



Ennis Roberts Fischer SCHOOL LAW REVIEW



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Lisa Burleson and Hollie Reedy to Join Ennis Roberts & Fischer

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Ennis, Roberts & Fischer, Co. L.P.A. recently announced that, effective January 1, 2015, attorneys Lisa M. Burleson and Hollie F. Reedy will join the firm and open a Columbus office. ERF was originally established in Cincinnati, and has represented Ohio public school districts and local municipalities since 1976. The new Columbus office will help the firm to expand its presence in the capital city and will enable it to better assist its clients which are located throughout the state.

Lisa Burleson and Hollie Reedy bring with them collectively over twenty-seven years of experience in the industry.

Ms. Burleson has extensive experience advising school districts on a full range of education law matters, and has managed her own practice for seven years. Her practice will continue to focus on collective bargaining, special education, labor and employment matters, policy and open records and meetings issues, student discipline and board governance. Ms. Burleson received her juris doctor degree from Capital University Law School in Columbus, and her undergraduate degree from Ohio Wesleyan University.

Ms. Reedy is the former chief legal counsel of the Ohio School Boards Association. She brings her depth of experience in education law and her knowledge as association counsel to provide comprehensive legal representation of public schools and nonprofit entities. Ms. Reedy has extensive publication and speaking credentials, and has a working knowledge in negotiating and drafting contracts. She has also worked extensively with Ohio legislators to advocate on behalf of schools. Ms. Reedy will represent districts on a full spectrum of education law issues and will join the firm's municipal and public law and finance practice groups. She received her juris doctor degree from the Ohio State University College of Law and her undergraduate degree from Kent State University.

Bronston McCord, a shareholder with ERF, stated "Hollie and Lisa will be an integral part of ERF's expanded school law practice. Both are highly regarded and well established sources of information and interpretation of education law. In addition to helping ERF launch the Columbus office, they will enable us to participate more fully in legisla-

tive issues and related state agency advocacy and processes for our clients." Bill Deters, also a shareholder with the firm, added "We are very excited to add Lisa and Hollie to our already excellent team. Their unique backgrounds and experience in the field will benefit our clients greatly."

Contact information for the firm's new attorneys is available on page 10 of the newsletter.



Lisa M. Burleson



Hollie F. Reedy

Ennis, Roberts & Fischer's School Law Review has been developed for use by clients of the firm. However, the review is not intended to represent legal advice or opinion. If you have questions about the application of an issue raised to your situation, please contact an attorney at Ennis, Roberts, & Fischer for consultation.

OCR Provides Guidance on Providing Equal Access to Educational Resources

ERF's February 2014 Newsletter contained an article titled "Avoiding Discrimination Complaints: Guidance for Disciplining Students." This article provided guidance to help schools implement race-neutral discipline policies. In light of the 60-year anniversary of *Brown v. Board of Education*, the U.S. Department of Education's Office for Civil Rights (OCR) released another Dear Colleague Letter on October 1, 2014, which provides additional guidance on resource comparability and discrimination. This new guidance addresses the legal obligation of schools to provide students with equal access to educational resources regardless of a student's race, color, or national origin.

Federal Law:

As a reminder, schools that receive federal funds are prohibited from discriminating on the basis of race, color or national origin pursuant to Title VI of the Civil Rights Act of 1964. Therefore, public schools cannot intentionally discriminate on these bases, nor can public schools implement facially neutral policies or practices that have the unjustified effect of discrimination. OCR is responsible for investigating any claims of discrimination.

Unequal Access to Educational Resources:

With districts across the nation facing budget cuts, data has revealed racial disparities in students' access to educational resources, particularly among African American students. Areas of unequal access frequently fall into one of the following categories:

- Rigorous courses, academic programs, and extracurricular activities (such as preschool programs, the range of high school courses available, advanced

placement programs, gifted programs, career technical programs, extra-curricular activities, and college-preparatory programs);

- Strong teaching, leadership, and support (such as teacher and support staff turnover, use of substitutes, experience level of teachers, and staff-to-student ratios);
- School facilities (such as overall physical condition and upkeep of buildings, access to athletic and laboratory facilities, availability of maintenance staff, and transportation services); and
- Technology and instructional materials (such as the number and type of technology devices available, professional development for the use of technology, resources provided through the school library, and the quality and quantity of materials provided).

