

Case No. 2026-0225

Supreme Court of the State of Ohio

STATE OF OHIO *ex rel.* LISA DALY,
Relator,

v.

BOARD OF EDUCATION OF THE FOREST HILLS LOCAL SCHOOL DISTRICT, et al.

Respondents.

**RESPONDENTS, BOARD OF EDUCATION OF
FOREST HILLS LOCAL SCHOOL DISTRICT
AND ALANA CROPPER, TREASURER OF FOREST HILLS
LOCAL SCHOOL DISTRICT'S
MOTION TO DISMISS RELATOR'S VERIFIED COMPLAINT
FOR WRIT OF MANDAMUS**

Respondents, Board of Education of Forest Hills Local School District and Alana Cropper, respectfully request this Court dismiss Relator's Complaint for Writ of Mandamus under S.Ct.Prac.R. 12.02(B), R.C. 2731.04, and Civ.R. 12(B)(6). This Motion is supported by the following Memorandum of Law, incorporated here.

MEMORANDUM

STATEMENT OF FACTS

On February 3, 2026, the Board of Education of the Forest Hills Local School District met in regular session. (See attached Affidavit of Treasurer Alana Cropper and Minutes.) After the regular Session, the Board moved pursuant to R.C. 121.22(G)(1) to adjourn to Executive Session for the purpose of considering the employment of a public employee or official, AND pursuant to

R.C. 121.22(G)(6) moved to adjourn to Executive Session to discuss details relative to the security arrangements and emergency protocols for the School District which, if otherwise disclosed, could jeopardize the security of the School District or Board. In Executive Session, the Board was briefed on a written Plan on how the School District and its personnel should respond if federal law enforcement officers appear on school property, school transportation, and/or at school events. The purpose of the Plan was to develop security arrangements and response protocols for protecting or maintaining the security and well-being of its students and staff, as well as the minimal interference and disruption to the educational environment. No action was taken at a Board Meeting to formally approve the Plan. The Plan was not developed to prevent federal law enforcement officials from enforcing the law. It was developed to minimize interference with learning.

On February 14, 2026, the District's Director of Communications received an email from attorney Curt Hartman requesting the following:

Any plan, memorandum, or outline from January 20, 2025 to the present, addressing how the Forest Hills School District or its staff should respond to the presence on school property of any officers or officials with Immigration and Customs Enforcement (ICE). (Compl., p. 6, ¶ 22.)

On February 17, 2026, Josh Bazan (the Director of Communications for the Forest Hills School District) provided a response to *Public Records Request*, wherein he provided a document entitled "*ICE Response Plan-FHSD*". (Compl, p. 6, ¶23.); see copy of email exchange attached to Complaint as Exhibit "B" and copy of the ICE Response Plan as provided as Exhibit "C". Josh Bazan explained that "please note that redactions have been made for information that is considered a security record and is exempt from disclosure pursuant to Ohio Revised Code 149.433." At no time did the District ever suggest or claim that ICE action should be considered "acts of terrorism" or that federal law enforcement officers should be considered "terrorists". Rather, the District explained the ICE Response Plan was for the purpose of safety and security

for students and staff, for protecting and maintaining the educational environments from interference, and redactions were legitimate under R.C. 149.433. Nevertheless, Relator filed Complaint for Writ of Mandamus seeking this Court to order the issuance of a peremptory Writ of Mandamus or, alternatively, an alternative Writ of Mandamus, compelling Respondents to produce the entire ICE Response Plan that addresses how the Forest Hills School District or its staff should respond to the presence on school property of any officers or officials with Immigration and Customs Enforcement.

Not only is Relator's Complaint deficient due to its failure to comply with S.Ct.Prac.R. 12.02(B) and R.C. 2731.04, it also fails to state a claim upon which Mandamus relief may be granted because it seeks a "Security Record" that contains information directly used for protecting or maintaining the security and well-being of students and staff, and for protecting or maintaining the educational environments against interference. Thus, the "Security Record" was exempt under R.C. 149.433.

