



Proposal to Sweet Home Central School District

January 31, 2024

Introduction

Lippes Mathias is pleased to have the opportunity to submit this proposal for legal services to the Sweet Home Central School District ("District"). With over 30 combined years of education law experience, our knowledge of education law and special education law combined with our unique experience of having two former Buffalo City School District General Counsels as part of our K-12 Education Team is unrivaled and we believe we'd be the best fit to handle your District's legal matters.

Lippes Mathias has nearly 180 attorneys working out of 14 offices throughout the country, with Buffalo, New York, serving as not only the firm's biggest office, but also the firm's headquarters. With over 130 practice areas, we are able to represent the District in nearly any legal matter that arises and would be honored to have the opportunity to do so.

Lippes Mathias' Experience

Lippes Mathias' K-12 Education Team is focused on the complex and ever-shifting legal, regulatory, policy, and business needs of educational institutions.

Our attorneys regularly work with boards of education, superintendents and other school administrators and leaders to devise innovative and practical solutions to legal and operational challenges. Our attorneys advise educational institutions on their obligations under federal and state education laws, employment laws and regulatory obligations. Our team also regularly litigates on behalf of educational institutions before the New York State Commissioner of Education, in state and federal courts, the Equal Employment Opportunity Commission, the New York State Division of Human Rights, the Public Employment Relations Board and other administrative agencies. Our attorneys also regularly advise and participate in the collective bargaining process and labor arbitrations.

Brendan Kelleher and Nathaniel Kuzma, team co-leaders of our K-12 Education Team, have extensive first-hand experience and insight into educational institutions. Aside from their work in private practice addressing issues facing educational institutions, each previously served as the general counsel to the Buffalo City School District, the second-largest school district in New York State. Drawing on these unique experiences, our team is able to view an educational institution's challenges from both legal and practical perspectives and craft solutions that serve an institution's short and long-term objectives.

Our team members are regularly called upon by educational institutions to conduct investigations of workplace allegations of harassment, discrimination, retaliation, and other alleged employee misconduct. Based upon our extensive experience, our team understands the heightened sensitivity with which such investigations must be conducted, as well as the unique challenges that must be navigated when questioning educational institutions' employees and/or students as part of those investigations.

Our Team has the added benefit of having support and resources as part of a full-service law firm to meet the diverse needs of our educational institution clients.

Our team's experience includes:

- Day-to-day consultation regarding operations and school board governance.
- Proficient in Open Meetings Law and Freedom of Information Act issues.
- Employee discipline matters, including proceedings under NY Education Law §3020-a and NY Civil Service Law §75.
- Employee investigations.
- FMLA, ADA, Title VII, Title IX, the New York State Human Rights Law compliance, amongst other employment related statutes.
- Proficient in advising on the legal and regulatory requirements of the New York State Education Department.
- Defending school districts in appeals to the New York Commissioner of Education.
- Negotiation and drafting of employment contracts for superintendents and other employees.
- Collective bargaining with employee unions.
- Defending grievances and representing employers in arbitration proceedings.
- Student discipline matters, including serving as counsel to the school district and/or as a hearing officer for hearings and/or appeals.
- Defense of claims under Child Victims Act and Adult Survivors Act.
- Virtual and online education.
- Transactions under the New York Public Finance Law.
- Defending claims brought by parent and student regarding civil rights, including special education matters.
- Proficient in handling matters in Federal and State Court, including Article 75 and 78 matters.
- Proficient in appearing and defending allegations of discrimination before the EEOC and NYS Division of Human Rights.
- Negotiation and drafting of vendor contracts in accordance with NY Education Law §2-D.
- FERPA compliance, including addressing subpoenas for records and/or testimony.
- Personal injury and tort matters.

Special Education

Our Education Team of attorneys has extensive experience with matters involving special education law. It is worth noting that Nate Kuzma, team leader, received his M.S. with a Certificate of Advanced Study in Disability Studies as well as his J.D. with a Certificate for Focus in Disability Law, both from Syracuse University, before going on to private practice where he represented families in their pursuit for special education programming and services. Nate is also experienced in handling special education matters from a school district's perspective as he represented the Buffalo City School District in special education matters during his 12 years with the district.

