



Robbins Schwartz
One Team. Making Your Mission Ours.

School Administrators' Conference

October 4, 2023

Chicago

55 West Monroe Street, Suite 800
Chicago, IL 60603
p 312.332.7760
f 312.332.7768

Champaign

301 North Neil Street, Suite 400
Champaign, IL 61820
p 217.363.3040
f 217.356.3548

Collinsville

510 Regency Centre
Collinsville, IL 62234
p 618.343.3540
f 618.343.3546

Lisle

550 Warrenville Road, Suite 460
Lisle, IL 60532-4311
p 630.929.3639
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Rockford

2990 North Perryville Road, Suite 4144B
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www.robbs-schwartz.com

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Schedule at a Glance

8:00 a.m. – 8:30 a.m.	REGISTRATION/BREAKFAST
8:30 a.m. – 10:00 a.m.	GENERAL SESSION
Grand Ballroom A/B	Investigations into Employee-on-Student Sexual Misconduct and Grooming Complaints <i>Presented by: Joseph J. Perkoski and Emily P. Bothfeld</i>
10:00 a.m. – 10:15 a.m.	Break / Switch Rooms
	<i>PLEASE SELECT ONE TOPIC TO ATTEND</i>
10:15 a.m. – 11:15 a.m.	Session 1
Grand Ballroom A	General Updates and Managing Employee Leave Rights <i>Presented by: Catherine R. Locallo and Kevin P. Noll</i>
Grand Ballroom B	The Three R's: Recognizing, Reporting and Responding to Student Bullying Incidents <i>Presented by: Zaria N. Udeh and Michelle L. Weber</i>
Mykonos Room, Floor 2	Purchasing and Bidding from the Basics to the Advanced <i>Presented by: Howard A. Metz and Kenneth M. Florey</i>
11:15 a.m. – 11:30 a.m.	Break / Switch Rooms
11:30 a.m. – 12:30 p.m.	Session 2
Grand Ballroom A	Section 504: Here Today, Revised Tomorrow <i>Presented by: Laura M. Sinars and Hannah M. May</i>
Grand Ballroom B	Design-Build Contracts: Strategies for Using this Construction Project Delivery Method and Understanding the Procurement Requirements of the School Design-Build Authorization Law <i>Presented by: Matthew J. Gardner and Christopher R. Gorman</i>
Santorini Room, Floor 2	Lunch 1
12:30 p.m. – 12:45 p.m.	Break / Switch Rooms
12:45 p.m. – 1:45 p.m.	Session 3
Grand Ballroom A	Changes to the Teacher Tenure Process and It's Effects on the Evaluation Process <i>Presented by: Todd K. Hayden</i>
Santorini Room, Floor 2	Lunch 2
1:45 p.m. – 2:00 p.m.	Break / Switch Rooms
2:00 p.m. – 3:00 p.m.	Session 4
Grand Ballroom A	A Fresh Look at Bargaining Teacher and ESP Contracts: Best Practices for Responding to Union Proposals, Traditional Bargaining v. Interest-Based Methods, and Strategies for Success <i>Presented by: Philip H. Gerner III and Thomas C. Garretson</i>
Grand Ballroom B	Best Practices for Navigating Student Residency and Homelessness <i>Presented by: Zaria N. Udeh and Michelle L. Weber</i>

General Session | 8:30 a.m.

Investigations into Employee-on-Student Sexual Misconduct and Grooming Complaints

With the statutory requirements under Faith’s Law now fully in effect, school districts’ efforts to prevent and address employee sexual misconduct, grooming, and boundary violations are being thrust into the spotlight like never before. This presentation will examine the process for responding to and investigating complaints involving alleged sexual misconduct, grooming, and/or boundary violations. Using a fact-based scenario, the presentation will discuss recommendations and best practices for identifying sexual misconduct, grooming behaviors, and boundary violations, assessing and fulfilling statutory reporting obligations, determining the appropriate method for processing complaints, and utilizing the uniform grievance procedure to conduct effective and comprehensive investigations.

Presenters:

[Joseph J. Perkoski](#), Managing Partner and [Emily P. Bothfeld](#), Partner

Session 1 | 10:15 a.m.

Please Select One Topic Per Session

General Updates and Managing Employee Leave Rights

Managing employee leave rights can create challenges for school administrators. Employee rights under the Family and Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), and state laws often intersect, which creates confusion for administrators deciphering the district's legal obligations. It is critical for administrators to understand the employer obligations under each law when considering leave requests. This session will review the employer obligations under the FMLA, ADA, and state laws addressing employee leave rights. We will provide best practices for addressing employee leave requests, including the always challenging intermittent FMLA scenario, and provide straightforward guidance to reduce legal liability.

Presenters:

[Catherine R. Locallo](#), Partner and [Kevin P. Noll](#), Partner

The Three R's: Recognizing, Reporting and Responding to Student Bullying Incidents

After a busy 2023 legislative session, school districts have been charged with revising and updating their policies and procedures for recognizing, reporting and responding to student bullying incidents. This presentation will explore the ins and out of the bullying response process, including how to identify bullying behavior, procedures for parent/guardian notification, best practices for conducting prompt and thorough investigations, and recommendations for developing and implementing remedial measures. The presentation will also address special considerations for students with disabilities, as well as the recent amendments to the Illinois School Code pertaining to data collection and reporting of bullying.

Presenters:

[Zaria N. Udeh](#), Partner and [Michelle L. Weber](#), Partner

Purchasing and Bidding from the Basics to the Advanced

Purchasing and Bidding for Illinois School Districts from construction to routine purchases can be complicated and full of traps. This presentation will help you navigate the laws and provide you with practical advice to make sure you are in compliance with the applicable statutes while accomplishing district goals.

Presenters:

[Howard A. Metz](#), Partner and [Kenneth M. Florey](#), Partner

Session 2 | 11:30 a.m.

Please Select One Topic Per Session

Section 504: Here Today, Revised Tomorrow

With the US Department of Education on the cusp of releasing revised rules to strengthen the rights for students with disabilities under Section 504, this presentation will address the important nuances of current 504 implementation and recent Supreme Court decision. This will include a brief overview of the eligibility and plan development process. Also, procedures for responding to requests for accommodation and practical tips for facilitating an interactive process and dialogue. Participants will have a clear understanding of the standards for denying accommodations, for fundamental alteration of a program, and for undue administrative burden. Highlights within this topic will include a review of the July 2023 Department of Education Section 504 FAQ guidance.

