

## **PROPOSAL FOR SERVICES TO TIPTON COMMUNITY SCHOOL CORPORATION**

The attorneys of Church Church Hittle + Antrim (CCHA) have been advocates for Indiana public schools for over 50 years. Tipton Community School Corporation (Tipton) would fit naturally alongside our many other education clients including Noblesville, Indiana Connections Academy, Hamilton Southeastern, Carmel Clay, Zionsville, Westfield Washington, MSD Warren Township, Muncie Community Schools, Franklin Township, Avon Community, Mt. Vernon, Southern Hancock, Brownsburg, Maconaquah, Plainfield, Alexandria, Hamilton Heights, Jay County, Western Wayne, Northwestern, Greenfield-Central, Bartholomew Consolidated and Charles A. Beard. We work with our clients to help them thrive in an ever-changing regulatory environment. We know you likely share many of the same challenges (and opportunities) and CCHA has the experience to help you address them. For example, we have comprehensive experience and skill in trending topics such as COVID-19 reopening and Title IX grievance procedures.

We are proud of what we have built: a broadly-based general practice law firm with the most comprehensive educational law practice in the state. We openly embrace and promote that we are “school lawyers” and consider our school + education law practice group to be a centerpiece of our firm and our culture. Our education clients are a part of our team and we are excited at the opportunity to add Tipton to the team. We want Tipton to be proud to share with its peers that it is a CCHA client and we would be honored to be identified as Tipton’ advocates.

CCHA is rated “AV” by Martindale Hubbell, the highest possible rating by peers in the profession, and has been annually recognized as a Preeminent Law Firm by Martindale Hubbell for over a decade. Since the establishment of CCHA in 1880, our clients have placed their trust in us to solve their most challenging legal issues and be strong advocates on their behalf. We have a rich history of helping our clients both when they are planning for the future and when they need help most. CCHA is slowly growing into one of the largest law firms in Indiana with 42 lawyers and 36 support staff. We have several offices throughout the State. Unlike several of the largest firms in the State, CCHA has no offices outside of the State and is proud to focus all of its attention in Indiana.

In addition to focusing on education + school law, our firm provides a general law practice with experience in nearly every type of legal matter. For example, our attorneys maintain an active litigation practice representing numerous clients in education, municipal, personal injury, commercial, business, criminal and domestic relations cases. We also represent a vast number of entities and individuals in various matters including

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business, government relations, tax and estate planning, employment issues, real estate and commercial transactions.

CCHA uses a team approach. We currently have 15 attorneys who dedicate a substantial portion of their work in the education area. These attorneys have a combined 270 years practicing education law. We encourage our clients to work with any of our attorneys in our firm based on client preferences and rapport. For purposes of this proposal and until we would work with each other for some time, Andrew Manna is the CCHA attorney that would serve as your main point of contact and quarterback the overall services.

Some of the other CCHA attorneys you may work with are listed below along with their biographies. All of our attorneys are accessible by phone, email, and text messaging.

## **Jessica Billingsley**

Jesse practices as an associate attorney in the Noblesville office. Her primary practice areas are education law and employment law. As part of the CCHA School Law team, she helps schools around the state with the ever evolving legal landscapes of law, policy, and practical matters. She enjoys the variety of issues that always seem to pop up in the world of education.

Likewise, Jesse enjoys the often complex problems presented in the employment law realm. Jesse provides guidance to employers and employees alike. She has worked on countless EEOC matters, FMLA issues, and Wage and Hour questions. That is not to mention the contractual, procedural, and practical issues that surround hiring, terminating, and disciplining employees.

When not serving clients, Jesse spends time with her family, including husband Alex and dog Jalapeño. She fell in love with mountain biking and has completed 3 full marathons.

## **Melissa Cunnyingham**

Melissa is a Partner at CCHA. She began as a staff attorney in January 2012, and has based her practice primarily in Tipton County. She is a Tipton High School graduate, her son is a recent Tipton High School graduate, and her parents continue to live and work in Tipton County. She enjoys travelling with her family, playing flute for local community bands, and watching her son swim for Hanover College.