Federal and state laws, including the Individuals with Disabilities Education Act (IDEA); Section 504 of the Rehabilitation Act (Section 504); and Article 44 of the New York Education Law, and their underlying regulatory framework form special education law which is a technical area of practice that requires a deep understanding of the complex array of laws

and regulations school districts experience in providing special education programming and services to students with disabilities.

With two former team members who previously served as General Counsel to the Buffalo City School district, we know firsthand how to assist educational institution clients with understanding their legal obligations as they relate to special education law and how to guide them in determining the best solution to a particular situation.

Our Team also has experience representing clients with State Education Department (SED) investigations, with the United States Department of Education's Office of Civil Rights, and with the New York State Attorney General.

Representative Matters/Evidence

- As counsel for a school district, won a decision in New York State Supreme Court in an Article 75 proceeding to open schools to in-person instruction during the Covid-19 pandemic.
- As counsel for a school district, successfully advocated for the district's position during fact-finding, which led to the successful negotiation of a contract settlement with the teachers union.
- As counsel for a school district, successfully petitioned the New York State Commissioner on Education to make changes to the teacher collective bargaining agreement pursuant to the receivership statute.
- As counsel for a school district, carefully investigated allegations against a high-ranking district administrator, resulting the successful conclusion of the investigation and no media coverage of the events.
- As counsel for numerous school districts, negotiated employment contracts with superintendents of schools.

Team / Bios:

Our K-12 Education Team members are admitted in New York State and are in good standing. Additionally, with Lippes Mathias being headquartered in Downtown Buffalo and all team members below resident in the Buffalo office, we are ready and accessible to the District's Board of Education, Superintendent of Schools and other District personnel as needed. Additionally, our team members often present trainings or educational sessions to our school clients and would be happy to do the same for the District.



Nathaniel J. Kuzma, Partner and K-12 Education Team Co-Leader

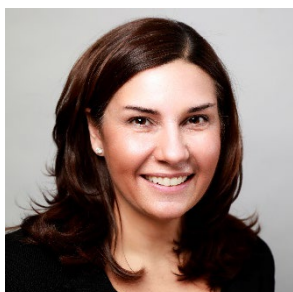
With over 18 years of legal experience and 12 years of experience serving in the City of Buffalo School District in roles such as Executive Director of Labor Relations and Counsel on Special Education, and most recently, General Counsel for more than seven years, Nate's career has been dedicated to the intricacies of education-related legal matters. Nate is admitted in New York; U.S. Court of Appeals for the Second Circuit, U.S. District Court, Eastern and Western Districts of New York.



Brendan P. Kelleher, Partner and K-12 Education Team Co-Leader

Brendan has over 20 years of experience representing school districts and served as General Counsel to the City of Buffalo School District. He assists school districts, superintendents, and boards of education with all areas of their operations and unique challenges they face. Prior to practicing law, Brendan served on the foreign policy staff for a U.S. Senator in Washington, D.C. Brendan is admitted in New York and U.S. District Court, Western

District of New York.



Amy Habib Rittling, Partner & Employment Team Leader

Amy Habib Rittling has represented independent schools, guiding them through some of the most challenging circumstances a school can face. Her experience representing independent schools includes handling investigations, crisis services, allegations of sexual abuse, governance, contracts/compensation issues, trainings, student issues, workplace policies, litigation, real estate and insurance matters. She serves as Lippes Mathias' nationwide

employment team leader where she counsels and advises employers on all aspects of employment relationships and employment practices and policies. She is admitted in New York; District of Columbia; and U.S. District Court, Southern and Western Districts of New York.



Kirstie A. Means, Partner

Kirstie focuses her practice on litigation matters. She has litigated cases in New York State and federal courts, including appeals up to the Appellate Division, Fourth Department. She has assisted school districts with a variety of litigation matters, including those related to the Child Victims Act. She is admitted in New York and U.S. District Court, Western District of New York.

