**IN THE SUPREME COURT OF OHIO**

| | | |
|---|---|---|
| YOUNGSTOWN CITY SCHOOL DIST. BD. OF EDN., *et al.*, | : | Case No. 2018-1131 |
| Appellants, | : | |
| vs. | : | On Appeal from the Court of Appeals of Ohio, Tenth Appellate District, |
| STATE OF OHIO, *et al.*, | : | Case No. 17AP-775 |
| Appellees. | : | |

# MEMORANDUM OF AMICI CURIAE, OHIO SCHOOL BOARDS ASSOCIATION, BUCKEYE ASSOCIATION OF SCHOOL ADMINISTRATORS, OHIO FEDERATION OF TEACHERS, OHIO ASSOCIATION OF SCHOOL BUSINESS OFFICIALS, AND LORAIN CITY SCHOOL DISTRICT BOARD OF EDUCATION IN SUPPORT OF JURISDICTION

Bryan M. Smeenk (0082393)
* *Counsel of Record*
Maria J. Armstrong (0038973)
Nicole M. Donovsky (0072262)
BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215
Telephone: (614) 227-8821
Facsimile: (614) 227-2390
Email: marmstrong@bricker.com
ndonovosky@bricker.com
bsmeenk@bricker.com
*Counsel for Amici Curiae Ohio School Boards Association, Buckeye Association of School Administrators, Ohio Association of School Business Officials, And Lorain City School District Board of Education*

Susannah Muskovitz (0011457)
MUSKOVITZ & LEMMERBROCK, LLC
1621 Euclid Avenue, Suite 1750
Cleveland, OH 44115
Telephone: (216) 621-2020
Facsimile: (216) 621-3200
Email: muskovitz@mllabor.com
*Counsel for Amicus Curiae Ohio Federation of Teachers*

James E. Roberts (0000982)
David S. Barbee (0037248)
Christine Z. Papa (0091485)
ROTH, BLAIR, ROBERTS, STRASFIELD & LODGE, L.P.A.
100 E. Federal Street, Suite 600
Youngstown, Ohio 44503

Ira J. Mirkin (0014395)
Charles W. Oldfield (0071656)
GREEN, HAINES, SGAMBATI, CO., L.P.A.
100 Federal Plaza East, Suite 800
P.O. Box 849
Youngstown, Ohio 44501
Telephone: (330) 743-5101

Telephone: (330) 744-5211
Facsimile: (330) 744-3184
Email: troberts@roth-blair.com
dbarbee@roth-blair.com
cpapa@roth-blair.com
*Counsel for Appellant, Youngstown City School District Board of Education*

R. Sean Grayson (0030641)
AFSCME OHIO COUNCIL 8
6800 N. High Street
Worthington, Ohio 43085
Telephone: 614-841-1918
Facsimile: 614-841-1299
Email: grayson.sean@gmail.com
*Counsel for Appellant, AFSCME Ohio Council 8, AFL-CIO*

Facsimile: (330) 743-3451
Email: imirkin@greenhaines.com
*Counsel for Appellants Youngstown Ed. Assn., Ohio Ed. Assn, & Jane Haggerty*

Douglas R. Cole (0070665)
Carrie M. Lymanstall (0084393)
ORGAN COLE LLP
1330 Dublin Road
Columbus, Ohio 43215
Telephone: (614) 481-0902
Facsimile: (614) 481-0904
Email: drcole@organcole.com
cmlymanstall@organcole.com
*Counsel for Appellees State of Ohio, et al.*

## TABLE OF CONTENTS

Page No.

## TABLE OF AUTHORITIES

## STATEMENT OF INTEREST OF AMICI CURIAE

The Ohio School Boards Association ("OSBA") is a nonprofit 501(c)(4) corporation dedicated to assisting its members to more effectively serve the needs of students and the larger society they are preparing to enter and requires that its elected school board members remain involved and accountable for the operations of their local school districts. Nearly 100% of the 713 district boards in all of the city, local, exempted village, career technical school districts, and educational service center governing boards throughout the State of Ohio are members of the OSBA, which provides extensive informational support, legislative advocacy and consulting activities, as well as policy service and analysis. The OSBA has adopted a Legislative Platform that stresses the importance of meaningful participation in the legislative process, noting the members' support of a "consistent and thorough deliberative process" in the General Assembly and opposing the passage of legislation that has not been "thoroughly and properly vetted and heard by both chambers of the General Assembly."

