Ennis Britton Co., L.P.A.
Attorneys at Law
Cincinnati • Cleveland • Columbus

ENNIS BRITTON

School Law Review

February 2021

Ohio Court Upholds Picketing at Homes and Places of Employment of Public Officials

The Ohio Court of Appeals for the Eleventh Appellate District recently addressed a dispute between the Portage County Educators Association for Developmental Disabilities-Unit B, OEA/NEA and the Portage County Board of Developmental Disabilities. During a labor dispute, members of the union picketed on sidewalks outside the private residences of six Board members and outside the employer of one Board member. The State Employment Relations Board (SERB) determined that this act constituted an unfair labor practice based on language in R.C. 4117.11(B)(7), which makes picketing related to a labor relations dispute at the residence or place of private employment of any public official an unfair labor practice.

The union argued that the statute was an unconstitutional restriction on speech because the picketing in question took place on public sidewalks and streets. Those are quintessential public forums where speech enjoys a great deal of protection.

The court of appeals needed to first determine if the unfair labor practice statute was "content-based" or "content-neutral." Content-neutral restrictions enjoy intermediate scrutiny and are presumed valid. Content-based restrictions are subject to strict scrutiny review and are presumed invalid. In this case, the court found that the statutory restriction was content-based because it prohibited picketing in certain locations only when that picketing was related to a labor relations dispute.

Given the determination that the statute was a content-based restriction on speech, the presumption of unconstitutionality could only be overcome by a showing that the regulation is (a) necessary to serve a compelling state interest; and (b) narrowly tailored to achieve that interest by the least restrictive means. Ultimately, the court found that SERB failed to show that the statute served a compelling state interest or

Cincinnati: 1714 West Galbraith Road • Cincinnati, OH 45239 • (513) 421-2540 • Toll-Free Number: 1 (888) 295-8409
Cleveland: 6000 Lombardo Center • Suite 120 • Cleveland, OH 44131 • (216) 487-6672
Columbus: 300 Marconi Boulevard • Suite 308 • Columbus, OH 43215 • (614) 705-1333

www.ennisbritton.com | www.twitter.com/EnnisBritton | www.linkedin.com/company/ennis-britton-co-lpa

Ennis Britton'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 Britton for consultation.

that it was narrowly tailored. As a result, the court held that the statutory language was unconstitutional, and the union did not commit an unfair labor practice.

What this Means for Your District:

Picketing outside the homes or places of employment of school board members is permissible in certain counties in Ohio. The Eleventh Appellate District has jurisdiction over Ashtabula, Geauga, Lake, Portage and Trumbull Counties. This decision is binding in those counties. The Eighth Appellate District, which serves Cuyahoga County, previously reached the same conclusion in 1998. At least in those counties, an unfair labor practice will not be found if union members picket on public streets or sidewalks in front of board of education members' homes or places of employment.

The Seventh Appellate District reached the opposite conclusion in 2016. Given the conflict among these courts, it is not clear throughout Ohio whether it is an unfair labor practice to picket outside the homes or places of employment of public officials. It is possible that this decision will be appealed to the Ohio Supreme Court where a definitive answer can be had. We will certainly update our clients if this case is appealed and decided by the Ohio Supreme Court.

Special Education Spotlight: A Handful of Special Ed Cases Give Insight on Remote Learning Expectations

---

It seems like just yesterday that Ohio's educators were presented with the unexpected challenge of how to educate students during a global pandemic. Nearly a year has passed since the state shuttered school buildings in Ohio and kick-started remote learning. Since that time, schools across the state have taken different approaches to provide education to their students. Many schools have incorporated remote learning into some aspect of the 2020-21 school year.

Special education laws, like most others, were not drafted to address the needs that arise during a pandemic. However, recent cases across the country have provided some insight into legal expectations for educating students with disabilities during such times when remote learning becomes an option or even a necessity.

For instance, this past summer the U.S. District Court for the Southern District of New York decided that a New York City school district must provide a five-year-old student with autism in person instruction as part of the student's "stay-put" placement so long as it could safely do so. Prior to the pandemic, the student's IEP included ten hours per week of direct ABA therapy, as well as transportation and occupational, speech and physical therapies. The court reasoned that the IEP assumed delivery of in-person instruction. In its decision to grant a temporary injunction, the court noted that the school district failed to show that computer-based instruction would be effective at providing the student with FAPE. The district was ordered to find service providers who were willing to provide services in-person and was also directed to conduct an independent assistive technology evaluation to assess the student's needs in the event that in-person related services were not available. This case decision indicates that a school is not relieved of its obligation to consider the individual needs of each student and should also consider how effective its program offering might be based on those needs. *J.V.2 v. New York City Department of Education*, 77 IDELR 13 (U.S. Southern Dist. of New York, July 2020).

