Treasurer Liability**

One such new provision states that treasurers are not liable for loss of public funds when the treasurer has performed official duties with reasonable care. Treasurers may be held liable only when a loss of public funds results from negligence or the treasurer’s other wrongful act. ODE shall not consider it a violation of the treasurer’s official duties if the treasurer has performed all official duties with reasonable care. R.C. 3313.25

Treasurers are not liable for a loss of public funds that results from reliance on the accuracy of nonfinancial information such as that in EMIS, pupil transportation reports, and licensure or other credentialing information unless the loss results from the treasurer’s negligence or other wrongful act. R.C. 3313.31

A school district may not pay a teacher until the treasurer receives a written statement from the district or service center superintendent or designee that the teacher has filed with the superintendent or designee the required reports and a legal educator license or copy of it. No treasurer or superintendent or superintendent’s designee shall be liable for a loss of public funds for payments made to a teacher in compliance with this section, unless the loss results from negligence or other wrongful act. R.C. 3319.36

### **Assignments during Student Suspensions**

Language that allowed districts to “permit” suspended students to complete assignments during suspension has been removed; the new language requires districts to adopt a policy establishing parameters for completing and grading assignments missed because of suspension. The policy must allow students to complete assignments and receive at least partial credit; grade reductions are permitted, but a failing grade due solely to the suspension is prohibited. R.C. 3313.66

### **School Resource Officers**

Revisions to the recently enacted statutes on school resource officers include that one of the three entities that may provide the 40-hour SRO training is “[t]he Ohio peace officer training academy” (the current statute being revised reads, a “peace officer certified to conduct a course” that satisfied the requirements). The training is required for SROs who provide services to a district on or after November 2, 2018; SROs appointed prior to November 2, 2018, are exempt from this requirement. The Ohio peace officer training commission must adopt rules for the approval of SRO training. R.C. 3313.951

## Pupil Services Personnel Substitute License

In a new section of the Revised Code, the state board is required to issue a license for the following pupil services personnel to be employed as substitutes. To be eligible for the license, an individual must complete a background check and hold a currently valid license issued by their state occupational board, but do not need to obtain a separate credential from ODE. A school nurse must also hold a bachelor's degree in nursing.

- Speech-language pathologists
- Audiologists
- Physical therapists and PT assistants
- Occupational therapists and OT assistants
- Social workers
- Registered nurses with a bachelor's degree

The license will be issued upon request of the superintendent. Schools may not employ these professionals in a nonsubstitute capacity without the appropriate ODE license. ODE may not adopt any rules with additional qualifications. R.C. 3319.2210

## Graduation Requirements

An uncodified section of the bill amends Section 733.67 of Am. Sub. H.B. 49, which was the budget bill that first provided additional graduation options to the class of 2018. Now, the graduation requirements will be extended to students who entered ninth grade for the first time between July 1, 2014, and July 1, 2017. The class of 2019 will have the same options as the class of 2018, while the class of 2020 will have these options but with some changes as outlined in the chart below.

Class of 2019 – Entered grade 9 for the first time between July 1, 2014, and June 30, 2016	Class of 2020 – Entered grade 9 for the first time between July 1, 2016, and June 30, 2017
<i>Note: Below are the requirements for the alternative academic pathway, which are the same as those for the class of 2018. The career-tech pathway remains the same for the classes of 2018, 2019, and 2020.</i>	<i>Boldface type indicates the changes from the requirements for the class of 2019.</i>
• Take required end-of-course exams	• Take required end-of-course exams
• Retake end-of-course exams with a score lower than 3	• Retake end-of-course exams with a score lower than 3
• Complete required units of instruction	• Complete required units of instruction
• Meet at least two of the following:	• Meet at least two of the following:
○ 93% attendance rate during grade 12	○ <b>[No provision]</b>
○ Take at least 4 full-year courses during grade 12 and have a GPA of at least 2.5 on a 4.0 scale during grade 12	○ Take at least 4 full-year courses during grade 12 and have a <b>cumulative</b> GPA of 2.5 on a 4.0 scale <b>for courses completed during grades 11 and 12</b>
○ During grade 12, complete a capstone project as defined by the district or school	○ During grade 12, complete a capstone project <b>in compliance with ODE guidance*</b>
○ During grade 12, complete 120 hours of work in community service or employment as defined by the district or school	○ During grade 12, complete 120 hours of work in community service or employment <b>in compliance with ODE guidance* and meeting requirements for school approval and verification; guidance to state that student work preferably with an Ohio business or nonprofit organization</b>
○ Earn 3 or more College Credit Plus credit hours	○ Earn 3 or more College Credit Plus credit hours