Melissa runs a general “county seat” style practice handling all types of domestic relations matters, real estate and business transactions, estate planning and probate, as well as municipal and school representation. She also serves as guardian ad litem, or

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court advocate, for children and elderly individuals who find themselves the subject of custody or guardianship disputes. Melissa's genuine compassion for all of her clients combined with her strong work ethic translate to efficient and effective results for all she serves.

## **Jessica Heiser**

Jessica is part of the firm's School Law Practice, representing traditional public, charter, and private school districts throughout Indiana. Jessica advises school districts on matters related to students, employees, and school boards, including constitutional and civil rights allegations, policy review, discipline of students and school staff, and special education issues under the Individuals with Disabilities in Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act (ADA). Jessica also counsels schools on family law and immigration law issues.

In addition to representing school clients in civil court, Jessica frequently represents schools in administrative hearings and investigations before the U.S. Department of Education Office for Civil Rights (OCR), U.S. Equal Employment Opportunity Commission (EEOC), Indiana Department of Education, Indiana State Board of Education, Indianapolis Civil Rights Commission, and South Bend Civil Rights Commission.

Prior to becoming an attorney, Jessica taught social studies and math in urban school districts in Los Angeles and St. Louis. She ran an educational initiative through the Greater Indianapolis Chamber of Commerce to partner businesses and schools in raising graduation rates. Jessica also served students and families in her work for the U.S. Department of Education Office of Civil Rights (OCR) and Chicago Legal Assistance Foundation (LAF).

Outside of the practice of law, Jessica enjoys reading and traveling. She and her husband, J. Scott Byrnes, live with their children in rural Cicero.

## **Andrew Manna**

Andrew represents clients in matters associated with labor and employment law, including the Americans with Disabilities Act (ADA), the Family Medical Leave Act (FMLA) and other matters. He engages in the defense of school corporations against claims under the Individuals with Disabilities Education Act (IDEA), First Amendment and other constitutional and civil rights law matters. He also represents schools with respect to general school policy review. Andrew was admitted to practice law in 2003 before the courts of Indiana.

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Andrew graduated from Eastern Illinois University. Prior to becoming an attorney, he taught social studies in both rural and urban districts. While at the Indiana University School of Law at Indianapolis, he participated in Moot Court and worked as an intern in the Office of the Governor on education policy.

Andrew is a frequent speaker at both the state and national level. He serves on the Board of the National School Boards Association Council of School Attorneys.

## **Amy A. Matthews**

Amy represents schools and other educational entities in various matters such as bargaining/labor relations, human resources, policy analysis, fiscal management, and special education. Amy was admitted to practice law in 2008 before the courts of Indiana.

Prior to joining CCHA, Amy was General Counsel for the Indiana Education Employment Relations Board (IEERB), where she spent much of her time successfully mediating unfair labor practice complaints and implementing the 2011 revisions to the teacher bargaining statute, Indiana Code 20-29. Amy previously served as the Dispute Resolution Director for the Indiana State Personnel Department.

Amy completed her J.D. from the Indiana University Robert H. McKinney School of Law in the top 5% of her class. She holds a B.S. from the Indiana University-Bloomington School of Public and Environmental Affairs.

Amy is a frequent speaker for statewide organizations such as the Indiana School Boards Association, the Indiana Association of Public School Superintendents, and the Indiana Association of School Business Officials, and she has also made presentations and published articles for the National School Boards Association and the Council of School Attorneys.

Amy's current support for community organizations includes board membership for Aspire Indiana Behavioral Health and assisting crime victims as a volunteer for Prevail, Inc.

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## **CCHA's Services**

In today's environment, charter schools face a variety of legal challenges. CCHA has the experience and staffing to address all these issues + many others that could arise.

### Policy Development

- As Tipton already knows, we offer a variety of approaches to policy development because there is not a one-size-fit-all way to address policy. We can review and draft policies as well as coordinate an in-depth review.
- One common theme to our approach to policy is to keep it simple. Complying with law and regulation is hard enough. Thus, we strongly suggest only including in policy and guidelines what you must, which includes legally mandated provisions and what the Board believes is integral to the mission of the entity.

### Real Estate

- Our legal team includes several attorneys that are proficient in helping you navigate all legal real estate issues including those specific to public schools.
- CCHA has a team member that is specifically dedicated to zoning issues.

