ENNIS BRITTON

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School Law Review

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Courts Continue to Uphold Political Subdivision Immunity in Favor of School Boards

In two recent cases, a State court of appeals has upheld political subdivision immunity in favor of school boards during a freak accident and during off-campus leisure activities.

In the first case, decided on March 26, 2020, the Court of Appeals for the Tenth District found in favor of the school board when the board requested the case be dismissed on immunity grounds. The case involved claims that, during the school's annual class rocket launch, one of the rockets veered off course and struck appellant on her right lower leg, causing burns and scarring. The complaint further alleged that the teacher who supervised the launch failed to take proper precautions in launching the rocket. Additionally, the complaint alleged the school board permitted an unsafe environment and failed to require proper instruction. The court rejected the plaintiff's argument that the accident was due to a physical defect on the grounds or buildings owned by the school district, therefore destroying the Board's asserted immunity defense. The Court further found that the teacher exercised judgment and discretion in conducting the experiment. The Court opined that, so long as the teacher did not act in a wanton or reckless manner, the teacher and the Board were immune from liability. An individual is deemed to act wantonly if that person acts without consideration of possible harmful consequences. A person who is reckless is aware that one's conduct creates an unreasonable risk of physical harm to another and proceeds anyway. This decision reiterates the rule of law that public entities remain entitled to statutory immunity provided they exercised proper discretion in carrying out government functions.

In a separate Tenth District case, also decided on March 26, 2020, the court upheld the immunity defense for a school board and its athletic staff after a sixteen-year-old student-athlete drowned while on a team basketball summer beach trip to Fripp Island. Here, the Court found that immunity "extends to most school activities and administrative functions of the educational process, even if not directly comprising part of the classroom teaching process." The trip was organized by the head varsity basketball coach, whose job description indicates that the position is a year-round assignment, and the trip counted toward the number of days that the coach is permitted to provide organized basketball instruction to the team, per the Ohio High School Athletic Association ("OHSAA") guidelines. The connection of the outing to functions of the educational process was considered by the court. The

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athletic director, the principal, and the superintendent were aware of and approved the Fripp Island trip. The school district provided a vehicle to transport players, the team members wore their school practice uniforms while they participated in practice and participated in scrimmages against other teams during the five days of the trip. Similarly, the Court found that the coach and staff did not act in a reckless or wanton manner and thus were immune from liability in the exercise of discretion and judgment that are part of their job duties.

What this means for your District:

These cases emphasize that Ohio courts will recognize and enforce the immunity defense when properly applied and in the absence of wanton, reckless, or otherwise irresponsible actions on the part of district staff. The extension of this coverage to activities often seen as outside the scope of the educational process enlarges staff protections in its many areas of student supervision

Douglas v. Columbus City Schools Bd. of Edn., 2020-Ohio-1133

Michael v. Worthington City School Dist., 2020-Ohio-1134

The Sixth Circuit Holds that Due Process Clause Protects Right to Basic Minimum Education

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A panel of the U.S. Court of Appeals for the Sixth Circuit issued a 2-1 decision holding that the Fourteenth Amendment's Due Process Clause protects a fundamental right to a "basic minimum education" that is potentially violated when the state fails to provide adequate public schools. The Sixth Circuit has jurisdiction over Ohio, Michigan, Kentucky, and Tennessee.

Judge Clay, who wrote the majority opinion, summarized the crux of the Plaintiff's case. The Plaintiffs are students at several of Detroit's worst-performing public schools. They credit this substandard performance to poor conditions within their classrooms, including missing or unqualified teachers, physically dangerous facilities, and inadequate books and materials. Taken together, the Plaintiffs say these conditions deprive them of basic minimum education, meaning one that provides a chance at foundational literacy.

In 2016, the Plaintiffs sued several Michigan state officials, who they say are responsible for these abysmal conditions in their schools. Plaintiffs allege that state actors are responsible, as opposed to local entities, based on the state's general supervision of all public education, and also on the state's specific interventions in Detroit's public schools.

The Plaintiffs' claims are all based on the Due Process and Equal Protection Clauses of the Fourteenth Amendment. Plaintiffs argue that while other Michigan students receive an adequate education, the students in Plaintiffs' schools do not, amounting to a violation of their right to equal protection of the laws. They also argue that the schools they are forced to attend are schools in name only, and so the state cannot justify the restriction on their liberty imposed by compulsory attendance. And in their most significant claim, Plaintiffs ask this Court to recognize a fundamental right to basic minimum education, an issue the Supreme Court has repeatedly discussed but never decided.