○ Pass an AP course with a score of 3 or higher or an IB course with a score of 4 or higher	○ Pass an AP course with a score of 3 or higher or an IB course with a score of 4 or higher
○ Earn a level 3 score or higher on the required components of the job skills assessment	○ Earn a level 3 score or higher on the required components of the job skills assessment
○ Obtain an industry-recognized credential or group of credentials equal to at least 3 points	○ Obtain an industry-recognized credential or group of credentials equal to at least 3 points
○ Satisfy the conditions to receive an OhioMeansJobs-readiness seal	○ Satisfy the conditions to receive an OhioMeansJobs-readiness seal
	<b>* ODE shall develop and issue guidance no later than May 31, 2019.</b>

The uncodified section of HB 491 notes the legislature’s desire to determine permanent graduation requirements and provide adequate transition time to allow for implementation. The General Assembly plans to do this by requiring ODE to provide its recommendations by April 1, 2019. This will allow time for discussions and possibly to include these recommendations in the 2019 budget appropriations bill in June.

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## House Bill 502: Youth Suicide Prevention Training

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Signed by the governor on December 21, HB 502 requires that the following school employees have youth suicide prevention training included in their in-service training once every two years:

- Psychologists
- Counselors
- Teachers
- Administrators
- Nurses
- “any other personnel the board determines appropriate”

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## House Bill 572: Retirement Credit

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Signed by the governor on December 21, this bill revises Ohio’s laws governing the Public Employees Retirement System (PERS), State Teachers Retirement System (STRS), School Employees Retirement System (SERS), and Ohio Police and Fire Pension Fund (OP&F). The technical changes in this bill are beyond the scope of this summary and should be carefully reviewed. Below is a broad overview of the contents of this bill:

- Makes changes to the way “five years or more of total service credit” is calculated. Deletes “sixty or more calendar months” from the definition, changing it to “five or more years of service for which credit is allowed, including a member who is sixty years of age and has sixty or more calendar months of contributions, or a member who has sixty calendar months of contributions and is receiving a benefit will be considered to have five or more years of total service credit for the purpose of meeting the service credit requirement and determining eligibility for benefits.
- Changes eligibility requirements for PERS members who are employed by a county board of developmental disabilities.
- If the monthly payment to a spouse or sole dependent beneficiary for a member who dies would be less than \$50, the person will be paid a single payment calculated according to a method provided in the applicable section of the Revised Code.
- Revises requirements for vacant positions on the retirement board.

- Removes language on defined benefit compensation plans regarding the intervals at which contributions on paid compensation are made by employers to STRS, including the requirement that districts encumber money by June 30 to account for any difference in contributions for that year. Removes the 8 percent payroll deduction limit.
- Removes language allowing STRS to provide insurance under the defined benefit plan for any of the member's "sponsored dependents" (still includes spouses and dependent children).
- Regarding disability benefits, allows the STRB to require any disability retirement recipient to submit to an annual medical examination, and removes the exception that the STRB may forgo medical exams if the board's physician determines that the recipient's disability is ongoing. R.C. 3307.48
- Establishes a medical review board of three or more "disinterested physicians" to evaluate an examiner's report finding a disability recipient capable of resuming service. The medical review board will report its finding to the STRB, and the STRB will then determine whether disability payments will end.
- Makes changes to the way disability compensation benefits are calculated for purposes of determining the final average salary.

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## Senate Bill 21: Property Tax Levy Ballot Language

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SB 21 has passed in both the Senate and the House but has not yet been sent to the governor for signature. This bill modifies the information conveyed in election notices and ballot language for property tax levies. In addition to other governmental organizations, this will apply to county school financing districts in R.C. 3311.50.

This bill provides that ballot language for property taxes must express the tax rate *both* numerically in mills for each \$1 of "taxable value" (the current language reads "valuation") *and* numerically in dollars for each \$100,000 of fair market value (prior law required that this be expressed for each \$100 of tax valuation and in mills for each \$1 of tax valuation).

"Fair market value" is defined in R.C. 5705.01(P) as "the true value in money of real property."