MEMORANDUM OF LAW

To be entitled to a Writ of Mandamus, a relator must show "(1) a clear legal right to the requested relief, (2) a clear legal duty on the respondent's part to provide it, and (3) the lack of an adequate remedy in the ordinary course of the law. *State ex rel. Green v. Wetzel*, 2019-Ohio-4228, ¶ 8, *citing State ex rel. Waters v. Spaeth*, 2012-Ohio-69, ¶ 8.

A court may dismiss a mandamus action under Civ.R. 12(B)(6) for failure to state a claim upon which relief can be granted "if, after all factual allegations of the complaint are presumed true and all reasonable inferences are made in the relator's favor, it appears beyond doubt that he can prove no set of facts entitling him to the requested writ of mandamus." *State ex rel Manley v. Wash*, 2014-Ohio-4563, ¶18, *citing State ex rel. Taylor v. Glasser*, 50 Ohio St.2d 165, 166 (1977).

Under R.C. 2731.01, Mandamus is “a writ, issued in the name of the state to an inferior tribunal commanding the performance of an act which the law specifically enjoins as a duty resolving from an office, trust, or station.” Mandamus is an extraordinary remedy “to be issued with great caution and discretion and only when the way is clear. *State ex rel. Manley* at ¶ 18, citing *State ex rel. Taylor* at 166. R.C. 2731.04 requires that an application for a Writ of Mandamus be made “by petition, in the name of the state on the relation on the party applying, and verified by affidavit.”

Relator’s Complaint is both procedurally and substantively defective based on these established standards, and this Court should dismiss it. Not only does R.C. 2731.04 require a complaint for writ of mandamus be supported by affidavit, but this Court’s Rules of Practice also contain the same basic requirement. S.Ct.Prac.R. 1202(B). *State ex rel. Miller v. Hamilton Cty. Bd. of Elections*, 2021-Ohio-831, ¶ 8. Such affidavit must be based on personal knowledge for S.Ct.Prac.R. 1202(B)(2). Here, Relator fails to submit any affidavit and, for this reason alone, the Complaint should be stricken. Even if the Complaint is not stricken on this reason alone, it is evident that the Complaint for Writ of Mandamus fails to state a claim upon which relief can be granted because Respondents have no legal duty to provide security records as requested by Relator.

R.C. 149.433(A)(1) defines a “security record” as (among other things) any “record that contains information directly used for protecting or maintaining the security of a public office against...interference.” Protecting a public office includes protecting the employees, officers, and agents who work in that office. R.C. 149.433(A)(1)-(2). Accordingly, a “Security Record” is not a “Public Record”, and therefore is not subject to mandatory disclosure or release under R.C. 149.43.

In the Complaint, Relator claims that the District's invocation of the exemption equates federal law enforcement officers as "terrorists" and that the federal law enforcement officers seeking to enforce federal law are committing "acts of terrorism". Yet, none of the documentation attached to the Complaint supports this frivolous claim. Relator ignores the portion of R.C. 149.433(A)(1) that includes as a "Security Record" information protecting or maintaining the security of the District against "interference." Moreover, the ICE Response Plan fits within the definition of "Security Record" because it is self-evident that the presence of ICE in school buildings would "interfere" with the operation of the school.

Further, at no time did the District indicate that it would not cooperate with ICE. The ICE Response Plan is, and always has been, nothing more than a plan to make sure the District's buildings are secure and safe and to ensure that if ICE agents do appear at school buildings, their presence does not interfere with the District's core mission of educating students. The National Education Association (NEA) has issued several reports and has even filed emergency motions alleging that ICE presence has interfered with school operations. See *e.g.*, *Pineros Y Campesinos Unidos Del Noroeste v. Noem*, No. 6:25-cv-00699 (D. Or. filed April 28, 2025). The Plan developed by the District was for the purpose of minimizing interference and disruption to the educational environment, not to prevent federal law enforcement officials from enforcing the law. The Response Plan was only shared with building administrators and administrative assistants. Internal staff and general staff were not permitted to view or have access to the document. Therefore, the Plan is akin to the District's emergency management plan, which is confidential under R.C. 5502.262.

