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School Law Review

FFCRA Leave Benefits Extension Voluntary for Employers Beyond December 31, 2020

The Consolidated Appropriations Act of 2021 contained language resolving the question about whether the emergency paid sick leave (EPSLA) and expanded FMLA childcare leave (EFMLEA) provided by the FFCRA would be extended or not, but it was not the answer we were expecting.

The law allows, but does not mandate, employers to extend those benefits through March 31, 2021. For employers who do allow the benefits to continue, the law offers the extension of payroll tax credits for this leave. However, school districts do not get the tax credit, so there is little financial incentive to do so. That said, districts may have a reason to consider temporary approval for some type of COVID-related leave at least into some part of the spring as the pandemic continues.

If districts chose to extend the leave, for the EPSLA, it is not a new entitlement to an additional eighty (80) hours of leave if employees already have used that leave, but an extension would allow those who had not yet used this type of leave to use it if needed.

For the EFMLEA, how a voluntary extension of these leave benefits would work is different. If you do *not* use a calendar year as the way you measure FMLA benefits, then employees would have whatever entitlement they had remaining to use leave for a qualifying reason, including using the childcare leave option. If you do use the calendar year to measure the FMLA year, the start of a new year and the extension of benefits would result in a new entitlement to use FMLA benefits, including childcare leave, assuming the leave qualifies and assuming employees remain eligible.

The U.S. Department of Labor has not yet issued any additional guidance on this leave extension as of the publication of this newsletter.

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What this means for your District:

Many school districts already have communicated to employees that benefits are ending, including for those using the EFMLEA childcare leave. In the absence of additional guidance form the DOL and decisions needing to be made now, districts are placed in a difficult position to authorize this additional leave on a voluntary basis. Board approval to offer these additional paid benefits would be required. Additionally, offering additional benefits/changing terms and conditions of employment gives rise to a need to bargain and/or amend an existing MOU.

Special Education Spotlight: May Schools be Forced to Conduct In-person Instruction?

On December 16, 2020, a federal district court granted summary judgment in favor of transgender plaintiffs, finding that Ohio's policy of denying transgender persons the right to change the sex marker on their birth certificates is unconstitutional.

This case, which has been ongoing since 2018, was brought by a group of transgender people whose request to change their birth certificates were denied by the State of Ohio (the Ohio Department of Health and the Bureau of Vital Statistics were the state agencies sued as defendants in the lawsuit). Ohio's statute on birth certificates says nothing about whether a transgender person may change the sex marker on their birth certificates, but Ohio has been enforcing a policy since 2016 that such changes were prohibited.

The court considered the two claims of plaintiffs, which were that the statute and policy violated their substantive due process right to informational privacy and also their rights to the equal protection of the laws.

Undercutting Ohio's arguments in defense of its policy were several issues, including the fact that prior to 2016, the Bureau of Vital Statistics had allowed some transgender people to change the sex marker on their birth certificates with a court order, payment of a fee and filling out a form. Then, in 2016, the policy was changed to prohibit changing the sex marker on the basis of transgender status.

On the substantive due process claim, the transgender plaintiffs argued that their right to informational privacy was violated by the state statute and the policy enforcing it. The court found that strict scrutiny review applied to a claimed violation of an informational right to privacy (a fundamental right) due to an unconstitutional application of state policy.

Applying the strict scrutiny standard means that the state has to prove it has: 1) a compelling reason for the policy; and 2) that the policy is narrowly tailored to achieve that compelling interest. The court found that the state's justifications for the policy were insufficient to meet that standard, and the policy as applied, and on its face, forced disclosure of highly personal information.

Therefore, the court found the plaintiff had submitted sufficient evidence that they have a substantive due process right to informational privacy, and that Ohio's policy that forced disclosure of their personal information identifying their biological sex at birth was a violation of that right.

The other claim of the transgender plaintiffs was that they were unconstitutionally denied the equal protection of the laws (a violation of the 14th Amendment of the Equal Protection Clause of the U.S. Constitution) and that similarly-situated people were treated differently. They argued that other groups of people were allowed to change their information (adopted persons are permitted to change their parents on their birth certificates, and people who had court orders changing their name also are permitted to alter their birth certificates to reflect their new names) but as transgender people, they were not allowed to change the sex marker on their birth certificates.