Intentional Discrimination:

Intentional discrimination occurs when a school (1) acts with racially discriminatory motives; (2) provides educational resources to only certain races; (3) adopts neutral policies with the purpose of targeting one race of students; or (4) applies neutral policies in a discriminatory manner. Evidence of intentional discrimination may include racial disparities that cannot be explained by other legitimate reasons, a history of discrimination towards a particular race, or inconsistent allocation of resources to schools with varying racial demographics.

When determining whether evidence supports racial discrimination, OCR typically analyzes the following questions:

- *"Did the school district treat a student, or group of students, differently with respect to providing access to educational resources as compared to another similarly situated student, or group of students, of a different race, color, or national origin (a prima facie case of discrimination)?"* Under this prong, OCR will examine the quality, quantity, and availability of critical educational resources to determine whether there are disparities among similarly situated students within the same school.
- *"Can the school district articulate a legitimate, nondiscriminatory, educational reason for the different treatment?"* Under this prong, the school has an opportunity to explain the disparity which may include one of the following nondiscriminatory reasons: the implementation of themed programs at certain schools, capital improvements for dilapidated buildings, or an allocation of resources at certain schools that is a part of a plan to allocate those resources district-wide.
- *"Is the allegedly nondiscriminatory reason a pretext for discrimination?"*

Disparate Impact:

Disparate impact occurs when a neutral policy has an unjustified adverse impact on a student based on race, color, or national origin. When determining whether evidence supports racial discrimination, OCR typically considers the following questions:

- *"Does the school have a facially neutral policy or practice that produces an adverse impact on students of a particular race, col-*

(Continued on page 3)

OCR Provides Guidance on Providing Equal Access to Educational Resources, Cont.

- or, or national origin when compared to other students?”* When determining whether a policy or practice causes disparity among educational resources, OCR considers the educational resources discussed above to be resources that when inequitably allocated cause an adverse impact on under-resourced students. Also, the fact that a district chooses to provide an educational resource is evidence that the resource is important, and, therefore, should be distributed equitably. When determining adverse impact, OCR may consider whether and to what extent the educational resources impact the quality of education. Quality of education may be determined by considering student achievement outcomes, graduation rates, retention-in-grade rates, and student/parent surveys.
 - “Can the school district demonstrate that the policy or practice is necessary to meet an important educational goal?”* Under this prong, OCR will assess the importance of the educational goal and strength of the connection between the goal and the policy/practice used to implement the goal. Legitimate justifications for a policy or practice may include the following: implementation of a diverse range of educational programs, targeting resources for underperforming schools, and piloting programs in one or more schools before expanding the program district-wide. Additionally, when funds are allocated such that individual schools have choices regarding educational programs and resources, OCR will consider whether the district’s overall allocation of funds is equitable. As illustration, OCR provided the following example of an allowable allocation based on instructional needs. A school district may provide laptops for students in an engineering magnet school, even though students in an art magnet school do not receive laptops. This is considered an allowable allocation of resources when the art school uses funding for musical instruments instead.
 - “Are there comparably effective alternative policies or practices that would meet the school district’s stated educational goal with less of a discriminatory effect on the disproportionately affected racial group; or, is the identified justification a pretext for discrimination?”*
- How this Impacts Your District:** OCR acknowledges that districts may need to provide more funding to some schools than others due to the location of schools, the age of the buildings, and the varying needs of the students (e.g., ELL or IDEA eligible students). Nevertheless, OCR also states that it may exclude the use of federal funds, such as Title I, ELL, or IDEA funds, when determining whether funding for regular programs are equitable. The overriding consideration for OCR generally is whether school districts allocate funding to each school in the district in such a way that enables all students to receive equal educational opportunities.
- OCR encourages districts to be proactive in addressing any racial disparities in the allocation of educational resources. In addition to proactive strategies, a district’s use of teacher and leadership evaluations to help ensure that minority students are being taught by effective teachers and are supported by effective administrators would reflect favorably on the district during an OCR investigation. For additional guidance on proactive strategies, explanations of OCR’s investigation process, and possible remedies for disparities in educational resources, see OCR’s complete Dear College Letter: Resource Comparability at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-resourcecomp-201410.pdf>.