However, another New York District Court concluded that a school district was not required to provide special education services to a middle school student on its campus when the library where the student had previously received homebound services closed due to the pandemic. The U.S. District Court for the Eastern District of New York decided that home instruction rather than in person instruction became the student's stay put placement once the library closed. The district in this case presented evidence to indicate that the student's eating, toileting, and sanitation needs were difficult to meet in light of the school's pandemic health and safety protocols. The court concluded that these safety needs outweighed the burden placed on the parent to find childcare while the student received services at home. *Killoran v. Westhampton Beach School District*, 77 IDELR 96 (U.S. Eastern Dist. of New York, September 2020).

In addition to cases against individual school districts, there have been some efforts to challenge state reopening plans. For instance, the U.S. District Court of Guam recently considered a request for a preliminary injunction brought by five students with disabilities. The students sought an order against the Guam Education Department requesting the territory implement their in-person IEP services during the mandated pandemic school closure. The court grappled with the issue of whether a state-mandated school closure constituted a change in placement that triggered "stay put" requirements under the IDEA. The Guam ED argued that disabled students who were affected by a state-wide closure were not necessarily entitled to a stay put order. The court in this case agreed, stating it was not convinced that a system-wide shutdown triggered stay put under IDEA because Congress likely did not intend for the IDEA to apply in this situation and the students failed to demonstrate irreparable harm justifying the injunction. *J.C. v. Fernandez*, 77 IDELR 15 (U.S. Guam Dist. Court, July 2020).

Similarly, one federal court refused to block a state's reopening plan even though it mandated remote learning for some students. In the case, the parents of seven students with disabilities sought a temporary restraining order to enjoin implementation of California's school reopening plan. At the time, California's plan mandated different types of learning models based on tiers of disease spread within a particular county. Those districts with higher community spread were required to provide remote learning. Additionally, districts could elect remote learning platforms, and a number of them did. In part, the parents sought to prevent remote learning for their disabled students, claiming that the program did not provide FAPE in conformance with the IDEA, and further violated mandates of the Americans with Disabilities Act and Rehabilitation Act. When analyzing the IDEA and ADA claims, the court concluded that the parents must exhaust administrative remedies through the state before it could proceed to courts for relief. The court reasoned that the state administrative review would allow each student's concerns about failure to provide FAPE and accommodations to be considered on an individual basis. *Brach, et al. v. Newsom, et al.* (U.S. Central Dist. of California, December 2020).

What this Means for Your District:

We know that in the coming months, our schools and our country will continue to face challenges arising from the ongoing pandemic. These cases illustrate the struggle that courts and state departments have experienced while trying to apply federal laws that clearly did not anticipate events such as these. A review of these recent pandemic cases prompts a conclusion that districts are not completely relieved of their obligations to provide an individualized appropriate education to students with disabilities. Yet while schools should continue to consider each student's unique needs and how those might impact service delivery, it also appears that there might be some consideration for the safety challenges schools are facing as well as some flexibility about how programs and services are offered during these times.

Prepare for Increased Property Valuation Challenges

The COVID-19 pandemic has impacted our lives and businesses in ways we never envisioned. The real estate market has certainly not been spared. Office space, hotels, restaurants and retail establishments have been particularly hard hit. Demand for office space is likely to decline given our adaptation to working at home. As of July 30th, 2020 the American Hotel and Lodging Association reported that more than half of hotel rooms were empty across the country with many hotels being completely closed.[1] Many of our favorite restaurants and retail establishments have also been forced to close during the pandemic. All of this is likely to affect real estate values for years to come.

Starting in January, property owners have the option to file complaints with their county boards of revision seeking to lower the county auditor's value assigned to their properties (which effectively seeks to lower their tax bills). We anticipate that many property owners will take advantage of this opportunity. However, their complaints may be premature. That is because real estate taxes are paid one year in arrears. Thus, any complaint filed in calendar year 2021 is for valuation during the 2020 tax year. By law, boards of revision must establish real property values as of January 1, 2020. At that time, the COVID-19 pandemic had not greatly impacted our lives or the real estate market. Nonetheless, many property owners will not realize this distinction and will file anyway.