The District Court found that the Defendants (various state officials including the Governor, Members of the State Board of Education, the State Interim Superintendent of Public Instruction, Director of the MI Dept of Technology, and the State School Reform/Redesign Officer, in their official capacities) were in fact the proper parties to sue, but it dismissed Plaintiffs' complaint on the merits.

First, it found that the Plaintiffs had not alleged a proper comparator for their equal protection claim, nor had they highlighted any state policy or action that was not supported by a rational basis. Second, it found that the Plaintiffs had not sufficiently pleaded their compulsory attendance theory, and so the court only viewed their due process

claim as seeking an affirmative fundamental right. Third, the court held that basic minimum education is not a fundamental right, and so Plaintiffs' due process claim was dismissed. The plaintiffs then appealed.

The Sixth Circuit panel agreed that the Plaintiff's equal protection and compulsory education claims were not properly pleaded and were therefore rightfully dismissed by the District Court. However, the panel agreed that the Plaintiffs had "been denied basic minimum education, and thus have been deprived of access to literacy."

Judge Clay, seeming to understand the gravity of declaring a new fundamental constitutional right, wrote the following:

> *The recognition of a fundamental right is no small matter. This is particularly true when the right in question is something that the state must affirmatively provide. But just as this Court should not supplant the state's policy judgments with its own, neither can we shrink from our obligation to recognize a right when it is foundational to our system of self-governance.*
>
> *Access to literacy is such a right. Its ubiquitous presence and evolution through our history have led the American people universally to expect it. And education—at least in the minimum form discussed here—is essential to nearly every interaction between a citizen and her government. Education has long been viewed as a great equalizer, giving all children a chance to meet or outperform society's expectations, even when faced with substantial disparities in wealth and with past and ongoing racial inequality.*
>
> *Where, as Plaintiffs allege here, a group of children is relegated to a school system that does not provide even a plausible chance to attain literacy, we hold that the Constitution provides them with a remedy. Accordingly, while the current versions of Plaintiffs' equal protection and compulsory attendance claims were appropriately dismissed, the district court erred in denying their central claim: that Plaintiffs have a fundamental right to basic minimum education, meaning one that can provide them with a foundational level of literacy.*

The dissent argued that a holding such as this is beyond the court's role and is something best left to the Legislature and the citizens at-large. Judge Murphy wrote in dissent: "The Due Process Clause has historically been viewed, consistent with its plain text, as a negative limit on the states' power to "deprive" a person of "liberty" or "property." U.S. Const. amend. XIV, § 1. It has not been viewed as a positive command for the states to protect liberty or provide property. A state's decision "not to subsidize the exercise of a fundamental right" has never been thought to "infringe the right," even in areas where the states have long provided that assistance."

Judge Murphy also noted the practical difficulties with attempting to enforce a right and its impact on the separation of powers issues. "How should those courts remedy the schools that they conclude are not meeting the constitutionally required quality benchmarks? May they compel states to raise their taxes to generate the needed funds? Or order states to give parents vouchers so that they may choose different schools? How old may textbooks be before they become constitutionally outdated? What minimum amount of training must teachers receive? Which HVAC systems must public schools use?"

The U.S. Supreme Court has not expressly held that the U.S. Constitution provides a fundamental right to basic minimum education. As the dissent noted, the Court held in Plyler v. Doe, that [p]ublic education is not a 'right' granted to individuals by the Constitution." Accordingly, there is good reason to speculate that this decision would not survive an appeal to the U.S. Supreme Court. However, it is not certain where the case goes from here. The State Attorney General could seek a re-hearing before the entire Sixth Circuit bench (en banc). This may not occur as the Michigan Attorney General has already praised the decision. It is also possible that the State Legislature may seek to intervene and ask for a re-hearing. That request may have to go to the same panel that made this decision. Finally, the Sixth Circuit could decide itself (sua sponte) to re-hear the matter en banc.

What this means for your District:

We will, of course, keep you apprised of this matter as it progresses. While this case focuses on State officials, the next suit to enforce this new right could include local and County officials as well. This would put courts in the role of making independent judgments about the adequacy of all aspects of the educational services provided by schools in Ohio. This would be a significant break from the normal legal environment in which courts are reluctant to second guess the discretionary decisions of elected officials in the state, focusing instead on whether there are procedural violations to remedy.