Presenters:

[Laura M. Sinars](#), Partner and [Hannah M. May](#), Associate

Design-Build Contracts: Strategies for Using this Construction Project Delivery Method and Understanding the Procurement Requirements of the School Design-Build Authorization Law

In August, the Governor signed P.A. 103-0491, known as the School Design-Build Authorization Law, which allows Illinois school districts to use design-build project delivery methods for school construction projects. This new law gives school districts more flexibility in structuring their construction projects as schools were previously required to bid for most construction projects using a traditional “design-bid-build” project delivery method. Join Robbins Schwartz’s construction lawyers to discuss the benefits and risks of using a design-build project delivery method, and when design-build might be useful for your project. The presentation will also discuss the procurement process required by the School Design-Build Authorization Law and strategies for entering into a design-build contract that protects the school district.

Presenters:

[Matthew J. Gardner](#), Partner and [Christopher R. Gorman](#), Senior Counsel

Session 3 | 12:45 p.m.

Changes to the Teacher Tenure Process and It's Effects on the Evaluation Process

Who's tenured now? This session explores the recent changes to teacher tenure accrual in Public Act 103-0500. We will address the new timelines and requirements for tenure and who is affected by these changes. Additionally, we will examine whether the legislation has any retroactive application for teachers hired prior to July 1, 2023. Finally, the session highlights the renewed importance of teacher evaluation ratings in light of the shortened timeframe for accelerated tenure.

Presenter:

[Todd K. Hayden](#), Partner

Session 4 | 2:00 p.m.

Please Select One Topic Per Session

A Fresh Look at Bargaining Teacher and ESP Contracts: Best Practices for Responding to Union Proposals, Traditional Bargaining v. Interest-Based Methods, and Strategies for Success

As school districts finally get back to “normal” following the COVID-19 Pandemic, this session will provide school administrators with a well-needed update on best practices for responding to union proposals when negotiating teacher and educational support personnel collective bargaining agreements. The presentation will also cover considerations to take into account when assessing whether traditional or interest-based bargaining is best for your district, the hot topics and trends currently occurring at the table, and tips and strategies for how to achieve your district’s bargaining objectives.

Presenters:

[Philip H. Gerner III](#), Partner and [Thomas C. Garretson](#), Partner

Best Practices for Navigating Student Residency and Homelessness

With the disruptions caused by Covid 19 hopefully in the past, school districts across the state are now seeing a resurgence of student residency and homeless issues as families settle back into their regular routines. This presentation will provide an overview of applicable laws and regulations related to student residency, with a focus on preventative measures school districts can take to avoid residency and homeless issues. The presentation will also provide practical tips for verifying and investigating student residency and navigating the dispute and hearing process. Included also will be an overview of relevant rules and procedures pertaining to students in DCFS care.

Presenter:

[Zaria N. Udeh](#), Partner and [Michelle L. Weber](#), Partner

Biographies

JOSEPH J. PERKOSKI

MANAGING PARTNER, CHICAGO

312.332.7760

jperkoski@robbins-schwartz.com

As managing partner, Joseph Perkoski represents educational institutions and public sector employers with a focus on board and executive leadership. Joseph also represents his clients on a broad range of labor and employment issues including collective bargaining, grievance arbitration and contract interpretation. Joseph has defended employers in unfair labor practice charges before the Illinois Education Labor Relations Board, the Illinois State and Local Labor Relations Boards and the National Labor Relations Board. In addition, Joseph has litigated on behalf of management claims involving civil rights, discrimination, wrongful discharge, and harassment issues.

AWARDS

Fellow, The College of the Labor & Employment Lawyers

Illinois Super Lawyers, 2008-2020

Illinois Leading Lawyer, Employment, Labor and School Law

RECENT PUBLICATIONS

"Have You Had Your Shot? Legal Consideration in Mandating Employee Vaccination," IASBO (2021)

Contributing author, "Labor Issues in the Transactional Side of the Project," *Construction Law: Transactional Considerations*, IICLE (2017)

Contribution author, "Labor Relations: Contract Administration Including Unfair Labor Practices," *Illinois School Law: Personnel and Student Issues*, IICLE (2010, 2012, and 2015)

"Finding a New Way: Subcontracting Revisited," *UPDATE Magazine*, Illinois ASBO (2011)

Contributing author, "Labor Issues in the Transactional Side of the Project," *Construction Law – Transaction Practice*, IICLE (2010)

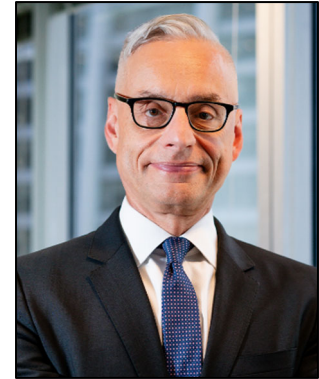
RECENT PRESENTATIONS

Legal Update, ICCCFQ Spring Conference (April 2022)

Legal Update, ICCCFQ Spring Conference (April 2021)

Hot Legal Topics, Bargaining in a Post-Covid World, ICCCFQ (April 2021)

Will it Count? Teacher Evaluations in a Hybrid and Virtual World, Large Unit District Association Virtual Fall Conference (October 2020)



PRACTICE AREAS

Education Law
Employee Benefits
Labor & Employment
Litigation
Municipal Law
Student Discipline

EDUCATION

J.D., The Ohio State
University, The Mortiz
College of Law

M.A., The Ohio State
University

B.A., *with honors*, The
Ohio State University

ADMITTED TO PRACTICE

U.S. Court of Appeals for
the Seventh Circuit

U.S. District Court for the
Northern District of Illinois

U.S. District Court for the
Eastern District of
Wisconsin

U.S. District Court for the
Western District of
Wisconsin

Leaves and Absences During a Pandemic, Illinois Association of School Administrators (October 2020)

Leaves and Absences During a Pandemic, Illinois Association of School Administrators (September 2020)