County boards of revision understand and appreciate this aspect of the law. However, the individuals who sit on those boards, which sometimes include elected officials, are often empathetic toward property owners who face significant challenges with their commercial businesses or properties. For that reason, it is not uncommon for boards of revision to grant relief even though they technically should not do so under law. They are easily able to do so when property owners are unopposed.

Faced with similar issues during the great recession, the Ohio Board of Tax Appeals made it clear that general references to decreased real estate values will not be enough to sustain a reduction in property value. In *Price v. Summit County Board of Revision*, 2012 WL 440783 (February 7, 2012), a property owner sought to reduce the value of his properties due to the recession and foreclosure crisis. The BTA rejected his request because it "has consistently rejected the notion that real property values must necessarily rise or fall commensurate with some preconceived notion of 'historical trending' or inflationary/deflationary rates."

To help ensure county boards of revision uphold the law, school districts are advised to strongly consider filing counter-complaints against requests for reductions that appear unwarranted. Under R.C. 5715.19, boards of education are entitled to notice of all valuation complaints that seek to decrease the value of real property by $50,000 or more. Boards of education have the option to file counter-complaints contesting those decrease requests within 30 days of receipt of that notification.

What this Means for Your District:

Decreases in value through the county board of revision process directly impact the tax revenue received by school districts. Any decrease in valuation will result in a refund issued to the property owner. Those refunds are directly taken from school funding via the county treasurer settlement statements. We anticipate that school districts will face many decrease complaints this year, some of which are sure to be

[1] https://www.ahla.com/covid-19s-impact-hotel-industry

unwarranted. Ennis Britton attorneys can help school districts determine when it is appropriate to file counter-complaints to contest unwarranted decrease complaints to help maintain the tax valuation of the district.

FLSA "Independent Contractor" Test Gets an Update

The Department of Labor has issued a final rule updating the test employers are to use to determine whether someone may be treated as an independent contractor for purposes of overtime and minimum wage laws under the Fair Labor Standards Act (FLSA). The new rule goes into effect on March 8, 2021. If you have worked through the multifactored balancing test to determine if an individual is an independent contractor or employee, a test that has changed over the years through Wage and Hour Division opinion letters and a parade of evolving court cases, you likely know how difficult and confusing it can be.

Why do we care about whether a person is an independent contractor or an employee; i.e. why is applying this test important? For starters, the FLSA guarantees of minimum wage and overtime pay for over forty hours of work in a week do not apply to independent contractors. Employers also do not have to keep records of independent contractors such as time sheets or other legally-required records.

What's *not* changing is that employers still must apply a five factor "economic realities test" to an individual situation in order to determine if a person is in business for themselves rather than economically dependent upon the employer for work.

What *is* changing in the new final rule is that no one out of the five total factors is determinative of the question. However, it is important to note that the first two factors stated below are entitled to greater weight in the consideration. The factors themselves and the components of how to determine the answers have changed as well. The new rule states that the five factors to be considered in making this determination are:

1. The nature and degree of the worker's control over the work
   (Examples: setting their own schedule, selecting their own projects, working for others, vs. the employer setting the schedule, workload and requiring exclusive work for the employer.)

2. The worker's opportunity for profit or loss based on initiative, investment, or both
   (Examples: capital investment in helpers, materials or equipment to further their work and earn profits or incur losses based on initiative and skill, vs. employer controls earnings and employee may only affect by working more hours or faster.)

These first factors are considered the "core factors" under the new rule. The DOL notes that in considering these two core factors, if both point towards one classification (employee or independent contractor) it is likely that the individual is in that classification.

The other three factors to be considered are:

3. The amount of skill required for the work (Example: the individual has specialized training or skill the employer does not provide, vs. the employer providing all training and equipment for the job)

4. The degree of permanence of the relationship between the individual and the potential employer (Example: the work is definite in duration or sporadically occurring, vs. indefinite in duration or continuing)

5. Whether the work is part of an integrated unit of production (Example: is the work part of the employer's integrated production of a good or service vs. the work separated from the employer's production of goods or services.)