6th Circuit Rules that Stay-Put Placements Require Prior District Approval

In a 2014 case before the 6th Circuit Court of Appeals, the Court determined a Kentucky school district was not responsible for paying the private school tuition of a student during pending litigation because the District never agreed to the student’s unilateral placement in the private school. At three years old, an evaluation revealed the student suffered from autism and se-

vere apraxia. The student was therefore determined eligible to receive special education services, and the IEP team placed the student at a private school in Cincinnati. Approximately three years later, the parents unilaterally moved the student to another private placement facility in Cincinnati. The District denied the parents request for tuition and transportation reimburse-

ment for the facility. Following mediation to address the dispute, the parties entered into a settlement agreement. As part of the settlement, the District agreed to pay partial tuition costs for the facility through the summer of 2011, with a plan to transition the student to the public school for the 2011-2012 school year. However, a disagree-

(Continued on page 4)

6th Circuit Rules that Stay-Put Placements Requires Prior District Approval

ment arose regarding the student's transition plan, and the parents filed for due process in October of 2011. They requested that the student's new private placement be considered the student's stay-put placement pending the outcome of the due process hearing.

When addressing whether the district was responsible for the student's private school tuition, the 6th Circuit adopted the trial court's holding that the District had offered the student a Free Appropriate Public Education (FAPE). Under IDEA, a school district is only responsible for providing reimbursement for a unilateral placement if the district failed to provide the student with a FAPE. Because the district offered a FAPE, the 6th Circuit Court of Appeals held that the District was not responsible for reimbursing the student's parents for his unilateral placement.

Additionally, the Sixth Circuit concluded that IDEA's stay-put provision did not apply in this case. The stay-put provision of the IDEA mandates that, unless a school district and parent agree otherwise, a student must remain in the "then-

current educational placement" during the pendency of a hearing. The IDEA does not define "current educational placement," but updated IDEA regulations do provide a definition of "placement." Under these regulations, a student's educational placement is determined at least annually and is based on the student's IEP. Additionally, the student's placement is determined by the IEP team after consideration of the student's needs and the placement options. Based on these definitions, it is clear that a school district must approve a student's placement; therefore, a parent's unilateral placement generally will not be considered the student's stay-put placement under IDEA.

The Court also held that the District did not agree to the student's placement at the new facility when it entered into the settlement agreement and agreed to pay partial tuition for it. The settlement agreement was clear that "[n]either party makes an admission as to educational placement . . ." Because the District never approved the second private placement, the facility was not the student's "current educational placement" under stay-put. Instead,

the student's "placement" for purposes of stay-put was the first private facility which was included in the student's IEP. Therefore, the District was not responsible for paying tuition reimbursement.

N.W. ex rel. J.W. v. Boone County Bd. of Educ., 763 F.3d 611 (2014).

How this Impacts Your District:

When determining a student's stay-put placement, the 6th Circuit clarified that the student's "placement" is the last placement agreed upon by the IEP team. Additionally, the Court made clear that a settlement agreement to pay tuition for a unilateral placement does not necessarily trigger stay-put for that unilateral placement. As long as the school district clearly indicates in the settlement agreement that it is not making an admissions as to educational placement, and the district has not otherwise agreed to the placement, the unilateral placement does not become the "current educational placement" for stay-put purposes and the district is not responsible for tuition reimbursement pending the outcome of a hearing.

Ohio Supreme Court Disapproves of School Board's Inside Millage Conversion

The Ohio Supreme Court recently issued a decision that barred a board of education from converting "inside millage" from use as current operating expenses to permanent improvements when the district (1) operated with a substantial surplus; and (2) the additional funds generated were not shown to be "clearly required."

As many of you know, the first ten mills that are levied on real property without a vote of the people are known as "inside millage." School districts receive a portion of these ten mills. After that, any additional millage may only be imposed with voter approval. Voter approved

millage is known as "outside millage."