Supreme Court of Illinois

Supreme Court of Wisconsin

Superior Court for the District of Columbia

ORGANIZATIONS

American Bar Association

Trustee, Associated Colleges of Illinois

Fellow, College of Labor and Employment Lawyers

Council of School Attorneys

Federal Bar Association

Illinois Association of School Business Officials

Illinois Bar Association

National School Boards Association

Wisconsin Bar Association



EMILY P. BOTHFELD

PARTNER, CHICAGO

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Emily Bothfeld counsels higher education institutions and K-12 school districts on various issues, including student discipline, Title IX, free speech and expression, student disability rights, board governance, and policy development. In her role leading the firm's Title IX practice, Emily performs extensive work with educational institutions to ensure compliance with Title IX and related laws in all aspects of employment and education, including recruitment, admissions, academic programs, counseling, financial assistance, athletics and extracurricular activities, and facilities access. Emily was instrumental in Robbins Schwartz's development of policies, procedures, and training materials for school districts and higher education institutions in response to the United States Department of Education's 2020 amendments to the Title IX regulations, and Emily has significant experience working closely with Title IX Coordinators and administrators tasked with investigating and adjudicating sexual harassment reports and complaints.

Emily also represents both educational institutions and private companies in matters related to student privacy. She regularly advises school districts regarding privacy considerations and compliance requirements associated with the use of educational technology platforms. She has significant experience negotiating data privacy agreements and education-related service agreements on behalf of schools and organizations. In 2020, Emily co-drafted the Illinois addendum to the National Data Privacy Agreement ("NDPA"), a standardized agreement used by school districts and educational technology vendors throughout the United States to streamline the contracting process and establish a consistent framework for protecting and managing student data. The NDPA is currently being utilized by approximately 750 school districts in Illinois and over 11,000 nationally to facilitate compliance with state and federal student privacy and security laws.

Emily has extensive experience representing educational institutions in responding to complaints filed with the U.S. Department of Education's Office for Civil Rights, Illinois State Board of Education, Office of the Illinois Attorney General, and Illinois Department of Human Rights. Emily regularly defends educational entities in state and federal court in defending against constitutional, civil rights, and breach of contract claims.

Before joining Robbins Schwartz, Emily represented students with disabilities in special education matters. Emily attended the George Washington University Law School, where she was a member of the George Washington International Law Review and the GW Law Moot Court Board. Prior to attending law school, Emily taught high school mathematics and science in Hangzhou, China.



PRACTICE AREAS

Education Law
Higher Education
Special Education
Student Discipline

EDUCATION

J.D., *with honors*, George
Washington University
Law School

B.S., *cum laude*,
Vanderbilt University

ADMITTED TO PRACTICE

U.S. Court of Appeals for
the Seventh Circuit

U.S. District Court for the
Northern District of Illinois

Supreme Court of Illinois

ORGANIZATIONS

Trustee, Associated
Colleges of Illinois

Chicago Bar Association

Illinois Council of School
Attorneys

National Council of School
Attorneys

RECENT PUBLICATIONS

“College Admissions Under Fire as Top Court Takes Affirmative Action Case,”
Chicago Daily Law Bulletin (2022)

“Disabled Athlete Can’t Support ADA Claims,” *Chicago Daily Law Bulletin* (2018)

RECENT PRESENTATIONS

Best Practices for Safeguarding Data in an Increasingly Digital World, SecurED
Schools: K-12 Data Privacy and Cybersecurity Conference (January 2023)

Legal Gymnastics in the Age of COVID and Other Challenges, Illinois Council of
Community College Presidents Retreat (January 2022)

*Making Sense of the Alphabet Soup: FERPA, COPPA, SOPPA, ISSRA, MHDDCA,
and PIPA and Strategies for Compliance*, Secured Schools K-12 Data Privacy and
Cybersecurity Conference (January 2022)



CATHERINE R. LOCALLO

PARTNER, CHICAGO

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clocallo@robbins-schwartz.com

Catherine Locallo's practice focuses on labor and employment law and board governance matters. She counsels employers in all aspects of employment law including hiring, employment contracts, employee discipline issues, terminations and reductions in force, collective bargaining and labor relations, nonimmigrant worker visas and employment discrimination matters. She also counsels public bodies on compliance with Illinois' Freedom of Information Act and Open Meetings Act. Catherine has extensive experience representing clients in court and administrative agency proceedings involving discrimination, retaliation, and harassment claims.

Catherine is approved by the Illinois State Board of Education to provide school board member training.

AWARDS

Honorable Gerald L. Sbarbaro Mentoring Award (2023)

Illinois "Rising Star," Employment & Labor Law (2015-2018)

RECENT PUBLICATIONS

Co-Author, "Seventh Circuit Addresses Employer Liability for Coworker and Supervisor Harassment and Challenges in Establishing Claims For Retaliation, Defamation, and IIED," *Employment and Labor Law Flashpoints*, IICLE (2023)

"Each Discrete Statutory Violation of Biometric Information Privacy Act is Actionable by Employees" *Employment and Labor Law Flashpoints*, IICLE (2023)

"Illinois Employers Ring in New Year with Five New Laws," *Employment and Labor Law Flashpoints*, IICLE (2022)

"Recent Seventh Circuit Case Addresses Declaratory Judgment, Equivalent Job, and Attorney's Fee Awards Under FMLA," *Employment and Labor Law Flashpoints*, IICLE (2022)

"Employee's Loss of Ability To Maintain Privacy Rights Is Not Injury Compensable Under Workers' Compensation Act," *Employment and Labor Law Flashpoints*, IICLE (2022)

"Anticipated Amendment To Equal Pay Act of 2003 Would Require Pay Scale and Benefit Information To Be Included in Job Postings," *Employment and Labor Law Flashpoints*, IICLE (2023)



PRACTICE AREAS

Education Law
Labor & Employment
Litigation

EDUCATION

J.D., *cum laude*, The John Marshall Law School,
Order of John Marshall

B.S., Southern Illinois
University

ADMITTED TO PRACTICE

U.S. Court of Appeals for
the Seventh Circuit

U.S. District Court for the
Central District of Illinois

U.S. District Court for the
Northern District of Illinois

Supreme Court of Illinois

“Chicago Teachers Union Claim Doesn’t Survive Summary Judgment on Race Discrimination Claim,” *Employment and Labor Law Flashpoints*, IICLE (2021)
“Effective January 1, 2022: Vast Expansion of VESSA,” *Employment and Labor Law Flashpoints*, IICLE (2021)

