FERRARA FIORENZA PC

ATTORNEYS AND COUNSELORS AT LAW

PROVIDING PROACTIVE AND PRACTICAL LEGAL SERVICES TO
PUBLIC SCHOOL AND BOCES CLIENTS FOR ALMOST 30 YEARS.

FERRARA FIORENZA PC IS NOT JUST A LAW FIRM—IT'S A PARTNERSHIP.

WHO WE ARE

Ferrara Fiorenza PC was formed in July 1994 by experienced school and labor relations attorneys.

We are a midsize, regional law firm headquartered in East Syracuse, New York, with offices in Rochester and Ithaca.

Our staff of more than 20 attorneys is widely recognized for an expertise in all areas of education law and dedicate their practices to serving public school districts and BOCES throughout Upstate New York, from the Southern Tier to the North Country. Our firm's depth and breadth of experience in school and employment law have enabled us to serve the various needs of our clients and consistently exceed expectations.

Our attorneys do not—and will not—represent employees or unions in claims that are adverse to public schools. We are committed to advancing the law to benefit our clients.

We are an AV-rated firm and are proud to have been named one of Central New York's Best Places to Work in 2019, 2020, 2021 and 2022.

WHAT WE DO

We encourage a proactive and preventative approach to promoting and maintaining a safe, productive and efficient environment for educating students and serving the school community. We offer a blend of expertise and practical advice resulting from years of hands-on business and operational management experience. We analyze and work to resolve both unique and routine challenges confronted by Boards of Education and administrators.

We encourage a collaborative relationship and approach our representation from the perspective of our clients' goals. We take great pride in providing timely responses to our clients' legal issues. We are cognizant of our clients' desire to maintain both a positive public image and judicious use of district funds in avoiding or managing litigation (whether in court or in other administrative proceedings).

We provide individualized client guidance as well as client-centered training events, briefings, monthly newsletters and legal alerts to assist our clients with navigating the many complex statutes and administrative regulations impacting school operations and administration.

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CORE SCHOOL LAW SERVICES OVERVIEW

- BOARDS OF EDUCATION
- BOARD OF EDUCATION POLICY SERVICES
- SPECIAL EDUCATION
- PRESONNEL ISSUES
- LABOR RELATIONS AND EMPLOYMENT
- CAPITAL PROJECTS
- CONSTITUTIONAL LAW MATTERS
- LITIGATION
- TAX CERTIORARI & PILOT AGREEMENTS
- PROCUREMENT
- STUDENT ISSUES
- BUSINESS MATTERS & REVENUE ENHANCEMENTS
- OPEN MEETINGS & FOILS
- IN-SERVICE TRAINING
- MONTHLY NEWSLETTERS & CLIENT ALERTS

BOARDS OF EDUCATION

Our attorneys have the experience to provide not only legal advice consistent with a statute or a court opinion, but also to offer practical "real world" advice about issues that Boards of Education and administrators face daily–or even once in their career. Our attorneys have the knowledge base necessary to quickly respond to Board inquiries/ concerns and will attend Board of Education meetings as desired.

Services include:

- Counsel to Boards of Education with respect to legal issues and relationships, Board member roles and responsibilities.
- Advice and consultation with Boards of Education in connection with their powers and duties under Education law.
- Advice, consultation and opinions with respect to issues relating to the Open Meetings Law and Freedom of Information Law.
- Representation of Boards of Education in proceedings before the Commissioner of Education and the Courts.
- Counsel and representation relative to school district and BOCES finances, including budgets, reserve funds, indebtedness, school taxes and related Federal and State aid.
- Guidance on annexation, consolidation and merger of districts, including mandated procedures and other legal requirements.
- Consultation, advice and related opinions with respect to school elections, including legal notices and other requirements.
- Assistance with development and maintenance of Board of Education policies and policy manuals. Formally adopted board policies are technically the "law of your school district," and violations of these laws can have legal and political implications for Board members, administrators and the school district as a whole.

BOARD OF EDUCATION POLICY SERVICES

The firm offers assistance with the development and maintenance of Board of Education policies and policy manuals. Remember: formally adopted board policies are technically the "law of your school district." Violations of these laws can have legal and political implications for Board members, administrators and the school district as a whole.

Services include:

- Counsel to Boards of Education and policy committees with respect to all legal issues associated with developing, adding and removing formal board policies, as well as administrative regulations.
- Analysis and streamlining of existing policy manuals.
- Development of required and requested policies.
- Review and revision of individual board policies developed by the school or subscribed services.

SPECIAL EDUCATION

We are extensively involved in special education law matters. Our firm focuses on preventive counseling to assist clients with their federal and state law compliance efforts pertaining to the education of students with disabilities.