The court noted that a statute or policy will be held unconstitutional if it creates "arbitrary and irrational" distinctions between similarly-situated persons. To do this, a determination as to whether transgender people are a "quasi-suspect class" must be made. The court noted that neither the U.S. Supreme Court nor the Sixth Circuit (our federal circuit) have ruled on this question, which determines the standard of review (rational basis, intermediate scrutiny, or strict scrutiny) that should apply to a challenge brought by transgender people for equal protection claims.

The court turned to precedent of other federal circuits that have opined on the issue. The court then approved their findings that transgender people did, in fact, meet the legal definition of a quasi-suspect class. With that determination, the intermediate scrutiny standard was applied to the equal protection claim. To meet the intermediate scrutiny standard, the statute and policy must be found to be substantially related to an important government objective.

Ohio argued that its substantial interest was in the accuracy of historical birth records. The court did not disagree that this interest was substantial, but found Ohio had failed to carry its burden to explain why permitted changes to other birth record characteristics like parents' names and name changes do not similarly affect accuracy, and also the previously-permissible policy of allowing sex marker changes detracted from that argument. Additionally, the court found that Ohio had not proved that the policy was the least restrictive means of ensuring accuracy.

Ohio also argued preventing fraud was a rationale for the policy, but the court found that while fraud may indeed be an ongoing problem, Ohio had failed to successfully articulate why preventing changing sex markers on birth certificates will prevent fraud in the future, that fraud was an issue currently, or that fraud was a problem in the past. In the end, the court found that even if there is fraud and preventing it is a substantial government interest, the policy was not the least restrictive means of achieving that goal, or even that the policy was substantially related to the goal of preventing fraud.

The court characterized Ohio's stated reasons for its policy preventing sex marker changes as "thinly-veiled post hoc rationales to deflect from the discriminatory impact of the policy." In the end, the court found that the policy of prohibiting transgender persons from changing their sex marker on their Ohio birth certificates was unconstitutional on both claims because the policy was applied in an "arbitrary and unequal manner."

What this means for your District:

Consistent with the ruling in this case, transgender people will now be able to apply to change their birth certificates to reflect the sex with which they identify. If you have employees or students who are or have

transitioned to another gender and/or sex, you may be presented with replacement birth certificates. The replacement documents should be treated as official records. Note that this case could be appealed, and if it is, we will report on that. If you have additional questions on this ruling or its potential effects, please call us.

Special Education Spotlight: May Schools be Forced to Conduct In-person Instruction?

Pandemic year 2020 is now officially behind us! Yet, many questions regarding the education of our students remain unanswered. As families continue to experience COVID fatigue and long for a sense of normalcy in their daily routines, some families have begun pressing schools – through the use of the court systems -to return to in-person instruction. Now that vaccines may soon be available for the public at large and school employees will be in the group that is vaccinated next, it is likely that the pressure to return to in-person instruction will increase. Of course, every public school district will make the best possible decisions for all students. However, some may wonder if these decisions may expose districts to court action. While each case will be judged on its unique facts, a recent decision from Nevada sheds light on how courts may analyze parental demands to end remote instruction.

When a school district in Clark County, Nevada opted to reopen exclusively in a "digital format," some parents opposed the decision and filed a complaint three days before the start of the school year. The class action lawsuit filed in federal court identified its class as "the parents and guardians of students with disabilities." This group claimed that the District failed to accommodate students with disabilities and sought a temporary restraining order (TRO) and an injunction to, among other things, require the District to return to "the state of affairs predating the Pandemic" – including in-person instruction. [*C.M. v. Jesus Jara,* 77 IDERL 212 (11/10/2020)].

Fortunately, the Court considered the balance of hardships between the parties and concluded that any harm suffered by the students was not likely to be irreparable, denying their request for the TRO. The Federal Court did provide the parties the opportunity to further explain their position before further considering the injunctive relief requested by the parents.

