



## Ohio School Boards Association Capital Conference and Trade Show

November 13 – 16, 2011

Greater Columbus Convention Center  
Columbus, Ohio

# Surviving a media frenzy — a residency case

### Hot topics

Monday, November 14, 2011

9:00 a.m.

C 223–225

John Britton, Esq., Britton, Smith, Peters & Kalail, Co. LPA

Brian Poe, superintendent, Copley-Fairlawn City

Julie Schafer, board member, Copley-Fairlawn City

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### **Ohio School Boards Association**

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**2011 OHIO SCHOOL BOARDS ASSOCIATION  
CAPITAL CONFERENCE**

**SURVIVING A MEDIA FRENZY -  
THE COPLEY RESIDENCY CASE**

**November 14, 2011**

**Room C 223-225  
9:00 a.m.**

Presented by:

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....WE INTERRUPT THIS REGULARLY TELEVISED MARTYRDOM TO  
BRING YOU ---- THE FACTS.....

I. Origins of the Viral “School Mom” Case

A. Copley-Fairlawn City Schools: An Overview

The Copley School District is located in northeast Ohio, about 35 miles south of Cleveland and adjacent to the west side of Akron. Most of the District’s families live in Copley Township or the City of Fairlawn, Ohio. Demographically, the District is roughly 82% Caucasian and 18% minority (11% African-American) population. The student population of approximately 3,500 has recently been categorized as follows: 75% Caucasian and 25% Minority (15% African-American).

B. The “Non-Resident” Problem

1. The District is a non-open enrollment school.
2. Like a significant number of other similarly situated school districts in Ohio, Copley-Fairlawn receives the bulk of its funding from local tax dollars. Of the little state funding the District receives, clearly none of it is provided for or intended to be utilized for educating children who are not lawfully attending in the district of residence.
3. As such, the District’s financial condition and ability to operate the schools is tied very closely to the Board of Education’s ability to pass and renew property tax levies.
4. Obviously, in periodically asking residents for continued support at the polls, the Board has been vigilant in properly utilizing the public’s funds to maintain District operations.
5. Plain and simple, **educating children whose parents do not reside in the District represents an unauthorized expenditure of public funds** and it would have been completely inappropriate for the Board of Education to ignore this theft of services.
6. Over the years, school officials have received numerous complaints from community members, students and staff about children attending District schools whose parents are not residents.

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7. The District's consistent response – as verified through numerous public records requests during the media frenzy – has been to fully and fairly investigate each of these cases and ask those families who are determined not to be residents to return their children to the appropriate district of residence.
8. The overwhelming majority of parents who have been confronted with a determination of non-residency have accepted the District's decision after a residency hearing. They either agree to the removal of their children from the District on that basis or agree to attend on a tuition payment basis.
9. However, the non-resident parent in this case would not cooperate with the District by either agreeing to pay tuition or by removing her children to their home school (as all others had before her) despite the enormity of the evidence presented to her at the residency hearing.
10. When the District finally notified the non-resident parent that it would no longer permit the tuition free attendance of her children, she immediately attempted to gain access to the Copley schools through the use of a bogus grandparent affidavit.
11. However, the Summit County Juvenile Court determined that this tactic was invalid and, after hearing all the evidence, declared that the parent clearly resided in Akron (in "AMHA" publicly assisted housing) with her children and not with their grandfather in our District. This decision was never appealed.
12. While the District supported the subsequent decision of the County Prosecutor to bring criminal charges, that decision to prosecute was not made by the Board of Education.
13. When the jury convicted the non-resident parent after all the evidence was laid out before them – that was not a decision made by the Board of Education.
14. When this same parent took deliberate actions to falsify records and (allegedly) endanger her future career ambitions by breaking the law – that was not a decision made by the Board of Education.

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15. When the parent and grandparents filed discrimination claims against the District with the Office for Civil Rights, on each occasion they were rejected after a full investigation.
16. The transcript of the criminal trial and reviews all of the evidence that was before the jury – the decision of the Judge in sentencing – the un-appealed decision of the Juvenile Court – the dismissals of two discrimination claims by the Office for Civil Rights – the unanimous decision of the Parole Board – and even the recent decision of Governor Kasich to reduce the felony charges to misdemeanors – all lead to the same undeniable conclusion – that the actions taken by the Copley-Fairlawn Board of Education were both **appropriate and necessary**.
17. In point of fact, had the Board not acted to prevent this open and obvious abuse, it would have been appropriately criticized for failing to meet its fiduciary obligation as a steward for the taxpayers of the community.
18. The fact that while the District clearly did exactly what it needed to do – which has been confirmed by every objective tribunal and government authority that has carefully scrutinized the school’s conduct – is not the message that was reported and to this day is not the prevailing conclusion in the “blogosphere,” remains a compelling reminder of the power and inclination of the media to make news rather than report it.

## II. Lessons on the “Rules of Engagement” Learned from the Eye of the Storm

- A. Never be afraid to do the right thing – if we had it to do all over again, we would do it all over again. There is no excuse for not doing what matters in a way that matters.
- B. Understand that the media will control the narrative and the trajectory of the story – and the facts are not likely to get in the way of a good story. Stay strong and stay on message.
  - Gather as many facts and as much data as possible.
  - Everyone will NOT be happy nor will everyone understand, accept, agree, etc. with your position.
  - Disagreement is not about YOU!
  - Try to understand others’ points of views in order to deal with disagreements more effectively.
  - Remain “on point”
  - Utilize “talking points”

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- C. Know when to get out front with the media and –more importantly – know when to get out of the way.
- D. Stick to the facts, stick to your guns, and be patient (that last part is the toughest!).
- E. At times like these, you will really find out who your friends are – when you do – feed them.
- F. In high visibility situations, there is no substitute for highly effective and consistent communication. Stick to the facts and be consistent, clear and repetitive in your message.
- WHO is your audience?
  - WHAT should you communicate?
  - WHEN is it time to communicate?
  - HOW should the information be communicated?
- G. Find, nurture and sustain a sense of calm (whilst the storm rages around you).
- H. Reach out to ALL stakeholders – at the end of the day, they are the ones who really count. Determine how to best keep the staff in the loop (who, how, when and what specific details?).
- I. Crisis Management – Maintain your sanity:
- Suspend your emotional response.
  - Take control and maintain your focus.
  - You CANNOT control the incident-you can only control your response.
  - Limit unnecessary conversations and stick to the facts.
  - Don't jump to conclusions and don't speculate.
  - Don't be a Lone Ranger!

- J. Build and support your “Crisis Management” Team and strategy:
- Message Content: What do you want people to know, feel, believe?
  - Message Preparation: Who is the spokesperson?
  - Message Recipients: Internal, external or both?
  - Message Delivery: What format – written, verbal, in person, radio, cable TV, etc.
  - Immediate Participant “Care”: How will you follow up – with a phone call, personal visit, written note?
  - Do not be shy about getting public relations and legal support.
- K. Crisis Management and the media:
- Recognize that they have a job to do and respect their “role.”
  - Be wary of their motives and their intent.
  - The facts are NOT the story!
  - There is NO such thing as “off the record”.
  - The world operates on “sound bites”.
  - Make your own “sound bites” and stick to the message.
  - You ALWAYS stand the chance of being taken out of context.
  - Be ready to read it in tomorrow’s headlines.
  - Be prepared to see it on television (over and over and over.....).
  - Remember not to burn the bridge – these guys buy ink in barrels!
- L. Remember – No Good Deed Goes Unpunished!
- M. Q & A on what to do if and when your world goes “viral.”