“Illinois Committed to Restrictive Covenant Reform Through Passage of Senate Bill 672,” *Employment and Labor Law Flashpoints*, IICLE (2021)

“Plaintiff’s Cat’s Paw Theory of Liability Failed To Scratch Surface,” *Employment and Labor Law Flashpoints*, IICLE (2021)

“Walmart Need Not Change Shift Rotation Practice To Accommodate Religious Beliefs” *Employment and Labor Law Flashpoints*, IICLE (2021)

“CBA Provision Clearly Rebutted At-Will Employment Presumption for IT Employee,” *Employment and Labor Law Flashpoints*, IICLE (2021)

“Employer’s Judgment and Job Description Defeat Failure To Accommodate Claim,” *Employment and Labor Law Flashpoints*, IICLE (2021)

“Recent Department of Labor Opinion Letters: Pay for Training and Travel,” *Employment and Labor Law Flashpoints*, IICLE (2021)

“Sexual Harassment Prevention Training Compliance Required Before New Year,” *Employment and Labor Law Flashpoints*, IICLE (2020)

“Will ‘Scabby the Rat’ Live To Fight Another Day?” *Employment and Labor Law Flashpoints*, IICLE (2020)

“Superintendent’s Police Report is Protected Speech” *Employment and Labor Law Flashpoints*, IICLE (2020)

“Changing the Landscape: Abusive Conduct Not Protected Under NLRA” *Employment and Labor Law Flashpoints*, IICLE (2020)

“COVID-19 Changes to Claims for Unemployment Benefits in Illinois” *Employment and Labor Law Flashpoints*, IICLE (2020)

“Seventh Circuit: Jury, Not Judges, Must Decide Coach’s Sex Discrimination Claim” *Employment and Labor Law Flashpoints*, IICLE (2020)

“Examining DOL Rule on New Employee Leave Rights” *Employment and Labor Law Flashpoints*, IICLE (2020)

RECENT PRESENTATIONS

Legal, Legislative and Ethics Update, ICCTA Illinois Council of Community College Presidents Meeting (November 2022)

You’re On the Board, Now Elevate Your Game, ICCTA Annual Conference (November 2021)

ORGANIZATIONS

Chicago Bar Association

Illinois Council of School Attorneys

Illinois State Bar Association

National Council of School Attorneys

Second Vice President, Justinian Society of Lawyers

Co-Chair, Justinian Society of Lawyers Endowment Fund Scholarship Committee

Member, Oakton Community College Paralegal Advisory Committee

Member, Triton College School of Business Advisory Legal Committee

President, Board of Directors, Glenview Stars Hockey Association

UNICO National



KEVIN P. NOLL

PARTNER, CHICAGO

312.332.7760

knoll@robbins-schwartz.com

Kevin's practice focuses in the area of labor and employment law. Kevin counsels school districts, community colleges, libraries, and municipalities with issues involving employee discipline, internal investigations, employee leaves of absences, and alleged discrimination and harassment claims. Kevin also defends clients in litigation and administrative charges in federal and state court, the U.S. Equal Employment Opportunity Commission, the Illinois Department of Human Rights, and the Illinois Department of Labor. In addition to his experience in labor and employment law, Kevin has trained school districts and community colleges pursuant to Title IX of the Education Amendments Act of 1972.

Prior to joining Robbins Schwartz, Kevin represented individuals with employment matters, civil rights claims, and consumer protection litigation.

AWARDS

Illinois "Rising Star," by Super Lawyers Magazine

RECENT PUBLICATIONS

"OSHA Pauses Vaccination and Testing ETS Following Legal Challenges," *Employment and Labor Law Flashpoints*, IICLE (2021)

Contributing author, "Employment Discrimination" *School Law: Personnel and Student Issues*, IICLE (2021)

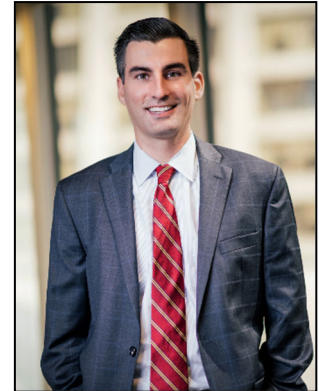
"NLRB Takes New Look at Charter Schools," *Chicago Daily Law Bulletin* (2019)

RECENT PRESENTATIONS

Updates from the DOL: New Developments for FMLA, FLSA, and IWPCA, IAPD/IPRA Soaring to New Heights Conference (January 2020)

Is it ADA, FMLA, or Other Leave? Navigating the Murky Waters of Employee Leave Benefits, IAPD/IPRA Soaring to New Heights Conference (January 2020)

Illinois Minimum Wage: Nutz and Bolts Overview, IGFOA Payroll Seminar (October 2019)



PRACTICE AREAS

Labor & Employment

EDUCATION

J.D., The John Marshall Law School

B.A., Indiana University

ADMITTED TO PRACTICE

U.S. District Court for the Northern District of Illinois

Supreme Court of Illinois

ORGANIZATIONS

Chicago Bar Association

Illinois State Bar Association

Kane County Bar Association

ZARIA N. UDEH

PARTNER, CHICAGO

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Zaria practices in the area of education law focusing in the areas of special education and students issues. Zaria counsels school districts with respect to IEP meetings, 504 accommodations, OCR, ISBE, and IDHR complaints, due process hearings, residency and homeless dispute hearings, student discipline matters, board policy and student handbook review, FOIA requests, student record compliance and contract review. Zaria also counsels community colleges on student related issues.

Prior to joining Robbins Schwartz, Zaria worked for the Chicago Public School District, where she represented the district as a special education attorney in due process matters and special education disputes.