What this means for your district:

Playing the scenario out, any school district in this position must demonstrate that they are meeting the educational needs of students with disabilities in a remote environment. Although this case will be decided by another federal jurisdiction, it is unlikely that a court will compel a school to return to in- person instruction. However, failure to provide appropriate instruction in light of the current circumstances could be found to be a denial of FAPE by a hearing officer or state investigator. Therefore, thorough documentation of instruction and service provision (including failure to access offered services and attempts to engage students) may be the key to surviving an administrative review. Furthermore, maintaining consistent contact with parents will help inform them (and you) of potential issues before they become problematic and irreversible. Finally, as the IDEA requires individualized decision-making for a student's IEP, schools should revisit the plans for services for students to ensure that any unique learning challenges are recognized and addressed.

Special Master of the Court of Claims of Ohio Issues Decision in Favor of School District Against a Requester of Records

A Special Master of the Court of Claims of Ohio has issued a decision in favor of a school district against a requester of records. The requester was a former employee who was terminated after a discipline investigation. As part of the investigation, the school district's attorneys collected text messages from two students who were a part of the investigation. The attorneys reviewed the collected text messages and stored them, but did not use all of them as part of the investigation because they had no investigative value.

The requester asked for *"All communications (including ALL text message transcripts) collected by Douglas Duckett and/or any employee or representative of the River Valley Local School District from [two students] during the investigation that lead to the termination of Mark Bollinger's contract and the issues reported to the Ohio Department of Education."*

The requester alleged that the text messages contained information that was contradictory or that would challenge the credibility of the witnesses or the investigation itself. The School Board turned over text messages in its possession that it used in the investigation, but denied the request as to all of the text messages. The school district cited attorney-client privilege as well as that the remaining text messages that were not turned over did not constitute records, because they did not document the operations of the school district. A public record is defined to include any document or information in any form that is kept by a public office which documents the organization, functions, policies, decisions, procedures, operations, or other activities of the public office, here, the School Board.

Unrelated Text Messages Are Not Records

The Court ruled that while the School Board did possess the additional text messages withheld from the requester, and while the investigators acting on behalf of the School Board reviewed the additional text messages, the messages were not ultimately used to draw any conclusions or take any actions about the matter and therefore, they were not records subject to disclosure. "Even where a document is received, reviewed, and integrated into a topical office file, but is not used to document the office's activities, it may not rise to the definition of a "record."

As to the requester's assertions that the texts could contain information that is contradictory or that diminishes the credibility of the report or the witnesses, the Court found that the appropriate place to assert those arguments would have been during his administrative appeal of the termination, where perhaps the additional texts could have been obtained through discovery. The only issue before the court here was whether the records constituted public records which were subject to disclosure, not whether the records would have helped him mount a defense to his termination. The court reviewed the additional texts (they were filed under seal so that the requester could not see them) and agreed with the School Board that they were not used in the investigation and therefore did not meet the definition of records.

Past Production Does Not Waive Assertion of Available Defenses

The requester also argued that because the School Board had voluntary disclosed some texts that were not relied on in the investigation, it could not now assert that the texts were not records and withhold

them. The court disagreed, finding that voluntary production of records in the past does not stop a public office from later withholding the same type of records on the basis of a valid defense.

Caution is warranted regarding this particular aspect of the case, as there are other court decisions which hold that a public office may waive an exemption for a particular record if it discloses the exempt record, especially to one whose interests are adverse to the public office. Here, the texts at issue were considered *non-records*, not exempt records - an important distinction.

Attorney-Client Privilege

The School Board asserted the text messages withheld fall under the privilege because they were gathered in the course of an investigation conducted by its attorneys. The court disagreed with the board's position, characterizing it as conclusory. The board failed to "identify and explain the nature of any legal issue for which the withheld texts were utilized." Further, the court found that the School Board's assertion that the requested documents were unrelated to the investigation report contradicted a necessary element of the attorney-client privilege - that the material pertained to the attorney's provision of legal advice. In any case, the court found the texts to be non-records not subject disclosure, which rendered the attorney-client issue moot.

What this means for your District:

Records that are subject to disclosure are particularly defined by law and do not necessarily include all documents or information retained by a public office. However, records custodians should be careful in determining whether a document constitutes a record before denying a request. Particular care should be taken in asserting an exemption as these to have specific legal meanings which are narrowly interpreted in favor of disclosing the record. Successful claims against a school district may result in fines and attorney fees. Please consult an Ennis Britton attorney regarding your public records questions.