The Buckeye Association of School Administrators ("BASA") is a statewide organization representing over 95% of school district superintendents in Ohio. BASA is a nonprofit 501(c)(6) corporation dedicated to assisting its members to more effectively serve the needs of school administrators and their districts. BASA provides extensive informational support, legislative advocacy, and professional development in an effort to support the professional practice of school administrators.

The Ohio Federation of Teachers ("OFT") is a union of professionals representing approximately 15,000 members, the majority of whom work in large, urban school districts. The OFT envisions an Ohio where all citizens have access to the high quality public education and public services they need to develop to their full potential. The OFT supports the social and economic wellbeing of its members, Ohio's children, families, working people, and communi-

ties and is committed to advancing these principles through community engagement, legislative action, collective bargaining and political activism, and especially through the work of its members.

The Ohio Association of School Business Officials ("OASBO") is a statewide organization representing over 1200 school business officials (SBOs) in Ohio. OASBO is a nonprofit 501(c)(6) corporation dedicated to assisting its members in effectively fulfilling the finance, operations, and administration needs of Ohio's Boards of Education and school district administration. OASBO provides extensive informational support, advocacy, professional development, business services and search services for SBOs.

The Lorain City School District Board of Education is the local elected body that previously governed the Lorain City School District. Lorain is the second school district in Ohio to come under the control of an appointed CEO, who now wields complete operational, managerial, and instructional control of the district.

Amici regularly participate in the legislative process and serve as a voice for their members before the General Assembly on matters of concern to their constituents. The thousands of school board members, school officials, and educators who are members of the OSBA, BASA, OFT, OASBO, and the Lorain City School District Board of Education operate in a system that is grounded in the Ohio Constitution and dependent on strong community support. It is critical that amici and their members understand the needs of their local communities and remain accountable to their local constituencies.

Amici also operate in an environment that is highly regulated by Appellees in a broad range of categories. Thus, it is equally important that amici, like other Ohio citizens, be able to engage in the legislative process in a meaningful way.

In the events leading up to this case, Appellees ignored and violated the fundamental principles of maintaining local accountability and participation in the legislative process. The impact on amici and their members is significant, and they file this brief in support of the Appellants. For the reasons set forth below and in Appellants' jurisdictional brief, amici urge this Court to accept jurisdiction over two propositions of law.

## EXPLANATION OF WHY THIS IS A CASE OF PUBLIC AND GREAT GENERAL INTEREST AND INVOLVES A SUBSTANTIAL CONSTITUTIONAL QUESTION

This case offers the Court the opportunity to revisit and build upon the sparse common law interpreting and applying two provisions of the Ohio Constitution: (1) Article II, Section 15(C), which embodies the Three Reading Rule (the requirement that, generally, each house of the legislature must consider each bill on three different days); and (2) Article VI, Section 3, which reserves to the voters within a city school district the power to determine the size and structure of the board of education (thus allowing for local control of the school district).

The Court has an opportunity to address both prongs of the Three Reading Rule, which the Court discusses in *State ex rel. Ohio AFL-CIO v. Voinovich*, 69 Ohio St.3d 225, 631 N.E.2d 582 (1994). The two prongs of the Three Reading Rule are (1) whether the amendment to a bill vitally alters it, and (2) whether the procedure in enacting the bill violates the purpose behind the Rule, avoiding "hasty action" and lessening "the danger of ill-advised amendment at the last moment" *Id*. at 233. More particularly, "[t]he rule provides time for more publicity and greater discussion and affords each legislator an opportunity to study the proposed legislation, communicate with his or her constituents, note the comments of the press and become sensitive to public opinion." (Citation omitted.) *Id*. at 234. If the amendment in question vitally alters the bill or violates the purpose behind the Rule, then the enactment must comply with the Three Reading Rule.

It is undisputed that the legislature did not comply with the Three Reading Rule. So the only question is whether the Three Reading Rule applies. Amici submit that it does. But either way, the Court should accept the case to further develop the law in this area. *Voinovich*, which set forth the second prong of the Three Reading Rule, is the only ruling by this Court applying that prong. And only two cases have applied the first prong, the latest of which is *Voinovich*. That case is nearly a quarter-century old, and it addressed starkly different legislative procedure. Thus, litigants and the lower courts need additional guidance regarding the Rule's applicability.