RECENT PUBLICATIONS

"Medical Cannabis at School Wins Legislative OK," Chicago Daily Law Bulletin (2018)



PRACTICE AREAS

Education Law
Special Education
Student Discipline

EDUCATION

J.D., DePaul University
College of Law

B.A., Yale University

ADMITTED TO PRACTICE

U.S. District Court for the
Northern District of Illinois

Supreme Court of Illinois

Supreme Court of the
Commonwealth of
Massachusetts

ORGANIZATIONS

Chicago Bar Association

MICHELLE L. WEBER

PARTNER, CHICAGO

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Michelle practices in the area of education law with a focus on special education and student matters. She counsels school districts and community colleges regarding the IEP process, due process, Section 504, student discipline, board policy and student records.

Prior to joining Robbins Schwartz, Michelle worked as an attorney for Waukegan Public Schools and Chicago Public Schools, focusing in special education. She has experience counseling IEP teams and school administrators, representing districts in complex due process hearings and developing policies and procedures for school districts. Prior to starting law school, Michelle was a Middle School Language Arts Teacher in Los Angeles, CA.

RECENT PUBLICATIONS

“DeVos Rollbacks Could Hit Schools Hard,” *Chicago Daily Law Bulletin* (2017)

RECENT PRESENTATIONS

Removals to Interim Alternative Educational Setting for 45 School Days... Who, What, Where, When, Why, and How?, Illinois Alliance of Administrators of Special Education Winter Conference (February 2022)



PRACTICE AREAS

Education Law
Special Education
Student Discipline

EDUCATION

J.D., Loyola University
College of Law

M.A., Loyola Marymount
University

B.A., Trinity College

ADMITTED TO PRACTICE

Supreme Court of Illinois

ORGANIZATIONS

Chicago Bar Association

Illinois Council of School
Attorneys

HOWARD A. METZ

PARTNER, CHICAGO

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Howard Metz counsels and represents school districts, community colleges, park districts and municipalities with respect to real estate, commercial transactions, construction law and land use and zoning matters. He has resolved construction cases involving issues such as disputed architectural fees, construction defects, bidding disputes and construction delays. Howard has also litigated issues involving zoning laws and municipal control over school property.

RECENT PUBLICATIONS

Contributing author, "Joint Purchasing Everything You Want to Know but Are Afraid to Ask!" *UPDATE Magazine*, Illinois ASBO (2019)

Contributing author, "Public Body Social Media Rules Make Retention, Ready Retrieval Imperative," *Chicago Daily Law Bulletin* (2019)

Contributing author, "How Far Does the Law Allow Schools to Go?" *UPDATE Magazine*, Illinois ASBO (2018)

Co-author, "School Construction from Start to Finish: A Project Checklist," *School Business Affairs Magazine*, ASBO (2018)

Contributing author, "Organization, Finance, and Property," *Illinois School Law*, IICLE (2017)

"Look Before You Leap: Evaluating Your Joint Purchasing Options," *UPDATE Magazine*, Illinois ASBO (2016)

Contributing author, "School Property and Environmental Issues," *Illinois School Law*, IICLE (2010 and 2012)

RECENT PRESENTATIONS

School Bidding, Procurement, and Prevailing Wages: From the Basics to the Advanced, IASA Spring Legal Seminar (March 2022)

Legal considerations related to renewable energy, Illinois ASBO Administrator Academy: Sustainability for PK-12 Schools (November 2021)



PRACTICE AREAS

Commercial Transactions
Construction Law
Education Law
Finance
Municipal Law
Real Estate Development

EDUCATION

J.D., IIT Chicago-Kent
College of Law

B.S., University of Iowa

ADMITTED TO PRACTICE

U.S. District Court for the
Northern District of Illinois

Supreme Court of Illinois

KENNETH M. FLOREY

PARTNER, CHICAGO & LISLE

312.332.7760

kflorey@robbins-schwartz.com

Ken Florey concentrates his practice representing public and private clients, including municipalities, school districts, community colleges, townships, libraries, private owners, contractors and design professionals regarding land use, municipal law, construction, tax, finance and litigation. Ken has also started offering his services as a mediator with an emphasis on construction disputes.

Ken was the Chair of the DuPage County Bar Association's Local Government Committee. He was appointed Special Assistant Attorney General to prosecute and defend construction litigation claims on behalf of the Illinois Capital Development Board. Ken is also a member of the Illinois ASBO Service Associate Advisory Committee. He served as a Trustee for the Village of Lombard for eight years and is a member of the Lombard Fire and Police Commission.

MEDIATOR CERTIFICATE: Northwestern University 2017

AWARDS

Illinois Leading Lawyer, Construction Law; Governmental, Municipal, Lobbying & Administrative Law; Land Use, Zoning & Condemnation Law; and School Law

Illinois Association of School Business Officials, Above and Beyond Award

Illinois Institute for Local Government Law, Litigation Award

RECENT PUBLICATIONS

Contributing author, "Joint Purchasing Everything You Want to Know but Are Afraid to Ask!" *UPDATE Magazine*, Illinois ASBO (2019)

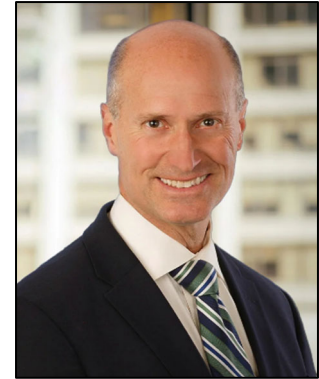
Contributing author, "How Far Does the Law Allow Schools to Go?" *UPDATE Magazine*, Illinois ASBO (2018)

Contributing author, "Top 11 Public Bidding Questions & Solutions" *UPDATE Magazine*, Illinois ASBO (2018)

Co-author, "School Construction from Start to Finish: A Project Checklist," *School Business Affairs Magazine*, ASBO (2018)

Contributing author, "Top 11 Public Bidding Questions," *UPDATE Magazine*, Illinois ASBO (2018)

Contributing author, "Meditation a Win-Win for Clients and their Attorneys in Construction Litigation," *Chicago Daily Law Bulletin* (2018)



PRACTICE AREAS

Commercial Law
Construction Law
Education Law
Energy Law
Litigation
Mediation
Municipal Law
Public Finance & Taxation
Real Estate Development
Zoning, Planning & Land Use

EDUCATION

J.D., DePaul University
College of Law; *Managing Editor, DePaul Journal of Art and Entertainment Law*