In 2009, the Indian Hill Board of Education passed a resolution to convert 1.25 "inside mills" from use as current operating expenses to permanent improvements, believing it was within its discretionary authority to allocate district funds and obtain revenues necessary to accomplish its objectives. Indian Hill's conversion of its inside millage resulted in it hitting what is known as the "20-mill floor" for current operating expenses. Many Ohio school districts take advantage of being at the 20-mill floor. Districts that are at the 20-mill floor receive a lower

tax reduction factor applied to their existing outside millage, which allows them to receive additional revenue that they otherwise would not be entitled to receive if they were not at the 20-mill floor.

Because Indian Hill's movement of inside millage from current operating expenses to permanent improvements resulted in the school district being at the 20-mill floor, the effect of the action created additional revenue for the district by causing an increase in the rate of taxation on the "outside millage" of the district. The Hamilton County Budget Commission reviewed and approved Indian Hill's budget and action to con-

Ohio Supreme Court Disapproves of School Board's Inside Millage Conversion, Cont.

vert its inside millage. A group of taxpayers opposed to the action brought the matter to the Ohio Board of Tax Appeals (BTA). The Ohio BTA also approved Indian Hill's budget and action, and the taxpayers appealed to the Ohio Supreme Court.

At the Ohio Supreme Court the taxpayers argued that there was no indication that the increased revenue correlated with current expenditures, and instead simply constituted excess revenue for the district. The Ohio Supreme Court determined that Ohio Revised Code § 5705.341 imposed two requirements. First, Indian Hill had to show that the converted millage was matched with permanent-improvement expenditures in the budget. The school district satisfied this requirement. Second, Indian Hill had to show that the revenue derived from the increased effective tax rate on the outside millage was necessary (or clearly required) to cover operating expenses during the ensuing fiscal year.

Indian Hill was unable to demonstrate the second requirement. Indian Hill's attorneys argued that the school district need only show that the 1.25 mills of permanent improvement funds were accounted for with additional permanent improvement expenditures in the budget. The Ohio Supreme Court disagreed and noted that the expenditures for permanent improvements could have been made from operating funds without converting the inside millage. Thus, the court found that Indian Hill did not provide any facts justifying the need for the additional operating revenue generated by hitting the 20-mill floor because, as the court stated, the conversion simply "padded the district's surplus." The Court reasoned that the surplus with which Indian Hill was operating (over \$25,000,000 and nearly 79% of projected operating expenses) indicated that it would be unable to make a showing that the additional revenue generated by converting the inside millage and hitting the 20-mill floor was necessary for operating expenses during the ensuing fiscal year.

The Court made clear that its holding should not limit a board of education's ability to budget with a surplus. A school district is generally entitled to collect revenue under its inside millage and its voter-approved outside millage, while maintaining a significant balance of unencumbered funds. This decision should be narrowly construed to require the increased revenue from the conversion to correlate to current expenditures, rather than generating excess revenue for the district.

Sanborn v. Hamilton County Budget Commission, No. 2014-Ohio-5218.

How this Impacts Your District:

When converting inside millage: (1) the converted millage must closely match permanent improvement expenditures in the budget; and (2) the revenue gained from the increased effective tax rate (if any) under the outside millage must be necessary to cover operating expenses during the ensuing fiscal year and not merely pad an already existing surplus.

Legislative Updates

Education Bill Passed

HB 367 passed both houses in the final days of the 2014 legislative session. Some of the major provisions of HB 367 are as follows:

- Requires each school district to include instruction in prescription opioid abuse within the health curriculum.
- Changes the end-of-course exam that students will take in science. The state is switching the final exam from physical science to biology starting next year. However, this year the districts can choose which of the two science tests to offer to the students.
- Modifies the long-standing Ohio Achievement Assessment third-grade reading test. Under HB 367, all third-graders will have to take the reading OAA again in the spring. Additionally, there was an editing mistake in the HB 367, which effectively eliminated a requirement for fall reading diagnostic tests that are required under Ohio's Third Grade Reading Guarantee.
- Requires a half-credit course of World History for Ohio high school students.
- Removes a current school funding formula provision stating that a student's enrollment is considered to cease when the student has 105 continuous hours of unexcused absences.
- Modifies the definition of full-time student. The new law considers any student that is en-

rolled in at least five credits to be a full-time student.