***Bollinger v. River Valley Local School Dist*., 2020-Ohio-6637**

EdChoice Update

On November 27th, Governor DeWine signed Senate Bill 89. This law modifies the EdChoice Scholarship Program in several significant ways. On the surface, it scales back a massive expansion of the vouchers, but a closer look reveals that it expands this program that diverts funding from Ohio's public school districts and students.

There are two categories of EdChoice vouchers. Additionally, there are some provisions that grandfather in students who have previously received vouchers. The "traditional" vouchers are based on performance measures of individual school buildings. Under SB 89, these vouches will be available to students if the following factors are met:

1) 20% or more of the students in the school district are Title I-eligible for each of the three most recent years; and
2) A building the student can attend was ranked in the lowest 20% on the state Performance Index for the two most recent years a performance index was calculated (this varies due to safe harbors).

The “expansion” vouchers are based on family income. Under SB 89, these vouchers are available for all children in households with incomes up to 250% of federal poverty levels (currently this equals $65,500 for a family of four). This is an upward adjustment from the prior level of 200%. Median household income in Ohio from 2015-2019 was $56,000, according to the US Census Bureau.

Senate Bill 89 makes permanent a delay in a previously-passed massive expansion of EdChoice. The prior expansion would have led to more than 1,200 school buildings being eligible for “traditional” vouchers this school year. Instead, the number was closer to 400 due to the General Assembly pausing the expansion. Under SB 89, there will be 473 school buildings eligible. This includes 43 that have never before been eligible before. It also includes 110 buildings which were graded at A, B, or C in the most recent state report card.

What this means for your district:

“Traditional” EdChoice vouchers are funded through deductions from school district general funds. EdChoice vouchers divert nearly $150 million dollars from public school districts and their students. Many public school advocates question the validity of the performance measures used to determine eligibility, and independent studies have shown that educational outcomes for students using vouchers may not be better than if they had remained in their public school district. There are also serious concerns about the discriminatory impact of EdChoice in relation to poverty, race, religion, and disabilities.

Because of these concerns, there are multiple groups considering litigation to end the EdChoice vouchers. Ennis Britton has been a part of this effort, and continues to investigate ways to effectively challenge EdChoice. Contact one of our attorneys with questions about SB 89 or possible legal challenges to the program.

Lame Duck Roundup

It ended up being a very active lame duck for education law. Many provisions moved from one bill to another, and the session concluded very late. Here is a summary of some of the bills that passed; other bills may be included in the next newsletter due to space constraints.

HB 409- Some Education-related COVID Waivers

This bill ended up containing some education related waivers for this school year related to COVID-19 that were in other bills. It has an emergency clause and will go into effect upon the Governor’s signature. Amendments added the following:

- 3rd grade reading guarantee waiver: for 2020-21, retention for academic performance only is waived unless the principal and teacher agree the student is not ready to be promoted.
- Superintendent of Public Instruction waiver authority: Extends the ability to waive deadlines, including teacher evaluations and other items.
- No state report card grades for buildings, districts and no district rankings for the 2021-21 school year.
- Extension of safe harbor for districts due to no report cards, and performance data deadline extended to Sept. 15 for ODE.

- Allows school districts to hire substitute teachers based on their own requirements, including someone who does not hold a post-secondary degree (for 2020-21 only), as long as other conditions and procedures for qualifications are met. The State Board is required to issue a non-renewable temporary substitute license to those individuals.

SB 310- Capital Appropriations Bill

This bill has been signed by the Governor, and has several education amendments, including the following:

- ODE will do a study on the criteria defining "economically disadvantaged students" in Ohio's school funding formula to determine its effectiveness and look at other states' definitions. ODE also was directed to study early child initiatives including preschool, Head Start, and other early learning opportunities (due date 12/31/22).
- ODE is directed to review special education categories, transportation, costs, technology, protocols for treatment and best practices and report (due date 12/31/22).
- Community school per pupil funding will also be studied by ODE (due date 12/31/22).
- A joint legislative task force will consider community school transportation to recommend a funding formula for this (due date 12/31/22).
- Waiver of school district expenditure limits for operating student activity programs as outlined in 3315.062(A) for 2019-20 and 2020-21.
- School safety grant programs up to $100,000 to improve eligible security projects.
- Appropriations to the school building program assistance fund were made, along with an authorization to issue bonds.