B.A., University of Illinois
at Urbana Champaign

ADMITTED TO PRACTICE

U.S. District Court for the
Northern District of Illinois

Supreme Court of Illinois

Contributing author, "Organization, Finance, and Property," *Illinois School Law*, IICLE (2017)

"Construction Project and Contract Pitfalls" *UPDATE Magazine*, Illinois ASBO (2017)

"The Good, the Bad and the Ugly of School Bidding Requirements," *UPDATE Magazine*, Illinois ASBO (2016)

"Settlement Crumbles; Appeals Court Declines to Put Pieces Back Together," *Chicago Daily Law Bulletin* (2015)

RECENT PRESENTATIONS

Alternative Dispute Resolution Section MCLE Program, DuPage County Bar Association (February 2023)

Cooperative Purchasing: Are We Doing it Right?, Illinois Association of School Personnel Administrators and Illinois Association of School Business Officials Regional Conference (October 2022)

Building a Construction Team and So Much More to Achieve Success with Your Project, Association of School Business Officials International (August 2022)

Ethics and ADR: Meditation and Arbitration Issues, DCBA (June 2022)

Cooperative Purchasing: Are You Doing it Right?, Illinois ASBO Annual Conference (June 2022)

Bidding Processes & Procedures: Best Practices in a Changing Environment, Illinois ASBO Annual Conference (May 2022)

Contracts and Conflicts: How Did We Get Here & Where are We Going?, Illinois ASBO Annual Conference (May 2022)

Wrapping Up the Year End in the Business Office: Do's and Don'ts, Illinois ASBO School Business Essentials (April 2022)

School Construction and Purchasing Scenarios: Common Problems with Practical Solutions, ASBO International and AC&E (October 2021)

Using ESSR Funds for Facilities Improvements: School Construction from Start to Finish, Illinois ASBO and IASPA (October 2021)

Prevailing Wages and Bidding, Northeastern Illinois Facility Professionals (November 2021)

No Weak Links: Fostering Positive Intra-Board Relationships, IASB/IASA/IASBO (November 2021)

No Weak Links: Fostering Positive Intra-Board Relationships, IASB (July 2021)



LAURA M. SINARS

PARTNER, CHICAGO

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Laura Sinars focuses on special education and students' rights law. She counsels and represents public school districts at IEP meetings, due process hearings and mediation. She also represents districts at student expulsion and residency hearings. Laura has defended district decisions regarding evaluations, services, and placement of special education students in due process hearings. She has successfully prevailed in hearings to defend against parents' unilateral private placements. In the area of student rights, Laura has assisted clients with routine student issues related to records, discipline, health and 504 questions. She has also assisted clients with building strong residency and discipline cases which proceed to hearing and has successfully defended districts' decisions in state and federal courts. Laura has represented districts before federal and state agencies including the Illinois State Board of Education, the Illinois Guardianship and Advocacy Commission and the Office for Civil Rights.

AWARDS

Illinois Super Lawyers, 2005-2018

RECENT PUBLICATIONS

Contributing author, "Special Education," *Illinois School Law*, IICLE (2005, 2010, 2012 and 2015)



PRACTICE AREAS

Education Law
Special Education
Student Discipline

EDUCATION

J.D., University of Notre
Dame Law School

B.A., University of Notre
Dame

ADMITTED TO PRACTICE

U.S. Court of Appeals for
the Seventh Circuit

U.S. District Court for the
Central District of Illinois

U.S. District Court for the
Northern District of Illinois

Supreme Court of Illinois

HANNAH M. MAY

ASSOCIATE, CHICAGO

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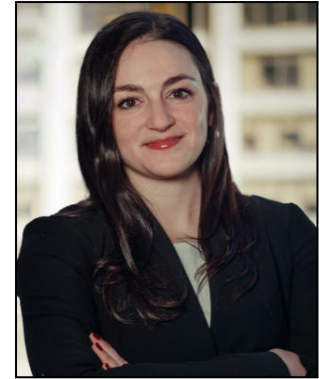
hmay@robbins-schwartz.com

Hannah practices in the area of education law with a focus on special education and student rights. She counsels school districts regarding IDEA and Section 504, student discipline, Title IX, student records issues and policy development. She assists school districts in responding to complaints from the Office for Civil Rights, Office of the Attorney General and Illinois State Board of Education, and she represents public school districts at IEP meetings, due process hearings, mediations, student discipline hearings and residency hearings.

While in law school at Loyola, Hannah was a Civitas ChildLaw Fellow with a concentration in education law. Hannah received her 711 license and represented students with disabilities in special education matters and served as a child representative in domestic relations and child protection proceedings. Additionally, Hannah was a senior editor on the Loyola University Chicago Law Journal, externed for the Honorable Anna Loftus of the Cook County Circuit Court, Chancery Division, and clerked for the Southern Poverty Law Center in the Children's Rights Practice Group in Miami, FL and the U.S. Department of Education Office of Civil Rights in Chicago, IL.

RECENT PUBLICATIONS

"Buried Alive: *Gay v. Baldwin* and Unconstitutional Solitary Confinement for Prisoners with Mental Illness" 52 Loy. U. Chi. L.J. 1179 (2021)



PRACTICE AREAS

Education Law
Student Discipline
Special Education

EDUCATION

J.D., Loyola University of
Chicago School of Law

B.A., University of
Michigan

ADMITTED TO PRACTICE

U.S. District Court for the
Northern District of Illinois

Supreme Court of Illinois

ORGANIZATIONS

Chicago Bar Association

MATTHEW J. GARDNER

PARTNER, CHICAGO

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Matt Gardner is a partner at Robbins Schwartz where he is a member of the firm's construction, commercial transactions, real estate, and public finance practice groups. Matt represents private and public project owners over the course of construction and development projects, beginning with property acquisition, zoning, contract negotiation and bidding, project management, surety and warranty claims, and any resulting litigation concerning payment, delays or design or construction defects. Matt also represents contractors, subcontractors and material suppliers on a variety of construction-related matters, including payment claims, preserving and enforcing lien rights, and defending defect claims.