- Permits the board of education of a city, exempted village, or local school district to contract with an educational service center (ESC) for the purpose of a school nurse, a registered nurse, or a licensed practical nurse who is employed by the ESC providing diabetes care to students in the district in accordance with current law.
- Prohibits public and nonpublic school officials from denying admission to a child placed in a foster home or residential facility solely because the child does not present a birth certificate or other comparable document upon registration.

Legislative Updates, Cont.

School Safety Bill Passed

House Bill 178 also passed both houses of the legislature in the final days of 2014 and was signed into law. HB 178 reduces number of fire drills required for school districts to six fire drills, down from the nine previously required. The bill increases the number of safety drills, such as lockdowns and evacuations, to three safety drills per school year, and one staff safety planning exercise. Additionally, before passing, HB 178 incorporated provisions from SB 266, which makes charter schools subject to the same rules as public schools on limiting restraint and seclusion of students, and requires the State Board of Education to adopt rules that establish a policy and standards for the implementation of positive behavior intervention supports and the use of physical restraint or seclusion on students.

School Property Bill Passed

House Bill 290 was signed into law on December 19, 2014. This bill pertains to the use of school district premises by members of the public. Specifically, this bill grants school districts and schools immunity from civil liability when allowing the public to use school premises, except in situations where the school district charges a fee for use of the premises that significantly exceeds the costs incurred for the operation of the school premises. Additionally, school districts are required to adopt a policy for the use of the school premises by the general public.

Ohio Retirement System Bill Passed

SB 42 was signed into law on December 19, 2014. SB 42 makes various changes to the Ohio retirement

system. Additionally, this bill includes a provision that any district that levies taxes for the purpose of safety and security may report to ODE how the district is using that revenue.

Community Learning Process Bill Pending

HB 460 passed the House on December 2, 2014. This bill authorizes school districts and community schools to transition school buildings that meet certain lower performance criteria into community learning centers which will participate in a coordinated, community-based effort with community partners to provide comprehensive educational, developmental, family, and health services to students, families, and community members. The bill also requires a school districts and community schools, which are in "improvement status" under federal law, and which initiate the community learning center process for a particular building to hold public hearings and to cast a vote among parents, guardians, teachers, and nonteaching employees on whether to initiate the process.

Club Sports Bill Pending

HB 113 was reported out of the Senate Education Committee on December 3, 2014. The bill permits school districts and chartered nonpublic schools to excuse from high school physical education students who participate in school-sponsored athletic clubs for two full seasons. The bill requires that, in order to be excused from high school physical education, students who participate in any of the qualifying activities must demonstrate both (1) competency in

the physical education standards adopted by the State Board of Education, and (2) success in meeting the physical education benchmarks. The bill permits a school district board of education or school governing authority to designate persons to determine if a student demonstrates success in the physical education benchmarks.

Religious Expression Bill Pending

HB 303 was reported out of the House Education Committee on December 2, 2014. The bill allows students enrolled in public schools to engage in religious expression before, during, and after school hours in the same manner and to the same extent that a student may engage in secular activities or expression. The bill prohibits public schools from restricting a student from engaging in religious expression in the completion of homework, artwork, or other assignments. The bill prohibits public schools from rewarding or penalizing a student based on the religious content of the student's homework, artwork, or other assignments. The bill also designates the bill's provisions regarding religious expression as the "Ohio Student Religious Liberties Act."

Access to School Facilities Bill Pending

HB 304 authorizes public schools to give students who wish to meet for the purpose of religious expression the same access to school facilities given to secular student groups, without regard to the content of the expression. The bill was reported out of House committee on December 2, 2014.