HB 436- Dyslexia Screening Bill

This bill passed, with the House concurring in the Senate's amendments on 12/22. It was delivered to the Governor on December 31st. It contains a host of new requirements centered around dyslexia screening, including the following:

- In **2022-23**, districts will be required to establish a multi-sensory structured literacy certification process for K-3 teachers, which aligns with a guidebook produced by ODE.
- By 12/31/21, the Ohio dyslexia committee (see more on this below) will establish a guidebook on best practices and methods for screening, intervention and remediation of dyslexia using a multi-sensory structured literacy program. By the same date, ODE will provide PD on this.
- ODE will assist districts in establishing multidisciplinary teams to support identification, intervention and remediation of dyslexia.
- ODE will develop reporting mechanisms for districts data that will be required in the guidebook.
- ODE will develop K-1st grade academic standards in reading and writing that incorporate the multi-sensory structured literacy program.
- ODE, with the Ohio dyslexia committee, will develop evidence-based screening measures and interventions in K-5 using the multi-sensory structured literacy program.
- Districts will be required to comply with the guidebook that will be developed and made available to them.
- Districts will have to establish multi-disciplinary teams to administer the screenings, analyze results and provide intervention.
- Districts will be required to report screening results to ODE.

The law requires screening of students for dyslexia according to the following:

- In **2022-23,** districts will be required to screen K-3 students using a "Tier 1 screening measure" for dyslexia. For kindergarten students, the screening will occur between 1/1/23 and 1/1/24. Students in grades 4-6 will be screened if a parent requests it, or the classroom teacher requests it *and* the parent grants permission. Districts also must screen students transferring into kindergarten midyear. Districts must screen student transferring in from grades 1-6 midyear (this may be a mistake in the legislation because districts are not required to start screening grades 4-6 until 2023-24.)
- In **2023-24**, districts will be required to do a Tier 1 screening for kindergarten students beginning in January of the year of enrollment and completing before 1/1 of the next school year. Grades 1-6 students will be screened if a parent requests it or the classroom teacher requests it and the parent grants permission.
- Districts must identify students who may have dyslexia based on the Tier 1 screening and notify parents of the results.
- Districts may do a Tier 2 screening of the students in the years mentioned above. If they do this, they will be exempt from the following requirements.
- Districts must monitor students identified as at risk for having dyslexia for 6 weeks, checking progress in week 2, 4, and 6, and if there is no progress then the parents must be notified and a tier 2 screening conducted.
- Parents will be notified of the results within 30 days, and if the student is identified as having dyslexia, parents will be given information about it, along with evidence-based interventions.
- Parents also must be provided with information about the district's multi-sensory structured literacy program.

The law establishes the Ohio dyslexia committee, which will:

- Establish the number of professional development hours teachers will need to complete to meet the new requirements (not less than 6 and not more than 18).
- May recommend student to teacher ratios to those teachers who have been certified in identifying and addressing dyslexia in buildings.
- Recommend whether certification may require completion of a practicum.
- Recommend which school personnel should be certified.

This law has a phase-in for the PD requirements.

- Not later than 2023-24, teachers of K-1 will complete required PD on identifying students with dyslexia (includes special education teachers).
- Not later than 2024-25, second and third grade teachers (includes special education teachers) will complete required PD.
- Not later than 2025-25, teachers of grades 4-12 will complete the required PD.
- ODE will maintain a list of approved courses.

HB 442- Licensure Regulation Bill

This bill passed very late in the session. The House concurred in Senate amendments on December 22nd, and it was sent to the Governor on December 31st. It ended up containing some surprise education-related licensure issues, including:

- Removing the requirement that registered nurses be licensed as school nurses. It also removes the requirement that a contracted nurse through a health center have or get a school nurse license.