Exhibit "B" attached to Relator's Complaint shows that the District responded to the request by providing documents and only redacted information that is considered a security record,

which is clearly exempt from disclosure pursuant to R.C. 149.433. Further, attached to this Motion are Minutes of the Board Meeting (which are public record) showing that there were no statements by Board members directly or implying that ICE officers were akin to “terrorists”.

Thus, Relator’s Complaint fails to state a claim upon which Mandamus relief may be granted because, even if the facts in the Complaint are assumed to be true, Respondents had no legal duty to produce security records to Relator.

WHEREFORE, these answering Respondents pray that the Verified Complaint for Writ of Mandamus be dismissed as to these answering Respondents.

Respectfully submitted,

MARSHALL DENNEHEY, P.C.

By: /s/ Ray C. Freudiger

RAY C. FREUDIGER (0055564)

312 Elm Street, Suite 1850

Cincinnati, OH 45202

Phone: (513) 372-6800

Fax: (513) 372-6801

rfreudiger@mdwecg.com

*Counsel for Respondents, Board of Education of
Forest Hills Local School District and
Alana Cropper, Treasurer of Forest Hills
Local School District*

CERTIFICATE OF SERVICE

This will certify that a true and accurate copy of the foregoing was served on the by electronic and/or regular U.S. mail, this 23rd day of March, 2026, upon the following:

Curt C. Hartman
THE LAW FIRM OF CURT C. HARTMAN
7394 Ridgepoint Drive, Suite 8
Cincinnati, OH 45230
hartmanlawfirm@fuse.net
Counsel for Relator Lisa Daly

Christopher R. Finney
FINNEY LAW FIRM
4270 Ivy Pointe Blvd., Suite 225
Cincinnati, OH 45245
chris@finneylawfirm.com
Counsel for Relator Lisa Daly

William M. Deters II
ENNIS BRITTON LPA
1714 W. Galbraith Road
Cincinnati, OH 45239
*Counsel for Respondents Board of Education
of Forest Hills Local School District and
Anna Copper*

MARSHALL DENNEHEY, P.C.

By: /s/ Ray C. Freudiger
RAY C. FREUDIGER (0055564)

AFFIDAVIT OF ALANA CROPPER

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

1. I am over 18 years of age and have personal knowledge of the facts set forth herein.

2. I am employed as a Treasurer for the Forest Hills Local School District.

3. On February 3, 2026, the Board of Education of the Forest Hills Local School District met in regular session at the Central Office Building, 7946 Beechmont Avenue, Cincinnati, Ohio 45255.

4. The attached are true and accurate copies of the Minutes of the aforementioned Board Meeting as required by Ohio law and constitutes the official record of the aforementioned Board Meeting.

5. The attached also accurately reflects the general subject matter of discussions in Executive Session following the February 3, 2026 Board Meeting.

FURTHER AFFIANT SAYETH NAUGHT.

Alana Cropper
ALANA CROPPER

Sworn to and subscribed in my presence by the said Alana Cropper, this 23 day of March, 2026.



Paige Marie Trisler
Notary Public

The Board of Education of the Forest Hills Local School District met in regular session at the Central Office Building, 7946 Beechmont Avenue, Cincinnati, Ohio 45255 on Tuesday, February 3, 2026.

1. Opening Items

Procedural: 1.1 Call to Order

Dr. Strickler called the meeting to order at 4:30 p.m.

Procedural: 1.2 Roll Call

Members present: Erin Walczewski, Jason Simmons, Jeff Nye, Jeremy Ward, Wendy Strickler

Procedural: 1.3 Pledge of Allegiance

Dr. Strickler led the Pledge of Allegiance.

Information: 1.4 Safety Briefing

Dr. Strickler noted the safety exits.

2. Agenda

Action: 2.1 Motion to Adopt Agenda

Motion to adopt the agenda as presented.

Motion by Jason Simmons, second by Erin Walczewski.

Final Resolution: MOTION CARRIED

Yes: Erin Walczewski, Jason Simmons, Jeff Nye, Jeremy Ward, Wendy Strickler

3. Board Discussion

Discussion: 3.1 Board Discussion

Tuesday, February 3, 2026 was declared a calamity day due to inclement weather. It was communicated to the families that school and after school activities would be cancelled, however, the Board meeting would still take place since it was largely for executive session. Dr. Strickler clarified with Mrs. Cropper that Board Discussion was left on the agenda because the agenda was published with Board Discussion.