Research Capabilities

Lippes Mathias has the full Westlaw platform available to all attorneys and staff for research purposes. Additionally, we have several practice-specific subscriptions available in both online and print versions.

Conflicts

Based on the results of a conflict check that was performed on January 30, 2024, our firm would not have any issues in representing the District. In the event a conflict arises, Lippes Mathias would identify the conflict and discuss potential resolutions.

Claims

Lippes Mathias currently has two pending claims, however, we do not anticipate them to cause any financial or other burden to the firm or its clients. While it is not uncommon to have claims arise against law firms, we are pleased that matters that have arisen in the past have been dismissed or settled.

- A former client filed suit against the firm and three of its attorneys alleging malpractice with regard to (1) advice in connection with a loan, (2) drafting loan documents, and (3) handling the foreclosure. Our firm vehemently denies any wrongdoing. The lender was an expert in the power industry and the firm was engaged only to draft appropriate documents to consummate the transaction, not to advise on whether the loan was a good idea or not. With regard to the loan documents, plaintiff has not alleged anything specific that was improper in the drafting. The foreclosure process went ahead properly and was completed. The client took ownership of the power plant as a result but was not able to turn around and sell it for as much as he had hoped. However, it is our position that there was nothing improper about the handling of the foreclosure lawsuit that had any effect on the property's value as collateral. The matter remains pending with multiple defendants involved. It should be noted that this matter was dismissed against our firm early on in the case, but the plaintiff appealed and the court essentially said discovery needed to be conducted in the case before the motion could be decided. That discovery revealed that there were other parties who should bear responsibility instead of our firm, so we filed and succeeded with a motion to add two other law firms to the suit. One of those firms was the primary firm handling the transaction, for which we were serving as local counsel.
- Lippes Mathias LLP was hired to recover unpaid fees for professional service provided by a former client. A lien was filed against the subject project by our firm on behalf of the client. The lien named the owner of the property but not the holder of the beneficial interest in the property. The law on the issue was entirely unclear but a court later decided that the owner of the property and the holder of the beneficial interest should have been named in the lien. As a result, our client's lien was invalidated. The firm denies the allegations of any malpractice/negligence and strongly believes the court incorrectly interpreted

the statute. A complaint was filed in 2022 and there has been no pursuit of the claims by the Plaintiff at this time.

References

1. Sabatino Cimato, Superintendent of Kenmore-Tonawanda Union Free School District
 - a. scimato@ktufsd.org
2. Dr. Darren Brown-Hall, Superintendent of Williamsville Central School District
 - a. dbrown-hall@williamsvillek12.org
3. James Bialasik, Superintendent of Springville Griffith Central School District
 - a. JBialasik@springvillegi.org
4. Tami Hollie-McGee, Chief of Human Resources of Buffalo Public Schools
 - a. Tjhollie-mcgee@buffaloschools.org
5. Bryna Moritz, Erie-2 BOCES Deputy Superintendent
 - a. bmoritz@e2ccb.org

Rates

Lippes Mathias can provide the legal services outlined in this proposal for the hourly rates set forth below. A sample engagement letter is included with this proposal. Mileage to meetings at District offices or to the courts and other locations in downtown Buffalo, and its suburbs, will not be charged. Please note, we have enclosed a sample engagement letter with this proposal which further outlines our rates.

Attorney	Hourly Rate
Nathaniel J. Kuzma, Partner & District Engagement Partner	\$299
Brendan P. Kelleher, Partner	\$299
Amy Habib Rittling, Partner	\$299
Kirstie A. Means	\$299
Associates	\$279

Evidence

Enclosed with this proposal are three decisions that can serve as evidence of our teams' knowledge and experience with the laws, issues, and forums that educational institutions deal with. It also represents our commitment and ability to obtain successful outcomes on behalf of our clients.

Respectfully submitted,



Nathaniel J. Kuzma
Partner/K-12 Education Team Leader
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