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## Senate Bill 214: Public Records Exemptions

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This bill was sent to the governor for signature on December 28. The bill excludes from public records photos, videos, other digital depictions "dealing with a victim's bodily privacy." Images that show a victim of a sexually oriented offense or someone committing a sexually oriented offense that would be "an offensive and objectionable intrusion into the victim's expectation of bodily privacy and integrity" will be exempt from public records law. The victim, however, may obtain a copy of the footage. R.C. 149.43

The language included in this bill is vague and will likely trigger litigation to further define its application and limits.

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## Senate Bill 268: Theft in Office

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On December 31, the Senate "informally passed" the House amendments to this bill; however, whether a formal vote will take place is unknown. "Informal passage" sometimes means that the vote is being held open for certain members to cast a vote if they were not present at the hearing. The bill increases the penalty for theft in office when the value of property or services stolen is \$150,000 or more and allows for restitution of audit costs, among other things. Ennis Britton will continue monitoring this bill and others. Although the 132nd General Assembly has ended,

news is still trickling out on this very late legislative session. Be sure to follow and refer to Ennis Britton's Twitter page frequently for updates.

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## **Special Education Spotlight: Service Animals vs. Pet Allergies – Who Wins?**

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School districts frequently ask how to balance the rights of a person who brings a service animal onto school grounds against the rights of others. For example, if one child in a classroom is allergic to pet dander, but another child demands to bring her service dog to school, whose rights prevail? These concerns are not limited only to the rights of students but also can easily arise with an employee's request for accommodations under the Americans with Disabilities Act. In other scenarios, members of the public, including parents or spectators at a sporting event, could also be covered.

A court decision this month out of New York gives one example of conflicting rights of different members of the school community. The parents of a student with asthma and severe allergies filed a wide-ranging lawsuit in the U.S. District Court for the Southern District of New York, arguing that a school district violated their child's rights by not having a policy prohibiting service animals and by allowing a service animal on the school grounds several times in violation of their child's 504 plan.

In this case, the parent of a different student required the use of a service animal and brought the animal to multiple school events in which the student with the allergy participated. The student with the allergy had a 504 plan that required the school to, among other things, ensure no animals come within 30 feet of the student, keep the student out of contact with service animals, implement a cleaning protocol after animals are within the school building, and communicate in advance with her parents when a service animal was anticipated to be within the school building.

Additionally, the parents had requested other accommodations that are not discussed in the court decision and had also requested a blanket policy banning service animals from school. The school district rejected the latter request, explaining that it had an obligation under federal disability law to allow service animals within the building.

The court dismissed most of the claims but will allow the disability discrimination claim to proceed. This relates to alleged violations of the 504 plan. The court recognized that the school is required under federal law to allow service animals but noted that this does not excuse a school district from fulfilling its obligations under a 504 plan to protect a student against allergies. This case shows how distinct legal rights can come into direct conflict.

While the public court filings do not provide sufficient detail to determine what, if anything, the school might reasonably have done differently (or even if it did, in fact, violate the student's rights), one lesson is that in allowing a student, staff member, or school visitor to exercise her right to use a service animal, a school district must consider whether accommodations are necessary to ensure that the rights of students with allergies are protected. This is a difficult balance that will depend very much on the individual facts of each case.

– *Doe v. United States*, 118 LRP 49416 (S.D.N.Y. 2018).

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## **Firm News: Ennis Britton Super Lawyers!**

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We are very pleased to announce that the highly reputed organization Super Lawyers has selected Ennis Britton shareholder Gary Stedronsky as a Super Lawyer and shareholders Megan Bair, Pamela Leist, and Erin Wessendorf-Wortman as Super Lawyers Rising Stars for 2019!



*Gary Stedronsky*  
**Super Lawyer**



*Megan Bair*  
**Rising Star**



*Pamela Leist*  
**Rising Star**



*Erin Wessendorf-Wortman*  
**Rising Star**

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**Gary Stedronsky** is a shareholder who has been with Ennis Britton since 2003. He started as a law clerk while attending law school. As a member of Ennis Britton’s Construction and Real Estate Team and School Finance Team, he provides counsel to school districts throughout Ohio on matters related to property issues, public finance matters, tax incentives, and more. He is a published author and frequent presenter on many education-related topics. Gary received the prestigious Super Lawyers Rising Star award five years in a row and now has received the Super Lawyers award!

**Megan Bair** is a shareholder who advises school districts on a variety of education law matters. As a member of Ennis Britton’s Special Education Team and School Finance Team, Megan represents boards of education on collective bargaining, student discipline, board policy, and much more. Megan has offices in Cleveland and Mahoning Valley. This is Megan’s third year in a row to receive the Super Lawyers Rising Star award!