Also, the Court should accept the second proposition of law, which asks the Court to hold that Am.Sub.H.B. No. 70's provisions for displacing a locally elected board and installing an unelected CEO unaccountable to the district's stakeholders violate Article VI, Section 3 of the Ohio Constitution.

## STATEMENT OF THE CASE AND FACTS

Amici defer to the statement of the case and facts as set forth in the Appellants' memorandum in support of jurisdiction.

## LAW AND ARGUMENT

**Proposition of Law No. 1:**

> The Ohio Constitution's Three Reading Rule is a mandatory provision. A bill allowing school boards and communities to jointly provide supportive services to schools that is transformed overnight into an amended bill imposing the installation of unelected CEOs imbued with complete operational, managerial, and instructional control of school districts must comply with the Three Reading Rule.

### A. The Three Reading Rule is mandatory.

One point makes this discussion worth having: the Three Reading Rule is mandatory. *Hoover v. Bd. of Cty. Commrs.*, 19 Ohio St.3d 1, 482 N.E.2d 575 (1985), syllabus. The Three Reading Rule, found in Article II, Section 15(C) of the Ohio Constitution, mandates that bills be "considered by each house on three different days, unless two-thirds of the members elected to

the house in which it is pending suspend this requirement * * *." Compliance is easy to verify because each reading or "action suspending the requirement" must be recorded in that house's journal. *Id*. That has not always been so.

Historically, the Three Reading Rule resided in Article II, Section 16 of the Ohio Constitution. It said: "Every bill shall be fully and distinctly read, on three different days, unless, in case of urgency, three-fourths of the house in which it shall be pending, shall dispense with this rule. * * *" *Id*. It did not require the houses to journalize compliance, so the courts presumed that the legislature complied. *Miller v. State*, 3 Ohio St. 475, 484 (1854). And that "presumption [was] not liable to be rebutted by proof." *Id*. Because the requirement was essentially unenforceable outside of the legislative process, the Court deemed it directory. *Hoover* at 3–4.

Now that the Rule is mandatory, it also has some bite. When the legislature violates the Rule, the resulting enactment is "void and without legal effect." *Hoover* at the syllabus.

No one suggests that Am.Sub.H.B. No. 70 received three readings after undergoing its abrupt transformation. Instead, the State contends that the Three Reading Rule did not apply.

**B. Although labeled a singular rule, it comprises two prongs that apply in different situations: (1) when an amendment vitally alters the affected bill, and (2) when the legislative procedure enacting a bill defeats the Rule's animating purpose.**

The Court first formulated the two-pronged version of the Three Reading Rule in *Voinovich*, 69 Ohio St.3d at 225, 631 N.E.2d 582. That formulation borrowed the first prong, which requires compliance with the Rule after an amendment vitally alters a bill, from *Miller*, 3 Ohio St. at 482. *See also Hoover*, 19 Ohio St.3d at 5, 482 N.E.2d 575. The Court drew the second prong, which applies when a court cannot discern whether an amendment vitally alters a bill, from the animating purpose behind the Rule:

> * * * to prevent hasty action and to lessen the danger of ill-advised amendment at the last moment. The rule provides time for more publicity and greater discussion and affords each legislator an opportunity to study the proposed legislation, com-

> municate with his or her constituents, note the comments of the press and become sensitive to public opinion.

(Citation and quotation marks omitted.) *Voinovich* at 233–234.

To be sure, the Court has struggled with classifying bills that have been vitally altered versus bills that have been merely heavily amended. The Court's caselaw offers but two moorings. The situation in *Hoover* provides the starkest example. The House of Representatives passed a bill "pertaining to criminal non-support." *Hoover* at 5. In turn, the Senate returned "a substitute bill, *completely different in content*" from that passed by the House. (Emphasis sic.) *Id.* The substitute bill aimed "to facilitate the financing, acquisition and construction of hospital and health care facilities for the use of non-profit entities." *Id.* Unsurprisingly, the Court held that the "wholly changed" bill required three readings, and it remanded the matter for a hearing to determine whether the legislature had complied with the Rule. *Id.* at 5–6.

The second mooring resides in *Voinovich*. In that case, the Court could not determine whether numerous amendments vitally altered a bill because it retained a common purpose. *Voinovich*, 69 Ohio St.3d at 233, 631 N.E.2d 582. That bill, Am.Sub.H.B. No. 107, began as a bill making "biennial appropriations for the Industrial Commission" and ended as a bill "substantially restructuring the workers' compensation system." *Id.* at 231. Unwilling to police differences of degree, the Court advanced instead to the Rule's second prong. So the second mooring provides little guidance to litigants or the lower courts under circumstances like these.