In addition to his construction and real estate practice, Matt represents school districts, colleges, and educational technology companies in matters relating to student records and data privacy. Matt regularly drafts and negotiates data privacy agreements, software license agreements, and other service agreements that comply with applicable federal and state privacy laws and regulations while simultaneously protecting his clients' interests. He was part of a team of Robbins Schwartz attorneys that drafted the Illinois addendum to the National Data Privacy Agreement and frequently advises clients on the evolving legal landscape for education privacy matters and risks associated with data breaches or ransomware attacks. Matt has worked with educational technology clients to successfully complete responses and bid submissions as part of the procurement process for some of the largest school districts in the nation resulting in significant contracts. He also works with education technology clients to prepare subcontracts, policies, and procedures to address data security and compliance with the multitude of state and federal data privacy laws.

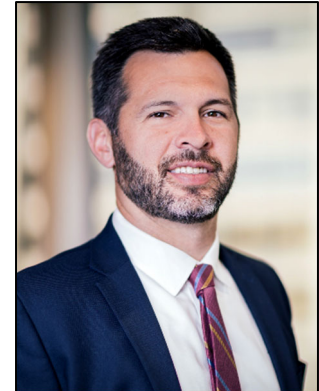
Matt is the past Chair of the Chicago Bar Association Construction Law and Mechanics Lien Subcommittee (2018-19), has testified before the General Assembly on construction-related matters, and is a member of the Illinois State Bar Association and Chicago Bar Association Judicial Evaluation Committee. Matt has also performed pro bono services representing clients through Chicago Volunteer Legal Services and Franciscan Outreach.

AWARDS

Illinois "Rising Star", by Super Lawyers Magazine, in the area of Construction Litigation (2021-2022)

RECENT PUBLICATIONS

Contributing author, "Environmental Issues" *Construction Law: Transactional Considerations*, IICLE (2021)



PRACTICE AREAS

Commercial Law
Construction Law
Public Finance & Taxation
Real Estate Development

EDUCATION

J.D., University of
Wisconsin Law School

B.S., University of Utah

ADMITTED TO PRACTICE

U.S. District Court for the
Northern District of Illinois

Supreme Court of Illinois

Supreme Court of Utah

Supreme Court of
Wisconsin

ORGANIZATIONS

Chicago Bar Association

Illinois State Bar
Association

Contributing author, "School Property and Environmental Issues" *School Law: Organization, Finance, and Property*, IICLE (2017, 2021)

Contributing author, "Turner on Illinois Mechanics Liens," *Chapter III – Making a Lien Against Private Property Enforceable* (2019)

Co-author, "School Construction from Start to Finish: A Project Checklist," *School Business Affairs Magazine*, ASBO (2018)

Contributing author, "Top 11 Public Bidding Questions," *UPDATE Magazine*, Illinois ASBO (2018)

Contributing author, "Meditation a Win-Win for Clients and their Attorneys in Construction Litigation," *Chicago Daily Law Bulletin* (2018)

RECENT PRESENTATIONS

Best Practices for Safeguarding Data in an Increasingly Digital World, SecurED Schools: K-12 Data Privacy and Cybersecurity Conference (January 2023)

Bidding 101, IASBO Emerging SBO Summit (July 2022)

Legal Considerations Related to Renewable Energy, Illinois ASBO Administrator Academy: Sustainability for PK-12 Schools (May 2022)

School Bidding, Procurement, and Prevailing Wages: From the Basics to the Advanced, IASA Spring Legal Seminar (March 2022)

Making Sense of the Alphabet Soup: FERPA, COPPA, SOPPA, ISSRA, MHDDCA, and PIPA and Strategies for Compliance, Secured Schools K-12 Data Privacy and Cybersecurity Conference (January 2022)



CHRISTOPHER R. GORMAN

SENIOR COUNSEL, CHICAGO & LISLE

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Chris practices in the firm's commercial, construction, and real estate practice groups, representing public sector clients in commercial transactions, contracting, construction and related transactional matters. Chris has also served in the firm's labor and employment practice group and counseled employers in all aspects of labor and employment law, including labor relations, collective bargaining, grievance and dispute resolution, workplace investigation, employee discipline, terminations and reductions in force, and employment discrimination. Chris also advises clients on board governance and compliance with the Illinois Freedom of Information Act and Open Meetings Act.

Prior to joining Robbins Schwartz, Chris served as in-house counsel for a nonprofit organization, a charter school management organization and a state regulatory agency overseeing higher education financing.

RECENT PUBLICATIONS

Contributing author, "Labor Issues in the Transactional Side of the Project," *Construction Law: Transactional Considerations 2021 Edition*, IICLE (2021)

"Continuing Controversy Over FCC's Efforts to Improve Broadband Connectivity," *Energy, Utilities, Telecommunications and Transportation Newsletter*, Illinois State Bar Association (2021)

"The Future of For-Profit Online Charter Schools," *Labor and Employment Law Quarterly*, American Bar Association (2016)

RECENT PRESENTATIONS

Best Practices for Safeguarding Data in an Increasingly Digital World, SecurED Schools: K-12 Data Privacy and Cybersecurity Conference (January 2023)

School Bidding, Procurement, and Prevailing Wages: From the Basics to the Advanced, IASA Spring Legal Seminar (March 2022)

Making Sense of the Alphabet Soup: FERPA, COPPA, SOPPA, ISSRA, MHDDCA and PIPA, The Learning Technology Center of Illinois SecurED Schools Annual Conference (January 2022)



PRACTICE AREAS

Commercial Transactions
Construction Law
Labor & Employment
Real Estate Development

EDUCATION

J.D., University of
Minnesota Law School

B.A., University of
Minnesota – Twin Cities;
Presidential Scholar

ADMITTED TO PRACTICE

U.S. District Court for the
Northern District of Illinois

Supreme Court of Illinois

ORGANIZATIONS

Chicago Bar Association

Illinois State Bar
Association

TODD K. HAYDEN

PARTNER, LISLE

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Todd Hayden practices in the areas of school and municipal law. He provides governmental employers with guidance and counseling regarding labor and employment, including employee discipline and termination, board governance, collective bargaining, contract, public finance and transactional matters.

Todd has represented employers in various employer-employee disputes including federal and state litigation, EEOC/Department of Human Rights charges, State Labor Board Proceedings and grievance and arbitration proceedings. Todd has extensive experience in collective bargaining, including unit formation proceedings, negotiations, mediation and interest arbitration. He has performed construction contract reviews, served as local bond counsel and worked on school boundary changes.

