

MIRIAM FAIR



Miriam Fair's practice focuses on school law, ranging from primary to post-secondary levels. She advises clients on issues related to special education, labor and employment, bullying/harassment, employment discrimination, student discipline, and disability accommodations. She also focuses on constitutional rights, policy drafting and implementation, and public records requests. Her special education experience includes staff training, ETR and IEP meetings, and document review for compliance.

Miriam represents her clients in state and federal courts, at both trial and appellate levels, as well as before the Office for Civil Rights, the Equal Employment Opportunity Commission, and the Ohio Department of Education. In her previous career, Miriam was a school psychologist and special education director, and she applies that unique perspective to the practice of law.

Miriam co-hosted the podcast, "Class Act: Updates in Education Law," which covered legal topics relevant to school districts, board of education members, administrators, teachers and parents.

Cleveland Jewish News recognized Miriam in its 2020 class of Difference Makers for her involvement in the Northeast Ohio community.

REPRESENTATIVE MATTERS

SPECIAL EDUCATION

- Assists schools district teams in developing quality ETRs, IEPs, BIPs, and FBAs, through training, review, and guidance.
- Resolved due process hearing requests and ODE complaints, through cost-effective mediation and early complaint resolution.
- Represents school districts in IDEA hearings alleging denial of FAPE, violations of Section 504, and Child Find claims, among others.
- Provides legal advice and support to clients in addressing contentious and volatile special education situations.

BOARD GOVERNANCE AND GENERAL COUNSEL SERVICES

- Drafts board policies, guidelines, and forms, including those related to sexual violence and bullying complaints.
- Counsels clients faced with records requests, both from private parties and federal agencies.

STUDENT ISSUES

- Defends clients in constitutional lawsuits, state complaints, and agency charges related to harassment, bullying, discrimination and student deaths.
- Represents and defends school districts before the United States Department of Education Office for Civil Rights in allegations of discrimination based on race, religion, nationality, disability and gender.
- Defends school districts in discipline appeals, both at the administrative level and before formal tribunals.
- Mediates cost-effective and confidential settlement agreements related to high-profile media cases.
- Counsels clients on First Amendment and Fourteenth Amendment law as applied to student discipline, bullying, and social media.
- Counsels clients on the Family Education Rights Privacy Act, its application to student records requests, and its intersection with OCR notice requirements.

EDUCATION – LABOR AND EMPLOYMENT

- Represents school districts in proceedings before the Equal Employment Opportunity Commission and Ohio Civil Rights Commission in charges of race and gender discrimination.
- Defends districts in arbitration proceedings related to employee grievances.
- Defends districts in federal and state courts in employment lawsuits alleging religious and race discrimination, breach of contract, and state law violations.
- Mediates cost-effective settlement agreements with hostile opposing counsel and pro-se litigants.

LITIGATION

- Defends clients in employment contract and discrimination claims, as well as bullying/harassment lawsuits.
- Manages and handles employment and school law matters at every stage of the litigation process.
- Drafts answers, briefs, motions, discovery requests, discovery responses, and settlement agreements.
- Represents clients before the Ohio Supreme Court and in preliminary United States Supreme Court proceedings.
- Prepares witnesses for testimony, and takes and defends depositions of parties and witnesses.

- Orally argued motions and appellate briefs, including before the Sixth Circuit Court of Appeals.

PRESENTATIONS

Miriam regularly presents in a variety of areas, including:

- Limiting Liability for Bullying Lawsuits and Agency Complaints
- Guidance from the Office for Civil Rights
- Compliance with federal and state Regulations in Sexual Violence, Discipline, and Title IX matters
- Legislative and Legal Updates
- Special Education/Pupil Services
- Disciplining Students with Behavioral Issues
- Return to School Guidance for Special Education Administrators
- Title IX Discipline and Its Impact on Students Due Process Rights

ASSOCIATIONS

- Member, Ohio School Boards Association's Ohio Council of School Board Attorneys
- Member, Ohio State Bar Association
- Member, Federal Bar Association
- Member, American Bar Association

Contact Information

Miriam Fair ▪ 216-687-3366 ▪ mfair@westonhurd.com