### Vendor Contracts

- We are a well-oiled machine when it comes to reviewing, drafting and negotiating vendor contracts.
- CCHA has many attorneys with experience in negotiating with vendors to obtain a result that is pleasing to the client.

### Student Discipline

- Student discipline issues are numerous and we have all of them covered: from statutory compliance to student constitutional rights.
- We often sit in on the more complicated expulsion meetings to ensure your expulsion examiner is comfortable with the process including when a student is represented by counsel.

### Title IX

- Issues involving sex-based discrimination are ever-increasing. These include transgender students as well as allegations of sexual harassment.
- We stay on top of the many trends in this area so our clients avoid the legal landmines and ensure compliance.

### Special Education/Article 7/504

- When litigation arises, we advocate strongly on your behalf.
- We are on the insurance defense panel for all of the primary carriers in Indiana.

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## Legislation

- The law is in constant flux and sometimes code needs to change.
- We are plugged in to both closely monitor changes in the law as well as influence important changes to the code.
- We have positive relationships with the Statehouse leaders to help benefit our clients.

## Family Law

- Family law issues are an ever-increasing drain on school resources.
- We have a very efficient system of processing issues as they arise and try to keep school leaders and staff focused on the classroom and not the family law courtroom.

## Child Abuse/CHINS

- At-risk children are important issues for you and we are serious about your obligations and desires.
- We address these issues daily and help case-by-case and through policy + professional development.

## Employee discipline/evaluation

- Employee discipline and evaluation are daily occurrences for our attorneys. Many times those issues involve navigating issues such as free speech.
- We will provide you guidance, tools and advocacy to ensure you are making the employment decisions that are right to benefit your students.

## FMLA + ADA + FLSA

- FMLA + ADA + FLSA compliance are additional areas that are getting more attention from schools. We have many experienced attorneys who can help guide you to avoid the major landmines that arise.

## Workers compensation

- CCHA is often involved with helping schools make appropriate decisions that relate to workers compensation.
- While many of these issues are supporting decisions to deny claims, we are helping more and more clients avoid claims of retaliation.

## FERPA

- In addition to the typical compliance guidance that arise with FERPA, we also have in-depth experience helping school leaders with the more nuanced issues,



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like inquiries from Homeland Security as well as protection of video surveillances.

## OCR

- CCHA is a national leader in pushing back against the perceived overreach by some governmental agencies including the OCR.
- Our first priority is to provide the guidance and professional development to prevent these agencies from initiating investigations.

## Copyright + Trademark

- CCHA was and continues to be a national leader in identifying legal opportunities and concerns for schools.
- We have worked with schools in helping them protect their intellectual property and defend against claims of infringement.

## Internet use + Social Media

- CCHA is both intellectually curious about the topics that arise and nimble to help clients brainstorm solutions in an ever-changing technological landscape.

## Litigation

- CCHA's Litigation section is integrated in the Education + School Law Group. They work hand in hand.
- Most of the time spent on litigation is in response to the variety of claims that come in the door, and most of those would be covered by your insurance policies. If so, we would work through your carrier to keep your costs low but at no compromise to our advocacy.
- We are on the insurance defense panel for most carriers in Indiana and can handle litigation should it go through your insurance company.
- There are circumstances that may require you to take action in litigation as the plaintiff. We are well prepared to address those issues as well.

## Public records requests

- While the issues with the Access to Public Records Act and the Open Door Law have evolved over the years, we have been diligent to stay current to help prevent claims of noncompliance.
- If the claims are made, we are ready to defend you in a process with the Public Access Counselor, court, or another appropriate venue.

## Employee benefits, including retirement, and related IRS regulations

- We have an attorney dedicated to all of the issues involving benefits and the IRS.

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## Partnerships with other governmental agencies + entities

- CCHA is involved with assisting clients in the engagement, maintenance and unwinding of partnerships that come in a variety of forms. We are also often asked to serve as counsel to the partnership entity itself.
- A recent focus of our work on partnerships have been related to healthcare. These include coordinating with health networks generally and coordinating efforts to address mental health issues.
- This issue will be as relevant as ever in years to come with the push to consolidate services and entities. We stand ready to consult and advocate.