6th Circuit Sheds Light on Determining whether a Volunteer is an "Employee" under Anti-Discrimination Laws

In a recent case before the 6th Circuit Court of Appeals, two Ohio volunteers failed to prove they were entitled to protection under employment discrimination laws. Title VII of the Civil Rights Act of 1964 pro-

hibits employers from discriminating against employees within the employment context. The issue in this case was whether the volunteers were considered "employees" for purposes of Title VII.

Two Catholic nuns filed suit against the American Red Cross and the Ross County Emergency Management Agency (RCEMA) after their volunteer relationship was terminated by the agencies. The Sisters

6th Circuit Sheds Light on Determining whether a Volunteer is an “Employee” under Anti-Discrimination Laws, Cont.

claimed that they were discriminated against under Title VII and the Ohio Civil Rights Act (which required the same analysis as Title VII). To fall under the protections of these civil rights laws, the Sisters had to meet the definition of “employee” under Title VII. Because this definition very generally defines an employee as “an individual employed by an employer,” the Court applied the following factors to address the employer’s level of control over the Sisters: (1) method of payment, (2) provision of employee benefits, (3) tax treatment, (4) control over the manner of performance, (5) right to assign additional projects, (6) control over when and how long the individuals worked, (7) control over the manner of performance, (8) duration of the relationship, and (9) whether the work completed was part of the regular business of the employer. (These factors, referred to as the *Darden* Factors, were previously identified by the U.S. Supreme Court as a way to determine whether an employment relationship exists.)

When analyzing these factors, the Court indicated that no one factor was dispositive. Although some factors may be more important in some contexts than others, all the factors were weighed. (In addition to the factors above, the Court considered additional *Darden* factors that were not fully analyzed due to their lack of relevance to the facts in this case.)

The Court held that factors (1)-(7) above weighed against finding that the Sisters were “employees” under the discrimination laws. The Sisters did not receive any form of salary or payment from either organization (Factor 1), nor were they employees for income tax purposes (Factor 3). Additionally, the Sisters were not provided traditional employee benefits, such as health insurance. Although the organizations offered the Sisters such things as worker’s compensation insurance coverage, liability insurance for injuries obtained during their service, and travel reimbursement, these benefits were incidental to their service, not benefits provided as financial compensation (Factor 2). The Sisters worked a schedule based on their availability, and they had the ability to refuse to work (Factor 6). Because the organizations did not have the leverage of compensation, their control was limited compared to that of a typical employment relationship (Factor 4).

The Sisters had volunteered for each organization for several years. However, the Court indicated that the length of time was not important in analyzing Factor (8) above. Instead, whether the organizations hired the Sisters to complete a specific task or as a long-term at-will employee was key. In this case, the infrequency of the Sisters service did not tilt the scales in their favor. Factor (9)

above weighed in favor of the Sisters because the volunteer work they completed, such as representing the RCEMA at the local fair and working on projects for disaster relief, was part of the regular business of the organizations.

Because the substantial weight of evidence indicated that the Sisters were not employees under Title VII, the Court held that they were not entitled to discrimination protections under Title VII or Ohio law.

Marie v. American Red Cross, 771 F.3d 344 (2014).

How this Impacts Your District:

School districts should carefully consider the amount of control exerted over volunteers. Higher levels of control, such as those discussed in the factors above, can cause a “volunteer” to be considered an “employee” under discrimination laws. In addition to the Factor (2) employee benefits discussed above, the Court also indicated that benefits such as access to training and educational opportunities, expectations of future employment, and access to job opportunities may weigh in favor of establishing an employment relationship under the analysis of Factor (2). For specific questions about working with volunteers, please contact an ERF attorney.

Firm News

We are very pleased to announce that Gary Stedronsky was again nominated as a SuperLawyers Rising Star for 2015! SuperLawyers is a national rating service that publishes a list of attorneys from over seventy 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 ninety-third percentile during a multiphase

selection process that includes peer review and independent evaluations. A SuperLawyers rating is considered a very prestigious designation in the legal field, and we commend Gary for his achievement!

To learn more about SuperLawyers, go to <http://www.superlawyers.com/index.html>.



Gary Stedronsky

Upcoming Deadlines

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 ERF attorney.