Gary B., et al. v. Whitmer, et al 2:16-cv-13292

Ohio Ethics Commission Finds Potential Violation of Ethics Law

A new formal opinion of the Ohio Ethics Commission was issued on April 17, 2020. It concludes that disclosures of discussions of a public body held in a properly-convened executive session that are legally confidential (pursuant to a statute) or designated as confidential reasons that are necessary and warranted may be found to be a violation of R.C. 102.03(B) of the ethics laws.

That statute prohibits a public official from recklessly disclosing or using confidential information acquired in his or her role as a public official without authorization, and is punishable as a criminal offense, a first-degree misdemeanor. The statute states:

> *No present or former public official or employee shall disclose or use, without appropriate authorization, any information acquired by the public official or employee in the course of the public official's or employee's official duties that is confidential because of statutory provisions, or that has been clearly designated to the public official or employee as confidential when that confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.*

The Commission emphasized that the decision about whether a public body that has designated an executive session discussion as confidential is legally confidential is made on a case by case basis. The confidentiality designation of the public body would be evaluated on the basis of the status of the proceedings or the circumstances under which the information was received, and whether preserving the confidentiality of the information is necessary to the proper conduct of government business.

If there is a particular statute that makes a certain discussion confidential, it is presumed to be confidential, and the release of that information is governed by the terms of that statute.

The Commission noted that documents reviewed in executive session do not become confidential as a result of a confidentiality designation or simply because they were reviewed in executive session. These documents must be evaluated as to whether they are public records pursuant to existing public records law.

What this means for your District:

This formal opinion is not exactly a new position of the Commission. A 1986 informal opinion reached the same conclusion. However, the issuance of the formal opinion makes it applicable to all Ohio public officials. While not everything discussed in executive session is statutorily confidential, it is a good reminder that certain discussions of the public body are entitled to confidentiality that may be enforced by law, and violations of that confidentiality may in some cases carry criminal sanctions under Ohio's ethics laws.

Revised Orders Issued by the Ohio Department of Health Director

On April 30th, 2020, the Ohio Department of Health Director, Dr. Amy Acton, issued two revised orders that will impact school operations at least in the short term. These orders will cover school operations through June 30th at a minimum.

It's a wrap - concluding school operations for 2019-2020.

The first order directs schools to remain closed to students through June 30th, 2020. However, the Director clarifies that the order does not prohibit administrators, teachers, staff, vendors, or contractors from showing up for work. Rather, administrators are tasked with determining who will have access to the buildings and are encouraged to promote practices such as social distancing and frequent hand washing. The order encourages administrators to consider remote work options when possible.

The order also specifically excludes a number of activities and events that may occur at schools, such as voting, food services, health services, and charitable works, as well as "targeted" and other educational programs and activities. While schools have the discretion to determine what types of programs and services may be provided, it should do so with caution and only after consulting with the local health department and legal counsel. Further, a school district must obtain written approval from the local department of health before the activities may be held and then must submit a copy of the written approval to both the Ohio Department of Health and the Ohio Department of Education.

Schools are expected to follow the social distancing guidelines published by the Ohio Department of Health while conducting activities. Local law enforcement and other officials who are tasked with enforcing the order are also directed and encouraged to contact local health departments with questions and for opinions about implementation.

Because there are many practical and legal implications as you determine what operations will resume, it is very important to consult with your administrators, local health departments, and legal counsel as you make plans. Click here to review the order.

Business as Usual? Not so fast!

The second order, which will remain in effect through May 29th, 2020, addresses how residents and the majority of businesses will operate during much of May. The stay-at-home requirement remains for residents, although they are permitted to engage in business activities authorized by the order. Individuals who are returning to the state are encouraged to self-quarantine for fourteen days.

The order allows most businesses to resume operations as long as they meet workplace safety standards. These standards changed several times, but as of May 1st included the following:

- Employees must wear face masks or "face coverings" at all times unless an exception applies; it is recommended that visitors do as well.
- Employers and employees will conduct daily health assessments to determine if someone is "fit for duty."
- Employees who report for work will maintain social distancing (people will stay 6 feet apart) and will also sanitize and wash hands regularly.
- Worksites will be cleaned throughout the workday (for high touch surfaces), as well as at the close of each day or between shifts.
- To meet social distancing guidelines, buildings will limit the number of visitors and employees to 50% of the building capacity established by the fire code.

