

School Law



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Ulmer & Berne attorneys currently represent city, local, exempted village, joint vocational and public school districts serving entire counties (ESCs), and higher education institutions throughout Ohio. Ulmer & Berne attorneys are very experienced in defending school districts in all types of state and federal school litigation. In addition to litigation, Ulmer & Berne attorneys have experience with school district contract and transactional issues including all types of public financing, alternative schools, sale and acquisition of real estate, school facility construction, negotiation of cell tower leases and communications easements, competitive bidding, school transportation matters, new curriculum patent and copyright, environmental and regulatory law. Ulmer & Berne school law attorneys help school districts perform self-audits of state and federal funding, including successfully helping urban and other school districts recover millions of dollars in improper state payments to charter schools.

In addition to public transactional expertise, related areas of school law expertise include:

- **School board organization/operations** – Resolution drafting and parliamentary expertise, ethics issues, Ohio Sunshine Laws, affirmative action plans, the No Child Left Behind Act, public records requests and board policy compliance.
- **Federal and state employment laws** – Ohio Civil Rights Commission (OCRC) and Equal Employment Opportunity Commission (EEOC) complaints, Fair Labor Standards Act (FLSA), Family and Medical Leave Act (FMLA), non-discrimination under Title VII, Title IX, Americans with Disabilities Act (ADA), Uniformed Services Employment and Reemployment Rights Act (USERRA), Occupational Safety and Health Administration (OSHA), maternity leave, workers' compensation, and litigation of religion, race, gender, search and seizure, and due process claims arising under the U.S. Constitution.
- **Public finance** – notes, bond issues, refinance transactions, and related public finance tools.
- **Negotiations and labor relations** – collective bargaining, arbitration, impasse/strike preparations, grievance hearings and claims of unfair labor practices.
- **Special education law** – daily consulting, individualized education program (IEP) issues, 504 matters, mediation, due process hearings and appeals, defense of placement decisions, handling of due process complaints and hearings at the state administrative level and in federal court; informal



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resolution of educational programming and service issues during the IEP process.

- **School construction** – school construction and repair contracts including roofing contracts; various construction bid packages, through all phases of Ohio School Facilities Commission (OSFC) and non-OSFC projects and other service agreements with architects, construction managers, construction contractors and related professionals in connection with various district repair and placement projects; review of bid documents and participation in bid conference; counsel on bidding compliance requirements; handle bid protests and assist in the resolution of bid disputes, including defense of the District in court proceeding for temporary restraining order and mandamus action.
- **Student issues** – single sex education, student attendance and per-pupil funding issues, student suspension and expulsion, permanent removal, home instruction, drug and alcohol policies/testing, state and federal constitutional issues.
- **Employee termination and discipline** – teaching and non-teaching employee terminations, RIF, non-renewals and related disciplinary hearings.
- **Employee benefits** – expertise dealing with the new Internal Revenue Service (IRS) 403 (b) Rules, non-profit entity set up and transactions, and educational foundations. Represent school districts in Board of Revision tax hearings and Board of Tax Appeals (BTA) cases.
- **Property tax issues** – expertise in representing school districts before local Board of Revision, the Ohio Board of Tax Appeals and Ohio Supreme Court in property valuation proceedings, and before the Ohio Department of Taxation in connection with property tax abatement and exemption requests.



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