Jan. 1- Deadline to notify ESC of intent to terminate agreement for services effective June 30- Failure to notify the ESC by Jan. 1, 2015 results in a renewal of the agreement for the following two school years (RC 3313.843)

Jan. 15- Deadline for School Board to meet and organize (RC 3313.14)

Jan. 15- Deadline for Board to adopt tax budget for the upcoming fiscal year (RC 5705.28)

Jan. 15- Deadline for Treasurer to report to the superintendent of public instruction the names of each nonresident child attending the district over the previous six months, as well as the duration of attendance and district responsible (3313.64)

Jan. 20- Deadline for Board to submit fiscal tax-year budget to county auditor (RC 5705.30)

Jan. 20- Deadline to submit certification for May conversion levy to tax commissioner (RC 5705.219)

Jan. 26- Deadline to submit certification for May income tax levy to Ohio Department of Taxation (RC 5748.02)

Jan. 30- Deadline to submit May conversion levy, emergency levy, and current operating expenses levy to the county auditor (RC 5705.194-.195, 5705.213, 5705.219)

Jan. 31- Deadline for ESC Boards to meet and organize (RC 3313.14)

Feb. 4- Deadline to file, submit, or certify the following for the May election with the board of elections:

- Resolution of necessity, resolution to proceed and auditor's certification for bond levy (RC 133.18)
- Continuing replacement, permanent improvement, or operating levy (RC 5705.192, 5705.21, 5705.25)
- Resolution for school district income tax levy or conversion levy (including a renewal conversion levy) (RC 5748.02, 5705.219)
- Emergency levy (RC 5705.195)
- Phase-in levy or current operating expenses levy (RC 5705.251)

Education Law Speeches/Seminars

SAVE THE DATE! 2014-2015 Administrator's Academy Seminar Series

Seminars will take place at the Great Oaks Instructional Resource Center or via live webinar from 9:00 a.m. to 11:30 a.m. unless otherwise noted. Additional registration information will be provided in the near future!

January 22 – Managing Workplace Injuries and Leaves of Absence

April 23 – Special Education Legal Update

July 16 – 2014-2015 School Law Year in Review

Other Upcoming Presentations:

Feb. 5—SOESC/Brown Special Education Update
Presented by: Jeremy Neff

Feb. 9 (Columbus) & Feb. 10 (Dayton)—Ohio Special Education Law, National Business Institute (NBI)
Presented by: Jeremy Neff & Erin Wessendorf-Wortman

Feb. 21—ERF's Board Sunshine Laws
Presented by: The ERF Team

March 6 (Cincinnati)—Lawfully Managing Student Records without Violating Privacy Rights, NBI

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Want to stay up-to-date about important topics in school law? Check out ERF's Education Law Blog at www.erflegal.com/education-law-blog.

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, send your request to Pam Leist at pleist@erflegal.com or 513-421-2540. Archived topics include:

- Education Law Legal Update - Including SB 316
- Effective IEP Teams
- Cyberlaw
- FMLA, ADA and Other Types of Leave
- Tax Incentives
- Prior Written Notice
- Advanced Topics in School Finance
- Student Residency, Custody and Homeless Students
- Ohio Budget Bill/House Bill 153
- Student Discipline
- Media and Public Relations
- Gearing Up for Negotiations

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ERF Practice Teams

Construction/Real Estate

Construction Contracts, Easements, Land Purchases and Sales, Liens, Mediations, and Litigation

Team Members:
Bronston McCord
Ryan LaFlamme
Gary Stedronsky

Workers' Compensation

Administrative Hearings, Court Appeals, Collaboration with TPA's, General Advice

Team Members:
Ryan LaFlamme
Pam Leist
Erin Wessendorf-Wortman

Special Education

Due Process Claims, IEP's, Change of Placement, FAPE, IDEA, Section 504, and any other topic related to Special Education

Team Members:
Bill Deters
Michael Fischer
Pam Leist
Jeremy Neff
Erin Wessendorf-Wortman
Lisa Burleson

School Finance

Taxes, School Levies, Bonds, Board of Revision

Team Members:
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Bronston McCord
Gary Stedronsky
Jeremy Neff
Hollie Reedy
Lisa Burleson