- Changes resident educator license from four years to two years. The Ohio teacher residency program will now be for two years instead of four. This provision takes effect two years from the effective date of the bill, and in the meantime, ODE will determine how to condense the program and how current participants will complete it.
- Speech-language pathologists, audiologists, physical therapists, occupational therapists, physical therapy and occupational therapy assistants, social workers and registered nurses will no longer be required to have a separate pupil services license to work in a public school on a permanent or temporary basis. They will need to register with ODE, which will be good for five years and must undergo a criminal background check and will be enrolled in rap-back. The fee for this registration will be $150 initially and for renewals.

HB 231- Epi-Pens, Food Allergies and Glucagon Bill

This bill passed both houses and was sent to the governor on December 30th.

- Would require ODE to make, maintain and send to all school districts a list of entities offering **free** epi-pens (epinephrine auto injection devices).
- Allows (does not require) districts to offer **food allergy training** to staff and students.
- Staff training on food allergies would qualify for PD to renew licensure.
- Includes a liability waiver for training.
- Allows districts to obtain **nasal or injectable glucagon for emergency use**.
- Districts may accept donations of glucagon injectors from manufacturers or money donations from persons to purchase them.
- Districts who purchase and use glucagon injectors will be required to notify ODE of this as well as uses of them.
- Districts may either have the superintendent obtain a prescriber-provided protocol for administering glucagon or have a licensed health professional prescribe it in the name of the district.
- Districts are encouraged to have at least two doses available at all times.
- Districts must adopt a policy on use of glucagon and consult with a licensed health professional authorized to prescribe drugs before adopting it. There is a list of required policy elements in the bill.

New DOL Opinion on Compensation of Travel Time Under the FLSA

The U.S. Department of Labor ("DOL") issued an opinion letter on November 3, 2020 addressing when travel time is compensable worktime for nonexempt employees under the Fair Labor Standards Act ("FLSA"). The opinion was sought by a construction company that had nonexempt employees who worked at various worksites which were spread out across a large geographic area. The foreman of the worksites were required to travel to the office headquarters to obtain construction trucks at the start of each day, and were also required to drop them off at headquarters at the end of the day. Laborers were permitted to drive to the headquarters and then ride with the foreman to the site, or alternatively drive directly to and from the site. Some worksites were up to four hours away from headquarters. For these remote work assignments, workers were sometimes offered the opportunity to stay at a hotel during the project rather than commute each day, and the employer paid the cost of accommodations plus a per diem meal stipend.

Under the FLSA, a covered employer is required to pay nonexempt employees at all times "when suffered or permitted to work." The employee's workday ceases when he/she is relieved of work duties. Generally,

an employee is not entitled to compensation for time spent commuting to/from a worksite and home or a temporary lodging regardless of whether the employee works at a fixed location or a changing one. However, travel to and from a special one-day assignment is compensable although the employer is permitted to deduct the employee's typical daily commute time.

In applying these concepts, the DOL concluded that when employees such as the foremen in this scenario are required to travel between work locations to pick up tools and equipment, receive instructions and plans, or perform any work at another site, the travel between work locations is compensable work time regardless of whether the work site was local or more remote. However, the workers who elected to catch a ride with the foreman from headquarters rather than commute to the work site do not receive compensable time. Rather, this time counted as an employee's typical commute time.

The DOL also clarified what time is compensable for longer travel such as the remote work sites. If an employee's travel occurs during the employee's normal work hours, then the travel time is compensable even if it occurs on a day that is normally not a workday. This applies regardless of whether the employee is using their own vehicle or riding in a company vehicle to the site. On the other hand, travel away from home that occurs outside of the employee's work hours is not compensable. However, once the employee reaches the site, the commute to and from a hotel does not count as work time but is considered noncompressible commute time.

If an employer offers some type of transportation to an employee but the employee elects to drive their own vehicle, the employer may count as time worked either the time the employee spent driving or the time that would have been spent on the public transportation option.

Finally, the opinion examined what happens when an employee is offered overnight accommodations to reduce travel time to/from a remote location but elects instead to drive to and from home each day. The DOL indicated that the employee's travel time to and from the site at the beginning and end of the project are compensable if the travel time occurred during normal work hours. However, subsequent trips to/from the site during the job are considered an employee's normal commute and are not compensable.