**Pamela Leist** is an Ennis Britton shareholder who assists clients with a variety of education law issues. As a member of the firm’s Special Education and Workers’ Compensation Practice Teams, she has represented boards of education before state and federal courts and multiple state and federal administrative agencies. Ms. Leist frequently presents across the state of Ohio on issues related to school law and operations. This is Pam’s second year in a row to receive the Super Lawyers Rising Star award!

**Erin Wessendorf-Wortman** is a shareholder with the firm. As a member of the firm’s Special Education and Workers’ Compensation Practice Teams, Erin represents school districts across Ohio on a variety of matters including labor and employment issues, civil rights, special education, public records, and more. She is a published author and frequent presenter on many education-related topics. This is Erin’s third year in a row to receive the Super Lawyers Rising Star award!

Super Lawyers is a national rating service that publishes a list of attorneys from more than 70 practice areas who have attained a high degree of peer recognition and professional achievement.

To qualify as a Rising Star, an attorney must score in the top 93rd percentile during a multiphase selection process that includes peer nominations and evaluations combined with independent research. A Super Lawyers rating is considered a very prestigious designation in the legal field. Only those in the top 5 percent of the total lawyers in the state are selected to Super Lawyers, and only 2.5 percent of newer lawyers are selected to Rising Stars. We commend Gary for his selection to Super Lawyers and Megan, Pam, and Erin for their selection to Rising Stars!

Visit the Super Lawyers [website](#) to learn more.

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## Upcoming Deadlines

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As your school district prepares for the next couple of months, please keep in mind the following upcoming deadlines. For questions about these requirements, please contact an Ennis Britton attorney.

- **January 15** – Deadline for boards of education to meet and organize (RC 3313.14); Deadline for boards of education to adopt tax budgets for the coming school fiscal year (RC 5705.28)
- **January 20** – Deadline for boards of education to submit fiscal tax-year budget to county auditor (RC 5705.30)
- **January 28** – Deadline to submit certification for May income tax levy to Ohio Department of Taxation (RC 5748.02)
- **January 31** – Deadline for ESC governing boards to meet and organize (RC 3313.14); Deadline (4:00 p.m.) for annual campaign finance reports to be filed by certain candidates, political action committees, caucus committees, and political parties, detailing contributions and expenditures from the last day reflected in the previous report through December 31, 2017 (RC 3517.10)
- **February 1** – Deadline to submit May emergency, current operating expenses or conversion levy to county auditor for May election (RC 5705.194, 5705.195, 5705.213, 5705.219)
- **February 6** – Deadline for school districts to file resolution of necessity, resolution to proceed and auditor's certification for bond levy with board of elections for May election (RC 133.18); Deadline for county auditor to certify school district bond levy terms for May election (RC 133.18); Deadline to submit continuing replacement, permanent improvement or operating levy for May election to board of elections (RC 5705.192, 5705.21, 5705.25); Deadline to certify resolution for school district income tax levy or conversion levy for May election to board of elections (RC 5748.02, 5705.219); Deadline to submit emergency levy for May election to board of elections (RC 5705.195); Deadline to submit phased-in levy or current operating expenses levy for May election to board of elections (RC 5705.251)
- **March 1** – Deadline to take action on and deliver written notice of nonrenewal of superintendent's contract (RC 3319.01); Deadline to take action on and deliver written notice of nonrenewal of treasurer's contract (RC 3313.22); Deadline to publish joint statement describing how district's business advisory council has fulfilled its responsibilities (RC 3313.821)
- **March 31** – End of second ADM reporting period (RC 3317.03)

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## Upcoming Presentations

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### 2018–2019 ADMINISTRATOR'S ACADEMY SEMINAR SERIES

#### **December 6, 2018: Employment Law Update – Archive available**

Stay up-to-date on important issues and changes with FMLA, ADA, employee leave, and other employment-related topics.

#### **April 18, 2019: Student Privacy**

Keep current on FERPA, CIPA, COPPA, and other federal and state laws that impact student – and staff – privacy issues in your district.

## **July 11, 2019: 2018–2019 Education Law Year in Review**

Find out the new education-related laws that passed in the budget bill and other legislation, as well as important court decisions and other changes that affect Ohio schools.

You spoke, and we listened! Based on client input regarding the preferred format for Ennis Britton’s Administrator’s Academy Seminar Series, these presentations will now be offered via a live video webinar professionally produced by the Ohio State Bar Association. As always, an archive will be available also.