Applying the second prong, the Court determined that sufficient open debate and amendment supported the bill's passing. *Id.* at 234. "Hearings were held and the issues were openly debated. The Governor stimulated the debate by announcing in the press that he would veto any appropriations bill that did not also substantially reform the underlying workers' com-

pensation system." *Id*. The Court observed that "[i]t would be difficult to characterize this activity as 'hasty action' that precipitated 'ill-advised amendment at the last moment.' " *Id*.

The legislative chicanery accompanying the enactment of Am.Sub.H.B. No. 70 hardly mirrors the open debate that accompanied Am.Sub.H.B. No. 107 in *Voinovich.*

**C. The Court should hear this case and address for the first time whether any consequences follow from the legislature's violation of the Three Reading Rule's animating purpose residing in the Rule's second prong.**

> With public sentiment on its side, everything succeeds; with public sentiment against it, nothing succeeds. * * * Public opinion is a sort of atmosphere, fresh, keen, and full of sunlight, like that of the American cities, and this sunlight kills many of those noxious germs which are hatched where politicians congregate. * * * Selfishness, injustice, cruelty, tricks, and jobs of all sorts shun the light; to expose them is to defeat them.

(Internal quotations omitted.) James Bryce, *The American Commonwealth, Volume 2*, 355 (1888). Fearing public opinion, the legislature acted in secret until revealing at the last moment its controversial solution to struggling school districts: wholesale takeover by the State. But there was insufficient sunlight to disinfect the process.

The Court should hear this case and answer the significant constitutional questions it presents. Both prongs of the Three Reading Rule apply here. And either would justify hearing this case and reversing the Tenth District's judgment. But the second prong is the most salient.

The lower courts failed to analyze the import of the cabal from the Governor's office that worked with select Youngstown-area business leaders and swore them to secrecy, the backroom negotiations between a few lawmakers, the refusal to let testify one of the few witnesses who managed to learn of the coming wholesale change to the bill's provisions, and the lack of notice to the public or the press. To top it off, the legislature introduced and enacted this wholesale change in less than 24 hours. So only a chosen few had any opportunity to study the contents, and no one meaningfully consulted with constituents outside of a handful of Youngstown-area

business leaders. This seems the very definition of "hasty action" that led to what amici submit was an "ill-advised amendment at the last moment." *Voinovich*, 69 Ohio St.3d at 234, 631 N.E.2d 582.

After staking out the purpose of the Three Reading Rule, the Court has never applied it in the nearly quarter century that followed. The lower courts thus lack guidance on this important constitutional question. The majority's reasoning below only emphasized this. Rather than perform a straightforward, thorough analysis and move through the Rule's prongs, the majority stopped after concluding that H.B. No. 70 and Am.Sub.H.B. No. 70 shared a common purpose of "providing measures to improve under-performing schools." 10th Dist. Franklin No. 17AP-775, 2018-Ohio-2532, ¶ 23. The majority gave the second prong short shrift, concluding that the "legislators who opposed the amendments were able to present their arguments to their colleagues." *Id*. That is true so far as it goes. But it fails to address the second prong. Seemingly recognizing the dubious nature of the facts it relies on for this assertion, it relegates them to a lengthy footnote.

Even on the day the legislature introduced Am.Sub.H.B. No. 70, it handled the amendment so as to squelch public participation. Melissa Cropper, the President of amicus OFT, was present in the Committee on June 24, 2015, prepared to testify in support of H.B. No. 70. Having learned about the potential amendment the night before, Ms. Cropper attempted to testify against it. But the Committee Chair interrupted Ms. Cropper and told her that the amendment was not yet ready and instructed that she could not testify about the amendment. Immediately after Ms. Cropper completed her testimony in support of H.B. No. 70, the Committee introduced the amendment. Within a few hours, the legislature amended H.B. No. 70, sped Am.Sub.H.B. No. 70

through committee and both chambers, and passed it. Amici submit that this procedure violated the Three Reading Rule.

That said, the Court need not decide now whether the enactment of Am.Sub.H.B. No. 70 violated the purpose behind the Rule. Irrespective of the ultimate answer the Court might arrive at, it should take this case to provide guidance to the lower courts and litigants. Given the unusual secrecy that surrounded the introduction and enactment of the bill, this case might well set a useful boundary—either setting something of a ceiling on secret legislative antics or defanging the Rule by sanctioning the legislature's behavior. Whatever the Court's decision, it will likely decrease the volume of constitutional litigation as the bar learns the contours of the Rule.