There are specific rules about face coverings and masks, including when employees are not required to wear them in the workplace. The exceptions include the following:

- Masks/coverings are prohibited by law or regulation.
- Masks/coverings are in violation of a documented industry standard.
- Masks/coverings are not "advisable" for health reasons.
- Masks/coverings violate a business's documented safety policy.
- Employees are working alone in an area and coverings are therefore not necessary.
- There is a practical/functional reason why an employee should not wear a covering or mask.

At a minimum, facial masks or coverings should be made of cloth and should cover an individual's mouth, nose, and chin. An employer must be able to provide written justification for any exception if requested to do so.

Employers are expected to "immediately report" when any employee is diagnosed with COVID-19 and will work with the local department to identify others who may have been exposed. They are also expected to send employees home when they show signs of the illness. When possible, a building site will be closed until it can be professionally cleaned. Buildings may be reopened in consultation with the local health department.

Paragraph 20 of the order contains a more specific list of steps that businesses are expected to comply with as operations resume, broken down by type of business. The order specifies requirements for manufacturing, construction, consumer retail and services, and general office environment. Of course, schools are governed by the separate order summarized above.

Finally, the order includes a list of businesses that must remain closed for the time being, including schools (at least as to student attendance), most childcare services, beauty salons, entertainment and recreation facilities, and restaurants/bars. These businesses may only engage in minimum basic operations as defined by the businesses.

Click here to review the order.

Possible Challenge to Orders Being Proposed in the House

State Rep. John Becker of Clermont County plans to introduce a bill that would repeal the current health orders, and make any future orders issued by the Director of Health advisory unless and until those orders are approved by the General Assembly. The bill would focus on speeding up Ohio's return to normal business operations. Stay tuned for more information about this and other efforts to change the state's direction.

We Can Help!

Many challenges and opportunities continue to present themselves during this pandemic – it is critical that you rely on credible sources of information to remain up-to-date. It is also important for you to consider your district's specific needs as you develop plans, and remember that there is no "one size fits all" approach. Make sure you discuss your details and situation with legal counsel to determine how you can effectively implement these and other orders that arise.

House Bill 197

On March 27, 2020, Governor Mike Dewine signed HB 197 into law. The bill provides emergency relief to Ohioans as a result of the COVID-19 pandemic. The bill impacts many of Ohio's industries, including education. Key education-related changes are discussed below.

Licensure

HB 197 has given individuals holding licenses issued by state agencies or political subdivisions some leeway in taking actions to maintain the validity of those licenses. Individuals required to take certain actions to maintain their license during this period of emergency shall take that action not later than the sooner of either 90 days after the date the emergency ends or December 1, 2020. If your license expires during the period of emergency, it shall

remain valid for 90 days or December 1, 2020, whichever comes first. These individuals who are prevented from taking actions to maintain the validity of their license shall not be subjected to disciplinary action solely for that purpose.

Board Meetings

Boards of Education are required to conduct meetings that are open to the public. Prior to the COVID-19 pandemic, the Ohio Attorney General concluded that a township could not meet remotely during a pandemic or public health emergency without violating Ohio's Open Meetings Act. However, HB 197 seems to recognize the unique times we are living in. The bill temporarily authorizes boards of education to hold public meetings via teleconference or video conference throughout this crisis. Board members will be considered present regardless of whether they attend the meeting in person or remotely. Any rule or formal action taken during these remote meetings will have the same effect as if it had occurred during a typical in-person meeting.

Additionally, the board fulfills its public access requirement so long as they provide members of the public with live remote access to the meeting. This may be accomplished through live-stream via radio, television, cable, or public access channels, call-in information for a teleconference, or by means of similar electronic technology. If the board chooses to stream their meetings using one of these technologies, the board must also publish information to the public on how they will be able to gain access to these meetings.

Remote Learning Authorization

Ohio law governs the length of the school year and requires schools to be in compliance with certain hour requirements by the end of each school year. Due to this pandemic and in accordance with recent orders issued by the Ohio Department of Health, schools have been closed for the remainder of the school year. With that being said, HB 197 authorizes school districts to adopt a plan to requires students to access and complete classroom lessons posted online in order to meet the hour requirement of the 2019-2020 school year. The board may amend such a plan anytime in order to provide for making up any number of hours missed due to school closures during the 2019-2020 school year.