What This Means for Your District:

The concepts applied in the DOL opinion letter may be applicable to school employers including Educational Service Centers who have non-exempt employees who travel to various work locations throughout the work day. You should consult with our attorneys if you have questions about whether the time is compensable under the FLSA.

DOL Opinion FLSA 2020-16

Ennis Britton's 2020-21 Administrator's Academy Seminar Series

We know that school districts face many challenges this year, and we are here to help! We are taking a different approach to the 2020-21 Administrator's Academy Seminar Series by offering five live interactive webinars rather than the typical that we have offered in the past. Our goal is to address a broader list of topics in a way that takes up less time from your busy day. The webinars will be presented in an interactive zoom webinar format. Attendees will have an opportunity to hear about hot topics from an Ennis Britton attorney, and will also have an opportunity to collaborate with colleagues and in smaller discussion groups. The webinars will take place from 11:00 a.m. to 12:00 p.m. on the following dates:

- October 22, 2020: Student Privacy Challenges
- December 10, 2020: Lame Duck Legislative Overview
- February 11, 2021: Managing Employee Leaves
- April 15, 2021: Shedding Light on Sunshine Laws
- July 15, 2021: 2020-2021 School Law Year in Review (from 10:00 a.m. to 12:00 p.m.)

Due to the change in format, these events may not be archived or recorded.

Registration

You must be registered to attend any of these events. You may register on our website or by contacting Hannah via email or phone at 614.705.1333. Attendees will be provided a certificate of attendance. Any administrators and board members from your district are invited to attend.

We hope you can join us!

About Our Administrator's Academy Seminar Series

At Ennis Britton, we believe our role is to provide key legal guidance to our clients before a problem arises. This way, clients can make informed decisions and avoid legal pitfalls. We created the Administrator's Academy to provide school district administrators and board members with the latest legal information to help them manage their districts in an efficient, effective, and proactive manner.

The Administrator's Academy consists of a series of presentations, each covering a specific topic or area of education law. Our experienced attorneys provide a legal overview as well as real-life examples to help administrators navigate and understand the complicated legal environment. Participants have the opportunity to ask questions and to hear different perspectives on topics pertinent to school management. The Administrator's Academy presentations are provided as a complimentary service to our clients and are free of charge. Ennis Britton will also work with LPDCs for the attainment of CEU credit.

Upcoming Presentations

Special Education Coffee Chats

The Ennis Britton Special Education Team invites you to join a series of facilitated conversations 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.

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.

This series has been offered since May. In light of the slowdown of new guidance and legislation we are moving to a monthly schedule. Just like you, we strive to be responsive to the changing situation with the pandemic and will revisit the scheduling and format of the Coffee Chats regularly.

If you are interested in joining us for this coffee chat, please contact our Legal Secretary, Hannah Reichle, at hreichle@ennisbritton.com to receive the Zoom conference link (it will be sent Thursday morning). If you have already signed up, you are on the list and do not need to sign up again. If you have changed positions, please forward this email to the appropriate people in your district. The general logistics are as follows:

- The next Zoom conference for the 2020-2021 school year is set for Thursday, January 21st starting at 9:00 AM. We aim to be done in less than an hour because we know you are very busy. 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! We're here to help you with the technical side of compliance, but we also want to make sure we are helping you with the bigger picture. If any professionals are up to the challenge of creatively solving problems and adjusting to ever-changing government directives, it is educators. We are inspired by your efforts and honored to be a part of your team. Thank you again!

Other Presentations

We are currently scheduling administrator retreats for the 2020-2021 school year (in person or via videoconference). Contact us soon if you would like to schedule a retreat for your administrators!

January 12: Northwest Ohio Educational Service Center – *Superintendent's Legal Briefing*
Presented by Pam Leist and Bronston McCord

January 14: Ohio State Bar Association Education Law Committee – *Ethics Update*
Presented by Jeremy Neff

January 20: Four County Task Force — *Special Education Update*
Presented by Jeremy Neff

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Want to stay up to date about important topics in school law?
Check out Ennis Britton's 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, contact Hannah via email or phone at 614-705-1333. 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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Bill Deters
Ryan LaFlamme
Robert J. McBride
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