### D. The Court should hear this case and set another mooring on the continuum of cases interpreting whether amendments to a bill vitally alter it.

The paucity of caselaw interpreting this constitutional provision provides little guidance to courts and litigants alike. Given this opportunity, the Court should ease this caselaw deficit. This case also provides a useful chance to interpret the legal significance of a factual scenario that falls somewhere between *Hoover*, involving a bill "completely different in content," 19 Ohio St.3d at 5, 482 N.E.2d 575, and *Voinovich*, involving a bill that was heavily amended over time but that retained a "common purpose" of modifying workers' compensation laws, 69 Ohio St.3d at 234, 631 N.E.2d 582.

The amendment turned the original purpose of H.B. No. 70 inside out. While H.B. No. 70 sought only to enhance local control and authority by establishing community learning centers to provide services for students, their families, and the community at large, Am.Sub.H.B. No. 70 achieved the opposite. Instead, it created a mechanism to strip locally elected school boards—and other stakeholders, like amici—of all authority. As passed, the bill guts local authority and

control over school districts, instead appointing an unelected chief executive officer who answers only to an unelected commission.

Is the key to constitutionality that the amendments took place over time? Is it sufficient for a bill to retain a common topic, like improving struggling schools, even if the ultimate remedy adopted is essentially the polar opposite of the remedy initially introduced? Can the legislature vacillate between providing resources to struggling schools and giving one person the power to disband a school district—all in the course of 24 hours—without running afoul of the constitution? Amici contend that the legislature's power is more circumscribed. The Court's input could answer these questions and more regarding the Three Reading Rule.

**Proposition of Law No. 2:**

> Am.Sub.H.B. 70; which radically amended R.C. 3302.10 to include the appointment of an unelected chief executive officer vested with complete operational, managerial, and instructional control of a school district; usurps the powers of elected boards of education in violation of Ohio Constitution, Article VI, Section 3.

Amici share a keen interest in preserving the community-centered autonomy of local school boards. Voters elect the members of their districts' school boards from their own communities. In turn, those boards manage their districts. But R.C. 3302.10, enacted in Am.Sub.H.B. 70, upends this system by unconstitutionally usurping the powers of school boards and, by extension, the will of the voters who elected the board members. In doing so, it violates Article VI, Section 3 of the Ohio Constitution.

Article VI, Section 3 of the Ohio Constitution provides that school districts "embraced wholly or in part within any city shall have the power by referendum vote to determine for [themselves] the number of members and the organization of the district board of education, and provision shall be made by law for the exercise of this power by such school districts."

In a vacuum, that language addresses only "questions of size and organization, not the power and authority, of city school boards." *State ex rel. Ohio Cong. of Parents & Teachers v. State Bd. of Ed.*, 111 Ohio St.3d 568, 2006-Ohio-5512, 857 N.E.2d 1148, ¶ 47. Yet the Ohio Constitution does not operate in a vacuum.

Concluding that this provision passed constitutional muster, the Tenth District relied in part on *Parents & Teachers*' holding that under Article VI, Section 3, legislation can constitutionally provide for public charter schools independent of any school district. 10th Dist. Franklin No. 17AP-775, ¶ 27. But *Parents & Teachers* observed that "the school boards have authority over the districts they are elected to serve." *Id*. The *Parents & Teachers* Court went on to hold that the plaintiff–appellants in that case failed to prove that the law then in question usurped city school districts' powers. *Id*. That failure of proof saved the statute from a finding of unconstitutionality. *Id*.

This case does not suffer from the same failure of proof that led to the ruling in *Parents & Teachers*. Here, the statute reserves to the appointed chief executive officer the power to carry out all actions and wrests all power from a school board. It does so by granting the chief executive officer "complete operational, managerial, and instructional control of the district, which shall include, but shall not be limited to" a long list of enumerated (technically, lettered) powers. R.C. 3302.10(C)(1). Beyond the enumerated powers shifted to the chief executive officer, the statute ensnares all of the unspecified including-but-not-limited-to powers. Indeed, R.C. 3302.10(O) empowers the chief executive officer to close *all* of a district's schools, which dissolves the academic-distress commission, removes the chief executive officer's power, *and* leaves nothing for the already-impotent school board to do. This complete usurpation of board authority distinguishes this case from *Parents & Teachers*.