Telehealth Services

HB 197 authorizes persons with certain licenses to provide services within their scope of practice by electronic delivery method or telehealth communication to any student enrolled in public or private schools receiving those services. No licensing board shall take any disciplinary action against a license holder who has provided these services to a student via electronic delivery/telehealth. This section is applicable to all of the following:

- The Ohio Speech and Hearing Professional Board
- The Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board
- The State Board of Psychology
- The Counselor, Social Worker, and Marriage and Family Therapist Board
- The State Board of Education (with respect to intervention specialists)

State Assessments and School Report Cards

HB 197 exempts all public and chartered nonpublic schools from administering the state achievement assessments for the 2019-2020 school year. This has several ramifications. First, students whom an assessment was not administered will not be excluded from counting in a school's enrollment in the 2019-2020 school year. Additionally, students enrolled in the Educational Choice Scholarship Program, the Jon Peterson Special Needs Scholarship Program, or the Pilot Project Scholarship Program shall not be considered ineligible solely because the student was not administered achievement assessments. Further, no school shall retain a student in the third grade based solely on their academic reading performance during the 2019-2020 school year unless the principal and the student's reading teacher both agree that the student is reading below grade level and is not prepared to enter the fourth grade.

Additionally, the bill prohibits the Department of Education from publishing state report card ratings. The absence of the report card ratings will have no effect in determining sanctions or penalties and shall not create a new starting

point for determinations that are based on ratings over multiple years. Further, the Department of Education will not assign an overall letter grade for any school district or building or rank school districts, community schools, or STEM schools for the 2019-2020 school year.

Graduation

In regard to graduation, HB 197 allows schools to grant a diploma to any student on track to graduate and whom the principal, teacher, and counselors determine has successfully completed the school's curriculum or individualized education program at the time of the order closing schools. The bill further allows those schools that have exceeded the minimum curriculum requirements to now only require the minimum requirements for purposes of determining graduation eligibility for the 2019-2020 school year.

Legislation on the Horizon with Potential to Impact Schools

House Bill 76 – HB 76 was introduced in February 2019, passed by the House in October 2019, and referred to the House General Government and Agency Review Committee in November 2019. The proposed legislation changes are intended to give voters a better understanding of how proposed tax levies are described in ballot language and how they will affect their property taxes. It is expressed in terms of its effect on $100,000 in property market value, hoping that it will bring more transparency to the process and on their vote. Some lawmakers are concerned that this will actually cause more confusion and false numbers in some cases. This is due to the fact that the number does not take into account other variables that can affect a taxpayer's final bill. This could include the type of property, whether the levy in new or renewal, and whether the taxpayers take advantage of exemptions.

House Bill 305 – HB 305 was introduced and referred to the House Finance Committee in June 2019. The bill's purpose is to create a new school financing system. In January and February, the discussions focused on EdChoice issues and school funding was put to the side. However, due to the COVID-19 outbreak, all discussions regarding school funding have been overshadowed.

House Bill 450 – HB 450 was introduced in December 2019 and referred to the House State and Local Government Committee at the end of January 2019. The purpose of the legislation is to provide a smooth transition between fiscal officers, i.e. treasurers. This allows for accountability and transparency to the taxpayers during transition periods. This bill would require treasurers to provide their successors a certificate of transition and deliver all papers related to the affairs of the district when leaving office. The bill establishes a clear, auditable trail that incoming and outgoing treasurers must follow.

Senate Bill 179 – SB 179 was introduced in July 2019 and referred to the Senate Transportation, Commerce, and Workforce Committee in September 2019. The purpose is to retain and continue current law requiring the display of two license plates for most motor vehicles. The bill reiterates that school busses must continue to bear identifying numbers in accordance with R.C. 4511.764.

Senate Bill 212 – SB 212 was introduced in October 2019 and passed the Senate in March 2020. The bill allows townships and municipal corporations to designate Neighborhood Development Areas in which tax exemptions could be granted for the increase in value when development and/or renovation occurs, the original value is not exempt. If the property is a new development, the exemption is for 10 years. If the property is a renovation, the exemption is for 5 years. The entity must show that the NDA would not occur if not for the exemption due to a lack of adequate, affordable housing. The entity must also notify the affected school district before passing a resolution establishing an NDA and the school district must agree to the exemption covering 100% of the increase, or the exemption defaults to 70%.