Mr. Nye requested a status on the Open Meetings Act refresher training. Dr. Strickler indicated that we have moved forward with next step accepting the policy recommendations and should wait to schedule until we are notified that it has been accepted. We are waiting for direction and nothing has been scheduled at this time.

Dr. Strickler shared that she and Mr. Hook have been on the Beech Acres Recommendation Committee. There are dates scheduled to visit facilities of similar size to look for ideas. The dates do not work well for Dr. Strickler. Dr. Simmons and Mr. Nye shared that they can be flexible and Ms. Walczewski shared that she can be an alternate.

Ms. Walczewski expressed appreciation to Mr. Hook for making the snow day calls.

4. Executive Session

Action: 4.1 Executive Session

Motion to go into Executive Session.

Pursuant to Ohio Revised Code Section 121.22(G)(1), I hereby move that the Board adjourn to executive session for the purpose of considering the employment of a public employee or official.

AND

Pursuant to Ohio Revised Code Section 121.22(G)(6), I hereby move that the Board adjourn to

executive session to discuss details relative to the security arrangements and emergency protocols for the School District, which, if otherwise disclosed, could jeopardize the security of the School District or Board.

Motion by Jason Simmons, second by Jeff Nye.

Final Resolution: MOTION CARRIED

Yes: Erin Walczewski, Jason Simmons, Jeff Nye, Jeremy Ward, Wendy Strickler

The Board entered executive session at 4:39 p.m.

The Board returned to regular session at 6:00 p.m.

Roll call from executive session: Mr. Nye, Dr. Simmons, Dr. Strickler, Ms. Walczewski, Mr. Ward

5. Adjournment

Information: 5.1 Next regular meeting of the Board of Education February 18, 2026

Location - Mercer Elementary School | 2350 Bartels Road | Cincinnati, OH 45244

Time: 6:30 p.m.

Action: 5.2 Motion to Adjourn

Motion to adjourn the regular meeting of the Forest Hills Board of Education.

Motion by Erin Walczewski, second by Jason Simmons.

Final Resolution: MOTION CARRIED

Yes: Erin Walczewski, Jason Simmons, Jeff Nye, Jeremy Ward, Wendy Strickler

The meeting adjourned at 6:01 p.m.



President



Treasurer

From: Josh Bazan <joshbazan@foresthills.edu>
Sent: Tuesday, February 17, 2026 5:31 PM
To: hartmanlawfirm@fuse.net
Subject: Re: Public Records Request
Attachments: Request 2-14-26A ICE Response Plan_Redacted.pdf

Hello Curt,

Thank you for reaching out and submitting this request for public records. The district has received your request, and the reference ID for this request is 2-14-26A and this email serves as the district's response.

I have completed our search and am attaching a document that is relevant to your request. Please note that redactions have been made for information that is considered a security record and is exempt from disclosure pursuant to Ohio Revised Code 149.433.

This completes Request 2-14-26A. Please let me know if you have any questions.

Sincerely,
Josh

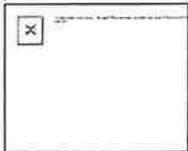
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Josh Bazan

Director of Communications

Forest Hills School District

(513) 231-3600, ext. 2966

joshbazan@foresthills.edu



On Sat, Feb 14, 2026 at 12:32 PM <hartmanlawfirm@fuse.net> wrote:

Josh -

Pursuant to the Public Records Act and on behalf of a client, I request a copy of the following public records:

- any plan, memorandum, or outline from January 20, 2025, to the present, addressing how the Forest Hills School District or its staff should respond to the presence on school property of any officers or officials with Immigration and Customs Enforcement (ICE).

I request that any responsive records be provided in a pdf format and transmitted to me at this email address.

In light of the narrow and specific scope of this request, we look forward to the prompt production of the records.