We regularly provide legal counsel to clients regarding IEPs and complying with Section 504 of the Rehabilitation Act. We provide training to clients regarding all matters related to the IDEA, Section 504, and Parts 200 and 201 of the Regulations of the Commissioner of Education.

Services include:

- Attendance at CSE and Section 504 Committee meetings as needed.
- Exemplary legal representation, as needed,

for impartial hearings and subsequent administrative and judicial appeals.

- Assistance and representation of clients in responding to complaints made to the New York State Education Department and the U.S. Department of Education's Office for Civil Rights.

PERSONNEL ISSUES

We work with our clients on advice and counsel regarding the recruitment, appointment, duties, responsibilities and termination of instructional and non-instructional employees.

Services include:

- Counsel and representation relative to the legal qualifications, certification and other licensure requirments for employees; proposed reductions in force and related seniority and tenure-area questions; transfer and/or assignment of teaching duties; various forms of leaves of absence, including potential disability accomodation; workers' compensation and Family Medical Leave Act implications; appointments of substitute and part-time teachers; and issues concerning unemployment compensation.
- Counsel and representation relative to disciplinary proceedings against tenured teachers and administrators pursuant to Section 3020-a of the Education Law, and of non-instructional employees under Section 75 of the Civil Service Law.
- Counsel and representation with respect to other proceedings related to discipline and dismissal of teaching and non-teaching employees, including termination of probationary employees, grievances and just-cause arbitration hearings.
- Assistance in the design, training, and implementation of individual and district-wide performance appraisal systems, including APPR Plans, as remediation systems for professional staff including improvement plans and counseling.
- Advice and consultation with respect to drug and alcohol testing for bus drivers and other employees.

LABOR RELATIONS AND EMPLOYMENT

We offer comprehensive services related to labor relations, collective bargaining, contract administration and administrative proceedings. Our attorneys serve as chief negotiators as well as advisors for school officials who assume that role for themselves.

Services include:

- Counsel and representation in all aspects of collective negotiations with administrative, instructional and non-instructional bargaining units, including contract analysis, preparation for and attendance at negotiations, analysis of district and union contract proposals, service as chief spokesperson at the bargaining table and use of the PERB Facilitated Intensive Negotiations process.
- Counsel and representation in connection with the prevention and defense of claims of employment discrimination under the New York State Human Rights Law and federal laws mandating equal employment opportunities, including Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans With Disabilities Act, and Title IX of the Education Amendments of 1972.
- Counsel and representation relative to proceedings before the PERB and related judicial proceedings.

CAPITAL PROJECTS

We work with our clients on all matters related to capital projects, from RFPs for professional services to the bidding process, contract awards, construction advisements and dispute resolution through project closeout.

We assist clients with customized contracts to facilitate their ability to obtain timely completion of these projects and to strengthen their position in the event of a dispute.

Services include:

- Counsel and representation in connection with real property matters, including acquisition, disposition, leasing and construction of facilities.
- Counsel and representation relative to school construction projects, including contract analysis, bidding requirements, SEQRA, project management and construction-related litigation.

CONSTITUTIONAL LAW MATTERS

Our attorneys routinely provide counsel and representation to school districts and BOCES regarding constitutional questions involving student and employee free speech, the separation of Church and State, use of facilities, the availability of materials to students in school libraries and in the classroom, and other First Amendment questions.

We also provide regular counsel with respect to Fourth Amendment search and seizure issues and due process requirements.

LITIGATION

We strive to position our clients to avoid litigation through proactive counseling, comprehensive training programs, and frequent legal updates and alerts.
We believe this approach enhances our clients' ability to focus on their core mission.

When informal efforts to resolve disputes fail, we provide focused and efficient representation in all types of alternative dispute resolution, including mediation and arbitration.

We will vigorously defend our clients when they find themselves named as defendants in lawsuits. Similarly, when other efforts to address disputes to the satisfaction of our clients do not result in an acceptable resolution, we will not hesitate to pursue civil claims to protect our client's rights and financial interests.

Our firm is very proud of its track record in litigation in both state and federal courts, at both the trial court and appellate court levels.
Our litigation practice involves representation in all aspects of Education Law, Employment Law, Construction Law, Tax Certiorari proceedings and Special Proceedings, including:

- Contract Disputes
- Employment Discrimination
- Constitutional Claims
- Civil Service Law Claims
- PILOT Agreement-Related Disputes
- Wage and Hour Claims
- Contract Claims
- Special Education Matters

In addition to litigation in state and federal courts, we also regularly defend clients in administrative proceedings before the New York State Division of Human Rights, the New York State Education Department, the U.S. Equal Employment Opportunity Commission, the U.S. Department of Education and other administrative agencies.