There thus comes a point where stripping the power and authority of a school board necessarily renders the power to determine size and organization meaningless. Am.Sub.H.B. 70 represents that point. Surely the Ohio Constitution is not intended to secure the right to engage in a completely pointless act: electing a powerless board that can only sit idly by while a chief executive officer potentially disbands the entire district. Amici submit that where, as here, the legislature drains *all* of a school board's powers, the law renders meaningless the right to determine the number of members and the resulting organization.

So Am.Sub.H.B. 70 unconstitutionally impinges upon the voters who chose their local school board members. Having the right only to cast a ballot for school board members who have no power is meaningless—and unconstitutional.

The Ohio Constitution recognizes that the cornerstone of public education is locally elected boards of education that can set educational policies and priorities based on the unique needs of local communities. Amici strive to help their members provide strong governance while remaining accountable to the citizens who elected each local school board. When the voters of a community lose the power to impact the true governance of their own school systems, that not only undermines accountability and connectivity to the local voters, it sunders them.

## CONCLUSION

This case presents a near-ideal opportunity for the Court to expand the body of law addressing important constitutional provisions: Article II, Section 15(C) and Article VI, Section 3 of the Ohio Constitution. Amici curiae thus respectfully request that the Court accept jurisdiction over this matter and, ultimately, adopt the Appellants' propositions of law.

Respectfully submitted,

/s/ Bryan M. Smeenk
Bryan M. Smeenk (0082393)
* *Counsel of Record*
Maria J. Armstrong (0038973)
Nicole M. Donovsky (0072262)
BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215
Telephone: (614) 227-8821
Facsimile: (614) 227-2390
Email: marmstrong@bricker.com
ndonovosky@bricker.com
bsmeenk@bricker.com

*Counsel for Amici Curiae Ohio School Boards Association, Buckeye Association of School Administrators, Ohio Association of School Business Officials, and Lorain City School District Board of Education*

Susannah Muskovitz (0011457)
MUSKOVITZ & LEMMERBROCK, LLC
1621 Euclid Avenue, Suite 1750
Cleveland, OH 44115
Telephone: (216) 621-2020
Facsimile: (216) 621-3200
Email: muskovitz@mllabor.com

*Counsel for Amicus Curiae Ohio Federation of Teachers*

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served via electronic mail and regular U.S. Mail, postage prepaid, this 13th day of August, 2018, upon the following:

Douglas R. Cole (0070665)
Carrie M. Lymanstall (0084393)
ORGAN COLE LLP
1330 Dublin Road
Columbus, Ohio 43215
Telephone: (614) 481-0902
Facsimile: (614) 481-0904
Email: drcole@organcole.com
cmlymanstall@organcole.com
**COUNSEL FOR APPELLEES STATE OF OHIO, ET AL.**

R. Sean Grayson (0030641)
AFSCME OHIO COUNCIL 8, AFL-CIO
6800 N. High Street
Worthington, Ohio 43085
Telephone: 614-841-1918
Facsimile: 614-841-1299
Email: grayson.sean@gmail.com
**ATTORNEY FOR APPELLANT AFSCME OHIO COUNCIL 8, AFL-CIO**

James E. Roberts (0000982)
David S. Barbee (0037248)
Christine Z. Papa (0091485)
ROTH, BLAIR, ROBERTS, STRASFELD & LODGE L.P.A.
100 E. Federal Street, Suite 600
Youngstown, Ohio 44503
Telephone: (330) 744-5211
Facsimile: (330) 744-3184
Email: troberts@roth-blair.com
Email: dbarbee@roth-blair.com
Email: cpapa@roth-blair.com
**COUNSEL FOR APPELLANT YOUNGSTOWN CITY SCHOOL DISTRICT BOARD OF EDUCATION**

Ira J. Mirkin (0014395)
Charles W. Oldfield (0071656)
Green, Haines, Sgambati, Co., L.P.A.
100 Federal Plaza East, Suite 800
P.O. Box 849
Youngstown, Ohio 44501
Telephone: (330) 743-5101
Facsimile: (330) 743-3451
Email: imirkin@greenhaines.com
**ATTORNEYS FOR APPELLANTS YOUNGSTOWN EDUCATION ASSOCIATION**
**OHIO EDUCATION ASSOCIATION AND JANE HAGGERTY**

/s/ Bryan M. Smeenk
Bryan M. Smeenk (0082393)