Participants must be registered to attend each event. All three webinars will be archived for those who wish to access the event at a later time. You may register on our [website](#) or email Barb Billow at [bbillow@ennisbritton.com](mailto:bbillow@ennisbritton.com).

### **OTHER UPCOMING PRESENTATIONS**

#### **January 18: Southwest Ohio Personnel Administrators**

– Bronston McCord

#### **January 25: Ohio Association of School Personnel Administrators – Winter Camp**

- Collective Bargaining Workshop – Megan Bair and Bronston McCord
- Human Resources Legal Update for Support Staff – Hollie Reedy

#### **January 31: DRI Conference: Civil Rights and Government Liability Seminar**

**San Antonio, Texas**

– Pamela Leist

#### **February 5: Brown County ESC & Southern Ohio ESC**

– Special Education Legal Update

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**Follow Us on Twitter: [@EnnisBritton](#)**

**Want to stay up-to-date about important topics in school law?  
Check out Ennis Britton’s [Education Law Blog](#).**

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### **Webinar Archives**

Did you miss a past webinar or would you like to view a webinar again? If so, we are happy to provide that resource to you. To obtain a link to an archived presentation, please email Barb Billow at [bbillow@ennisbritton.com](mailto:bbillow@ennisbritton.com). Archived topics include the following:

## **Labor and Employment**

- Employment Law Update (December 2018)
- School Employee Nonrenewal
- Employee Licensure
- School Employee Leave and Benefits
- Managing Workplace Injuries and Leaves of Absence
- Requirements for Medicaid Claims
- Discrimination: What Administrators Need to Know

## **Student Education and Discipline**

- New Truancy and Discipline Laws – HB 410
- Transgender and Gender-Nonconforming Students
- Student Discipline

## **School Finance**

- School Levy Campaign Compliance

## **School Board Policy**

- What You Should Know about Guns in Schools
- Crisis, Media, and Public Relations
- Low-Stress Solutions to High-Tech Troubles
- Ohio Sunshine Laws

## **Special Education**

- Three Hot Topics in Special Education
- Supreme Court Special Education Decisions
- Special Education Scramble (2018)
- Special Education Legal Update (2017)
- Special Education Legal Update (2016)
- Effective IEP Teams

## **Legal Updates**

- 2018 Lame Duck Legislation, Lobbying, and the Legislative Process
- 2017–2018 Education Law Year in Review
- 2016–2017 Education Law Year in Review
- 2015–2016 Education Law Year in Review

# Ennis Britton Practice Teams

At Ennis Britton, we have assembled a team of attorneys whose collective expertise enables us to handle the wide variety of issues that currently challenge school districts and local municipalities. From sensitive labor negotiations to complex real estate transactions, our attorneys can provide sound legal guidance that will keep your organization in a secure position.

When you have questions in general areas of education law, our team of attorneys help you make competent decisions quickly and efficiently. These areas include:

## Labor & Employment Law

## Student Education & Discipline

## Board Policy & Representation

There are times when you have a question in a more specialized area of education or public law. In order to help you obtain legal support quickly in one of these areas of law, we have created topic-specific practice teams. These teams comprise attorneys who already have experience in and currently practice in these specialized areas.

### Construction & Real Estate

Construction Contracts • Easements •  
Land Purchases & Sales • Liens •  
Mediations • Litigation

#### Team Members:

Ryan LaFlamme  
Bronston McCord  
Giselle Spencer  
Gary Stedronsky

### Workers' Compensation

Administrative Hearings •  
Court Appeals • Collaboration with TPAs •  
General Advice

#### Team Members:

Ryan LaFlamme  
Pam Leist  
Giselle Spencer  
Erin Wessendorf-Wortman

### Special Education

Due Process Claims • IEPs • Change of  
Placement • FAPE • IDEA • Section 504 •  
any other topic related to Special Education

#### Team Members:

Megan Bair  
John Britton  
Bill Deters  
Michael Fischer  
Pam Leist  
Jeremy Neff  
Hollie Reedy  
Giselle Spencer  
Erin Wessendorf-Wortman

### School Finance

Taxes • School Levies •  
Bonds • Board of Revision

#### Team Members:

Megan Bair  
John Britton  
Bill Deters  
Ryan LaFlamme  
Bronston McCord  
Jeremy Neff  
Hollie Reedy  
Giselle Spencer  
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