## **Compensation**

Throughout our history, we have endeavored to provide services that exceed our clients' expectations. We pride ourselves on being "problem solvers" who understand that the goal of our client is to have practical and proactive legal solutions that meet their needs.

Currently we charge Tipton on an hourly fee basis. We are prepared to offer our services to you based upon a strictly 'hourly basis' or hybrid 'flat fee basis.' We are also open to discussing other arrangements that might be in your best interest, provided that those methods result in both parties being satisfied with the fairness of the terms. For example, we are willing to proceed on a compensation plan for a six month trial period and reassess at the conclusion to determine which arrangement best fits Tipton.

The following describes the range of approaches to fee setting that could be included in our agreement:

### ***Option #1 – Hourly Arrangement***

Most prefer a straight hourly rate for services and we will provide services on that basis if preferred. Our hourly rates are currently as follows:

Partners – \$260  
Associates - \$195  
Paralegals - \$100

### ***Option #2 – Hybrid Flat Fee***

Some prefer having a combination of a fixed fee for routine services and an hourly rate for more complex matters. Thus one option is a flat fee for providing some routine services. That fee is typically below \$2,000 per month.



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Legal matters beyond these routine services would be, for example, legislative consultation, administrative hearings, and litigation not covered by insurance.

This approach may be more efficient as compared to hourly rates, but also encourages schools to seek counsel on a proactive basis resulting in the avoidance of issues that might arise if schools act without counsel because they are concerned about “starting the clock” on the hourly rate.

## ***Other Compensation Information***

Unlike some firms, we will never bill for charges for routine copies or access to computerized legal research databases. We believe that these costs are the overhead costs of the firm, absent extraordinary circumstances, in which case we would discuss those circumstances with you in advance and reach a specific agreement as to reimbursement of such costs. Billed expenses will truly represent direct “out of pocket” costs that are for your benefit, such as certified mailings, publication of notices, depositions and the like.

## **Professional Development**

CCHA is able to provide professional development on all of the topics discussed in this proposal. We can provide the professional development in any format that you would like ranging from a formal full day for a wider audience with multiple presenters to a less formal smaller group “office hours” on a monthly or quarterly basis. Also, know that David Emmert, former Indiana School Boards Association general counsel, joined CCHA in 2015 and is able to provide development to our school clients.

The fee for the professional development is dependent upon the overall compensation approach you would like to take. Most of our clients tend to use the hourly fee approach knowing that we have institutional knowledge and the ability to repurpose materials to keep the fee lower. But we are also open to building in periodic professional development for a flat fee.

We also offer an annual statewide school law workshop with reduced fees for general counsel clients. This is typically after the General Assembly session.

## **Conflicts**

We are not aware of any conflicts with your organization. For Indiana attorneys, a conflict of interest arises under a variety of circumstances, but here are the primary ones. First, attorneys cannot represent a client in litigation while simultaneously being adverse to that client in another piece of litigation. So, for example, if an attorney is representing a school in defending a claim brought by a former teacher, that same attorney could not also sue the same school in a personal injury case. Second, attorneys

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cannot undertake representation that causes a conflict of interest with a former client. Such a conflict will exist if the attorney's current representation is substantially related to the representation of the former client. For example, an Indiana attorney could not advise a client on contract negotiations and then later sue that same, former client on behalf of another client regarding that same contract.

Also, when tracking and influencing legislation, we are mindful of the negative effect on clients. We are committed to not taking on any matter that could negatively impact a client. An example would be the influencing of the funding formula complexity index where it would help one client and hurt another. Some entities may take on lobbying engagement when there is a conflict and seek to waive the conflict. This may be permissible, but CCHA has chosen not to seek to waive those conflicts.

## Summary

Our firm appreciates the opportunity to continue to serve Tipton. Our history of representation and invaluable experience in education law are unparalleled. Our firm is equipped with many experienced attorneys who lend a variety of expertise to best meet Tipton's varying and unique needs. Should you have any questions regarding this proposal or anything else about our firm, please do not hesitate to contact Andrew Manna.

Phone: (317) 773-2190

Email: [andrew@cchalaw.com](mailto:andrew@cchalaw.com)

Please let us know if this helps clarify our services and any questions you may have.

*Respectfully Submitted,*

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