Senate Bill 248 – SB 248 was introduced and referred to the Senate General Government and Agency Review Committee in December 2019. The bill extends the moratorium on the building code requirement for storm shelters in school buildings from September 15, 2020, to November 30, 2020.

Upcoming Deadlines

As your school district prepares for the next couple of months, keep in mind the following upcoming deadlines.

- **May 1** – Last day to submit August emergency or current operating expenses levy to county auditor for August election (RC 5748.02(A)) (100 days prior to the election).
- **May 5** – Last day for school districts to file resolution of necessity, resolution to proceed and auditor's certification for bond levy with board of elections for August election (RC 133.18(D)). Last day for county auditor to certify school district bond levy terms for August election (RC 133.18(C)). Last day to submit continuing replacement, permanent improvement, or operating levy for August election to board of elections (RC 5705.192, 5705.21, 5705.25). Last day to certify resolution for school district income tax levy for August election to board of elections (RC 5705.195). Last day to submit phased-in levy or current operating expenses levy for August election to board of elections (RC 5705.251(A)) (90 days prior to the election).
- **May 15** – Last day for certain board members and all administrators to file financial disclosure forms with the Ohio Ethics Commission (RC 102.02(A)(4)(a)).
- **June 1** – Last day to take action to nonrenew contracts of administrators other than superintendent and treasurer (RC 3319.02(C)). Last day to take action on and give written notice on intent not to re-employ teachers (RC 3319.11(D)). Last day to take action on and give written notice of intent not to re-employ nonteaching employees (RC 4141.29(I)(1)(f)) (Note: this requirement does not apply to municipal school district employees as defined in RC 3311071).

June 30 – 2019-20 school year ends (RC 3313.62). End of third ADM reporting period (RC 3317.03(A)).

Upcoming Presentations

Special Education Coffee Chats

The Ennis Britton Special Education Team invites you to join a weekly facilitated conversation with student services personnel and Ennis Britton attorneys to discuss the COVID-19 educational impacts. We know that as educational leaders, you are great collaborators, and if there was ever a time for sharing your insights on how to serve students, it is now.

Ennis Britton's Special Education Team is offering a new way to serve our clients during this ongoing COVID-19 pandemic – by hosting a regularly scheduled coffee chat every Thursday morning through May. During the chats, our special education team of attorneys will provide a quick overview of hot topics – then turn things over to you and your colleagues across the state. We will help facilitate discussions and encourage you to take your conversations in the direction that best serves your students and school district.

If you are interested in joining us for this coffee chat, please contact our paralegal, Kayla Browning, at kayla@ennisbritton.com to receive the Zoom conference link (it will be sent Thursday morning). The general logistics that will continue week to week are as follows:

- Our Zoom conference is set for Thursdays from 9:00 a.m. to 10:00 a.m. Attendees will be placed in a virtual waiting room until the meeting begins. After brief introductions, you will be prompted to join a breakout room.
- The Zoom chat feature will be available throughout this session. You may send messages to all participants or send "private" messages to facilitators.

- Special Education Team members will be available by email or cell phone if you have follow-up questions.

We encourage you to continue sending us your suggestions for future chats! When we get through this – and we will – we expect that the focus of compliance and accountability efforts will have far more to do with our clients demonstrating good faith efforts to serve children in an extremely difficult situation than concerns about technical compliance, precise calculation of service minutes, meeting timelines, etc.

We're here to help you with the technical side of compliance, but we also want to make sure we are also helping you with the bigger picture. If there is any profession up to the challenge of creatively solving problems and adjusting to ever-changing government directives, it is the educational leaders. We are inspired by your efforts and honored to be a part of your team. Thank you again!

The information presented during our coffee chats is intended to be used for general information only and is not to be considered specific legal advice. If specific legal advice is sought, please consult with an attorney.

2019–2020 Administrator's Academy Seminar Series

July 9, 2020: 2019–20120 Education Law Year in Review

Ennis Britton's Administrator's Academy Seminar Series is offered via a live video webinar professionally produced by the Ohio State Bar Association and is free of charge to clients.

Participants must be registered to attend each event. All webinars will be archived for those who wish to access the event at a later time. You may register on our website or contact Kayla via email or phone at 513-674-3451.

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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, contact Kayla via email or phone at 513-674-3451. Archived topics include the following:

Labor and Employment

- 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
- Student Privacy

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

- 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
Robert J. McBride
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:
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:
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