Todd is approved by the Illinois State Board of Education to provide school board member training.

AWARDS

Illinois Leading Lawyer, Employment Law: Management, Labor Law: Management, School Law and Governmental, Municipal, Lobbying & Administrative Law, 2015

RECENT PUBLICATIONS

Contributing author, "Civil Rights Litigation," *Illinois School Law*, IICLE (2021)

RECENT PRESENTATIONS

Collective Bargaining 2021, LUDA Spring Conference (June 2021)

Legislative Update, ED-RED (June 2021)

Remote Work or Leave of Absence Due to Covid-19?, LUDA Fall Conference (October 2020)



PRACTICE AREAS

Commercial Transactions
Education Law
Employee Benefits
Labor & Employment
Litigation
Municipal Law
Public Finance & Taxation
Student Discipline

EDUCATION

J.D., *cum laude*, Indiana
University School of Law

B.A., University of
Michigan

ADMITTED TO PRACTICE

Supreme Court of the
United States

U.S. Court of Appeals for
the Seventh Circuit

Trial Bar of the U.S.
District Court for the
Northern District of Illinois

U.S. District Court for the
Northern District of Illinois

Supreme Court of Illinois

PHILIP H. GERNER III

PARTNER, CHICAGO

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Phil Gerner counsels and represents school districts and community colleges in collective bargaining negotiations, union representation petitions and IELRB proceedings, teacher evaluations, remediations and dismissals, employee discipline and discharge issues, labor contract administration and grievance arbitration and other labor and employment issues. Phil has represented school districts and community colleges in numerous labor arbitrations, unfair labor practice hearings, tenured teacher dismissals and IDHR and EEOC proceedings. Phil has successfully handled a number of appellate court appeals on issues of significance for educational employers, including short-term employee bargaining unit exclusion standards, teacher evaluation plan bargaining obligations and RIF/seniority rights of tenured teachers.

Phil is a frequent presenter for IASB, IASA, Illinois ASBO, ICCTA and other educational employer associations on a full range of labor and employment issues, including collective bargaining negotiations, teacher evaluation and remediation, school administrator employment contracts, employee discipline and discharge, and public employee speech and concerted activity issues.

AWARDS

Illinois Leading Lawyer, Employment and School Law, 2004-2012

RECENT PUBLICATIONS

"Collective Bargaining During COVID-19" IASA Leadership Matters Magazine (2021)

"Hot Topics in Collective Bargaining," IASB.COM, IASB (2014)

Contributing author, "Labor Relations: Contract Administration Including ULPs," Illinois School Law, IICLE (2005, 2010 and 2012)

"Collective Bargaining Implications of the Performance Evaluation Reform Act of 2010 (SB 315) and the Education Reform Act (SB 7)," UPDATE Magazine, Illinois ASBO (2011)

RECENT PRESENTATIONS

Legal Issues Regarding Mandatory Employee Vaccinations, Illinois Association of School Personnel Administrators Webinar (September 2021)

COVID-19 HR Webinar: Vaccine Mandate for Staff, 2021 Illinois Association of School Business Officials Conference (September 2021)



PRACTICE AREAS

Education Law
Employee Benefits
Labor & Employment
Litigation

EDUCATION

J.D., Washington
University School of Law

B.A., *cum laude*, St.
Lawrence University

ADMITTED TO PRACTICE

U.S. District Court for the
Central District of Illinois

U.S. District Court for the
Northern District of Illinois

Supreme Court of Illinois

THOMAS C. GARRETSON

PARTNER, CHICAGO

312.332.7760

tgarretson@robbins-schwartz.com

Tom advises and counsels employers in the public and private sectors in all areas of labor and employment law, including workplace investigations, disciplinary action, leaves and accommodation requests, contract disputes, wage and hour issues, and general human resources compliance. Tom has significant experience working closely with management in traditional labor matters, including union organizing, collective bargaining and contract negotiations, grievances, and unfair labor practices. Tom also defends employers in state/federal court and before administrative agencies involving claims of discrimination, harassment, retaliation, and breach of contract.

Prior to joining Robbins Schwartz, Tom worked as a labor relations attorney for the Cook County Health System. During law school, Tom interned with the U.S. Equal Employment Opportunity Commission's Enforcement Unit.

RECENT PUBLICATIONS

"Seventh Circuit Certifies Question to Illinois Supreme Court Regarding When BIPA Claim Accrues" *Employment and Labor Law Flashpoints*, IICLE (2021)

"Get off my Property: SCOTUS Limits Union Access to Employer Premises," *Employment and Labor Law Flashpoints*, IICLE (2021)

"Recent Department of Labor Opinion Letters: Pay for Training and Travel," *Employment and Labor Law Flashpoints*, IICLE (2021)

"Seventh Circuit: Jury, Not Judges, Must Decide Coach's Sex Discrimination Claim," *Employment and Labor Law Flashpoints*, IICLE (2020)

"Unions Strike Back Through Amendments to Illinois Public Labor Acts," *Employment and Labor Law Flashpoints*, IICLE (2020)

"Heading Into the New Year with New Employment Laws," *Employment and Labor Law Flashpoints*, IICLE (January 2019)

RECENT PRESENTATIONS

Never a Dull Moment - Case Studies and Tales from HR, IASPA Annual Conference (January 2022)

Updates from the Department of Human Rights, IAPD/IPRA Soaring to New Heights Conference (January 2022)

The Nuts and Bolts of Employee Leave Rights Under the FMLA, ADA, and Illinois Law, IAPD/IPRA Soaring to New Heights Conference (January 2022)



PRACTICE AREAS

Labor & Employment

EDUCATION

J.D., Chicago-Kent College of Law

B.A., *with honors*,
Michigan State University

ADMITTED TO PRACTICE

U.S. District Court for the Northern District of Illinois

Supreme Court of Illinois

ORGANIZATIONS

Chicago Bar Association

Mid-Term and Successor Bargaining Trends Post-COVID-19, IASA Legal Workshop (December 2021)

Employee Misconduct Investigations and Discipline During a Pandemic, IASPA Annual Conference (January 2021)