DOL makes it clear that the actual practices are more important than contractual terms or what is theoretically possible.

The rule states that there are five factors; however, the new rule also allows for "additional factors," but only if they are relevant to determining whether an employee is in business for him or herself, or is economically dependent upon the employer.

The new rule contains some examples as well. Knowing the new rule clarifies and changes previous interpretations is important when a District undertakes a determination of whether an individual may be an independent contractor (or not) and carries real consequences. Penalties for violating the FLSA can be significant, including double and triple damages for claims. There are some groups that search for potential violations simply to bring FLSA claims and collect the damages. If you have questions about the new rule or applying it, please contact us.

The entire explanation of the new rule and the rule itself may be viewed here: https://www.federalregister.gov/d/2020-29274

President Biden Issues Executive Order on Gender Identity

In a significant departure from the prior administration's position, the Biden Administration gave foremost consideration to the issue of gender discrimination when they issued the *Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation* within hours of the inauguration. The order begins with this statement:

> Every person should be treated with respect and dignity and should be able to live without fear, no matter who they are or whom they love. Children should be able to learn without worrying about whether they will be denied access to the restroom, the locker room, or school sports. Adults should be able to earn a living and pursue a vocation knowing that they will not be fired, demoted, or mistreated because of whom they go home to or because how they dress does not conform to sex-based stereotypes. People should be able to access healthcare and secure a roof over their heads without being subjected to sex discrimination. All persons should receive equal treatment under the law, no matter their gender identity or sexual orientation.

The order prioritizes enforcement of Title VII and other laws that prohibit discrimination on the basis of gender identity or sexual orientation. It requires each agency to review all Title VII policies and actions that are inconsistent with the order to revise, suspend or rescind those actions or promulgate new action to

implement the statutes within 100 days of the order. In addition, each agency must develop a plan to carry out its identified action items.

The order does not directly impact the final regulations issued by the U.S. Department of Education on August 14th 2020 regarding sexual harassment under Title IX. Those regulations narrow the definition of sexual assault, reduced the obligation to investigate complaints of off-campus behavior and allowed schools to establish their own standard of proof or evidence to use in their investigations. However, it is a step in the direction of once again changing the application of civil rights laws to the LGBTQ community. Below is the recent history of guidance on this issue:

- 2016: Guidance required transgender students to have equal access to educational programs and activities, be provided a safe and nondiscriminatory environment for all students, and allow transgender students access to restrooms and locker rooms consistent with their gender identity.
- 2017: The Guidance from 2016 was uniformly rescinded. States and schools were directed to make their own decisions without federal interference.
- 2018: U.S. Department of Education (USDOE) reported that it will not investigate or take action on complaints filed by transgender students who are banned from using restrooms that match their gender identity. The USDOE stated that they would investigate or take action with regard to complaints alleging that a transgender student has been bullied, harassed, or punished due to their gender nonconformity.

As reported in our last newsletter, on December 16, 2020, a federal district court found that Ohio's policy of denying transgender individuals the right to change the sex marker on their birth certificates is unconstitutional. This decision will likely be appealed.

As the new executive order requires federal agencies to review existing policies, any changes at the federal level may take some time to be realized. Nonetheless, this order clearly signals a return

Records Disclosure Actions Taken During Attorney Led Investigation Upheld

A Special Master recently found that an Ohio school district did not violate the public records laws when it declined to provide every record it reviewed during the investigation of an employee. A terminated schoolteacher made three nearly identical public records requests for all communications, including transcripts of text messages, that were collected during the investigation that led to his termination and related report to the Ohio Department of Education's Office of Professional Conduct.

The district responded to the requests, but specifically noted that "records that do not document organization, function, policies, decisions, procedures, operations or other activities" of the district as a public office are not public records. It further stated that records which are protected by the attorney-client privilege are not public records. Ultimately, when the teacher did not receive the particular documents he sought, he filed a complaint alleging violation of the Ohio Public Records Law.

In analyzing the case, the Special Master included several note-worthy legal recaps about what does and what does not constitute a public record, including the following:

1. **Non-records are not subject to disclosure.** Under the Public Records Law, if an item does not document "organization, function, policies, decisions, procedures, operations or other activities" of the public office, it is not a public record.