TAX CERTIORARI & PILOT AGREEMENTS

Our firm has extensive experience defending schools in tax certiorari proceedings. We guide schools through all phases of the tax certiorari process, including evaluating whether to intervene in a proceeding, filing pleadings to intervene when appropriate, obtaining an independent appraisal valuing the property, settling the case on terms favorable to the school and/or defending the school at trial. Our experience defending tax certiorari proceedings across the state has allowed us to develop a network of effective appraisers, spot trends in property valuations, and develop effective and efficient methods of minimizing school refunds and protecting schools' tax bases.

PROCUREMENT

We provide guidance to assist schools with implementing best practices to comply with competitive bidding requirements, including help developing bid packages, complying with bid advertising requirements, awarding the bid and contracting with the successful bidder.

We have extensive experience assisting schools with alternative methods of school purchasing, including "best value" purchasing, requests for proposals, "piggyback" purchasing, State contract purchasing, Federal contract purchasing and "sole source" purchasing. We help schools develop purchasing policies that are legally compliant, and which set forth practices designed to promote prudent purchasing decisions.

STUDENT ISSUES

We regularly provide counsel and representation relative to student disciplinary proceedings.

Our experience also includes:

- Counsel and representation matters involving interscholastic athletics and related eligibility questions.
- Counsel and representation in connection with student residency requirements, attendance laws, truancy proceedings (PINS), academic standards, grades, promotion and graduation requirements.
- Counsel and representation relative to transportation of students and related regulations involving safety and health.

BUSINESS MATTERS & REVENUE ENHANCEMENTS

Our firm provides day-to-day business advice to public school clients including contract review, bidding and requests for proposals. Our firm regularly works with clients on a variety of matters that can maintain and/or enhance their revenue base.

Services include:

- Contract review and negotiation.
- Counsel and representation relative to biddings, piggyback purchasing and cooperative purchasing.
- Counsel and representation in matters involving insurance, including general liability, property, and errors and omissions insurance.
- Advice and counsel regarding Intermunicipal agreements and efficiencies.
- Advice and counsel relative to copyright protections and other matters involving intellectual property.

OPEN MEETINGS & FOIL

We provide advice, consultation and opinions with respect to issues relating to the Open Meetings Law and Freedom of Information Law.

IN-SERVICE TRAINING

One of the ways the firm helps clients comply with federal and state law is by providing customized and timely in-service presentations/workshops for Boards, administrators and staff on a myriad of topics focusing on sound preventive practices and legal responsibilities.

MONTHLY NEWSLETTERS & CLIENT ALERTS

When educational law news breaks, we provide our clients with timely email alerts and guidance. Each month you'll also receive our newsletter that covers matters relevant to school districts and BOCES.

We also offer periodic complimentary "School Law Briefings" for clients on a wide variety of topics.

MEET OUR ATTORNEYS

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SEMINARS AND WORKSHOPS WE OFFER:

2-d Data Privacy & Security

- Data Delivery and Data Designee
- Cyber Security
- Data Breaches
- Being Smart in a Digital Age

Business Office

- Leasing, Selling, Buying District Property
- Alternate Sources of Revenue
- Proper Procurement; Piggyback Purchasing
- Intermunicipal Agreements
- Commercial Contracts with Third-Party Vendors
- Negotiating PILOT Agreements
- Professional Service Contracts and RFPs

Capital Projects

- How to Successfully Complete a Capital Project
- SEQRA and the Capital Project
- Successful Construction Project Closeout
- Top 10 Mistakes to Avoid During Your Next Capital Project

Employee

- Sexual Harassment
- How to Properly Investigate
- Family and Medical Leave Act
- Collective Bargaining
- How to Properly Handle Employee Mental Health and Substance Abuse
- How to Document Employee Performance Concerns
- Interactive Process
- Workplace Harassment

School Elections

- Annual Meeting and Election
- Conducting Election by Paper Ballot
- No Voting Machines Available
- District Clerk Workshop
- Avoiding District Election & Budget Vote Challenges

School Board Member Training

- Effective Board Leadership
- Fiscal Training
- Board Policy Manual Out of Control

Open Meetings Law

- Management of School Board Meetings
- Board Communications
- Superintendent/Board Relationship

Special Education

- Section 504

Student Issues

- Confidentiality and Family Court
- Disciplinary Procedures for Students
- Discriminating Against Students
- Dignity for All Students Act: Legal Update and Annual Training
- Dignity for All Student Act: DASA Coordinator Training
- Student Residency Determinations and Enrollment
- Athletics and Title IX Compliance
- Mental Health Issues

Tax Certiorari and PILOTS

- Protect Your School District Real Property Tax Revenue

CONNECT WITH US

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