Sincerely,
Curt Hartman

The Law Firm of Curt C. Hartman
7394 Ridgepoint Drive, Suite 8
Cincinnati, Ohio 45230
(513) 379-2923

ICE Response Plan — FHSD

I. Foundational Legal Context

Student Records & Confidentiality (Ohio Law)

Ohio law generally prohibits releasing or allowing access to personally identifiable student information except in limited circumstances (e.g., missing child investigations with parent consent).

School Access & Law Enforcement

Ohio law authorizes local boards of education to make rules governing entry to school grounds. Federal agencies are not automatically granted access to school property without proper legal authority.

Under current federal policy, schools are no longer designated as “sensitive locations.” Federal agents may legally access publicly accessible areas of schools (e.g., sidewalks, vestibules/front offices, open after-school events).

Federal FERPA Protections

FERPA protects education records.

Disclosure without consent is permitted only under specific exceptions (e.g., court order, subpoena, judicial warrant, directory information).

II. Building Admin Assistants / Front Office Staff — First Contact

Immediate Steps/Information

O.R.C. 149.433
[Redacted]

A. Maintain Calm Professionalism

O.R.C. 149.433
[Redacted]

O.R.C. 149.433
[Redacted]

O.R.C. 149.433
[Redacted]

O.R.C. 149.433
[Redacted]

B. Do Not Make Schoolwide Announcements

O.R.C. 149.433 [Redacted]

O.R.C. 149.433 [Redacted]

O.R.C. 149.433 [Redacted]

Communication must be:

- Factual
- Neutral
- Limited to what the school directly observed

O.R.C. 149.433 [Redacted]

III. Principal / Building Administrator — Immediate Actions

O.R.C. 149.433 [Redacted]

Documentation Types:

- **Judicial warrant signed by a judge** (required for access beyond public areas)

- **Administrative ICE warrant (Forms I-200/I-205):**

- Issued by DHS
- Enforceable for civil immigration arrests in public areas only
- Does not authorize entry into schools without consent
- Generally does not authorize a search

O.R.C. 149.433

O.R.C. 149.433

O.R.C. 149.433

B. Legal Review & District Notification

Immediately contact:

- Superintendent or designee (district will contact legal counsel)

O.R.C. 149.433

O.R.C. 149.433

O.R.C. 149.433

O.R.C. 149.433

C. Documentation Requirements

Record the following:

- Date and time
- Officer names and badge numbers
- Documentation presented (copy if permitted; photo if copying is not allowed)
- Actions taken by school staff

D. Classrooms & Students

Maintain normal instruction unless otherwise directed by safety personnel.

IV. Principal — Ongoing Responsibilities

O.R.C. 149.433
[Redacted]

V. Bus Drivers — In Route or at Stops

O.R.C. 149.433
[Redacted]

O.R.C. 149.433
[Redacted]

B. After the Encounter

Notify:

- Transportation supervisor
- School administrator
- Law enforcement / SRO

Document the interaction when it is safe to do so.

VI. Communications Director — Messaging & Public Information

A. Centralize All Communication

All public messaging must be coordinated through district leadership.

Avoid speculation or personal opinions.

Do not release information that could violate privacy laws.

B. Internal & Parent Communication - Coordinated with Josh

Prepare notices that:

- Emphasize student safety
- Respect the legal process
- Reassure families the district follows state and federal law

C. Media Response (Josh)

Focus on safety and neutrality.

Do not share operational or student-specific details.

Sample Holding Statement (Internal):

"We are aware of law enforcement presence near our site. Student safety and privacy remain our priority. The district is following legal protocols in coordination with counsel."

VII. Student Records & Privacy Law

Ohio law limits access to student records.

Never release records without:

- Parent/guardian consent, or
- Proper legal process (subpoena, court order, or valid warrant)

FERPA and Ohio law protections apply regardless of requesting agency.

Relevant Policy:

- Ohio Rev. Code 3313.20 (entry to school grounds)
- FHSD Policy 9150

VIII. After an Incident

Conduct an administrative debrief with the Superintendent.

Collect and secure all documentation.

Address staff and family concerns in coordination with the Communications Director and legal counsel.

IX. Other Things to Consider

- There will be a confrontation — ICE/Parent and/or Parent/School

O.R.C. 149.433

O.R.C. 149.433