2. **Mere possession of a document does not make it a public record.** Every piece of paper received by a public office is not a public record. If an item comes into the possession of a public entity but is not used by that entity in its public functions, it is not a record of the public entity subject to disclosure. In this matter, the attorney investigators reviewed volumes of documents to sort out those germane to the investigation. Those unsaved documents did not rise to the level of public records as they related to the former teacher's request because they were not used for the investigation.

3. **A public office is not constricted by prior releases.** If a public entity voluntarily produced a record in the past, that entity can withhold the same type of document in the future if there are valid reasons for doing so. In this case, the former employee attempted to claim that some of the requested items were similar to other disclosed items. However, similarity in type does not create a public record.

The analysis emphasized that the definition of a record under the public records law is tied to the use of the record, not merely its receipt by a public entity.

In defending their actions, the school district also claimed that the requested records were protected by the attorney-client privilege. In doing so, the district relied solely on the fact that the chosen investigators were also legal counsel for the board. Here, the Special Master noted that simple assertion of this privilege is insufficient. The claim must be coupled with evidence that the withheld documents constituted communications between the attorneys and the Board that pertained to actual legal advice given by counsel. Notwithstanding, as this is an unsettled area of law, the use of attorney investigators may add an additional layer of protection to sensitive matters undertaken by boards of education.

What this Means for Your District:

Boards of education should never feel compelled to label every document or element that comes into its possession as a public record. Unless an item is somehow used to document the actions of the school district, it is not a public record under Ohio law. Careful consideration of the present and future use of the document is essential to determine whether it is subject to release as a public record.

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!

February 5: Southern Ohio ESC and Brown County ESC – *Joint Special Education Legal Update*
Presented by Bill Deters and Jeremy Neff

Follow Us on Twitter: @EnnisBritton
Want to stay up to date about important topics in school law?
Check out Ennis Britton's Education Law Blog.

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:
John Britton
Bill Deters
Ryan LaFlamme
Robert J. McBride
Bronston McCord
Jeremy Neff
Hollie Reedy
Giselle Spencer
Gary Stedronsky

Attorney Directory

John Britton
6000 Lombardo Center, Suite 120
Cleveland, Ohio 44131
P: 216.487.6673
C: 216.287.7555
Email: jbritton@ennisbritton.com

William M. Deters II
1714 West Galbraith Road
Cincinnati, Ohio 45239
P: 513.421.2540
C: 513.200.1176
Email: wmdeters@ennisbritton.com

J. Michael Fischer
1714 West Galbraith Road
Cincinnati, Ohio 45239
P: 513.421.2540
C: 513.910.6845
Email: jmfischer@ennisbritton.com

Ryan M. LaFlamme
1714 West Galbraith Road
Cincinnati, Ohio 45239
P: 513.421.2540
C: 513.310.5766
Email: rlaflamme@ennisbritton.com

Pamela A. Leist
1714 West Galbraith Road
Cincinnati, Ohio 45239
P: 513.421.2540
C: 513.226.0566
Email: pleist@ennisbritton.com

Robert J. McBride
6000 Lombardo Center, Suite 120
Cleveland, Ohio 44131
P: 216.470.3392
Email: rmcbride@ennisbriton.com

C. Bronston McCord III
1714 West Galbraith Road
Cincinnati, Ohio 45239
P: 513.421.2540
C: 513.235.4453
Email: cbmccord@ennisbritton.com

Jeremy J. Neff
1714 West Galbraith Road
Cincinnati, Ohio 45239
P: 513.421.2540
C: 513.460.7579
Email: jneff@ennisbritton.com

Hollie F. Reedy
300 Marconi Boulevard, Suite 308
Columbus, Ohio 43215
P: 614.705.1332
C: 614.915.9615
Email: hreedy@ennisbritton.com

Giselle Spencer
6000 Lombardo Center, Suite 120
Cleveland, Ohio 44131
P: 216.487.6674
C: 216.926.7120
Email: gspencer@ennisbritton.com

Gary T. Stedronsky
1714 West Galbraith Road
Cincinnati, Ohio 45239
P: 513.421.2540
C: 513.886.1542
Email: gstedronsky@ennisbritton.com

Erin Wessendorf-Wortman
1714 West Galbraith Road
Cincinnati, Ohio 45239
P: 513.421.2540
C: 513.375.4795
Email: ewwortman@ennisbritton.com

Cincinnati Office: 513.421.2540

Cleveland Office: 216.487.6672

Columbus Office: 614.705.1333