

34TH ANNUAL OREGON SCHOOL LAW CONFERENCE

CONFEDERATION OF OREGON SCHOOL ADMINISTRATORS

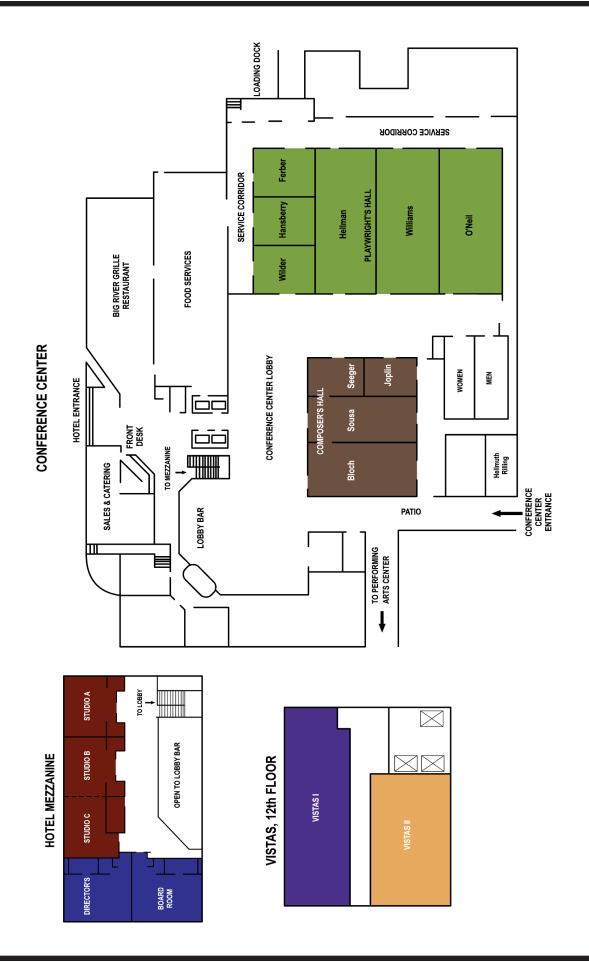
707 13th Street SE, Suite 100 • Salem, Oregon 97301 www.cosa.k12.or.us • (503) 581-3141

OREGON SCHOOL BOARDS ASSOCIATION

1201 Court Street NE, Suite 400 • Salem, Oregon 97301 www.osba.org • (503) 588-2800

UNIVERSITY OF OREGON

1585 E. 13th Avenue • Eugene, Oregon 97403 www.uoregon.edu • (541) 346-1000



CONFEDERATION OF OREGON SCHOOL ADMINISTRATORS, OREGON SCHOOL BOARDS ASSOCIATION, & THE UNIVERSITY OF OREGON

The December 3-5, 2014, Oregon School Law Conference will mark the 34th time that the three sponsoring organizations have collaborated on this important education event. The Confederation of Oregon School Administrators (COSA), Oregon School Boards Association (OSBA), and the University of Oregon welcome you to the Eugene Hilton & Conference Center for the 34th Annual Oregon School Law Conference.

This year's Law Conference gathers Oregon educators and the best legal minds on the topic of School Law from throughout the state for a two-day seminar. The Wednesday afternoon pre-conference will include your choice of Employee Discipline, Special Education, Student Rights and Discipline, Human Relations for the School Administrator. Two general sessions, 15 interest sessions, and several small-group interactive discussions characterize this highly interactive and informative event. Breakout topics will include: Programs of Assistance, Student Discipline, Special Education, First Amendment Issues, Technology and Privacy to name a few.

COLIN CAMERON

Deputy Director Confederation of Oregon School Administrators JIM GREEN

Deputy Executive Director Oregon School Boards Association KEITH HOLLENBECK

Director of Administrator Licensure Programs
University of Oregon

CONFERENCE PLANNING COMMITTEE

Colin Cameron	
Richard Cohn-Lee	The Hungerford Law Firm, LLC
Paul Dakopolos	
Jim Green	Oregon School Boards Association
Keith Hollenbeck	University of Oregon
Andrea Hungerford	The Hungerford Law Firm, LLC
Nancy Hungerford	The Hungerford Law Firm, LLC
Kelly Noor	Garrett Hemann Robertson, PC
Bruce Zagar	Garrett Hemann Robertson, PC

SCHEDULE

WEDNESDAY, DECEMBER	3,	2014
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8:30 to 4:30 Oregon School Law and Finance

1:00 to 4:00 Pre-Conference

4:00 Adjourn

THURSDAY, DECEMBER 4, 2014

7:30 to 8:00 Registration / Continental Breakfast

8:00 to 9:15 General Session I

9:15 to 9:30 Refreshment Break

9:30 to 10:30..... Breakout Sessions I - III

10:30 to 10:45 Refreshment Break

10:45 to 11:45 Breakout Sessions IV - VI

11:45 to 1:00.....Lunch

1:00 to 2:15 Breakout Sessions VII - IX

2:15 to 2:30 Refreshment Break

2:30 to 3:45 Interactive Sessions

4:00 to 5:00 Reception

FRIDAY, DECEMBER 5, 2014

7:30 to 8:00Continental Breakfast

8:00 to 9:10 General Session II

9:10 to 9:20 Refreshment Break

9:20 to 10:30..... Breakout Sessions X - XII

10:30 to 10:45..... Refreshment Break

10:45 to 12:00 Breakout Sessions XIII - XV

12:00 Adjourn

WEDNESDAY, DECEMBER 3, 2014

8:30 to 4:30O'Neil Room

Presenters: Michael Elliott, Fiscal Analyst, Oregon Department of Education

Lisa Freiley, Director of Legal, Labor & PACE Services/Staff Counsel, OSBA

The Oregon School Law and Finance (OSLF) class is a two-credit course, which is held in conjunction with the Oregon School Law Conference. OSLF is designed to provide school personnel holding a restricted administrative license with upto-date information on legal and financial issues critical to Oregon schools.

This presentation covers the workings of the State School Funding Formula and how various factors impact the money provided to Oregon's school districts.

1:00 to 4:00PRE-CONFERENCE SESSIONS:

Back to Basics: Employee Discipline & Dismissal......Bloch Room

Presenters: Bruce Zagar, Attorney, Garrett Hemann Robertson, PC

Kelly Noor, Attorney, Garrett Hemann Robertson, PC

The session will cover practice tips and legal compliance issues when it becomes necessary to discipline or terminate an employee, including Fair Dismissal requirements in the dismissal of licensed teachers and administrators and "just cause" provisions in collective bargaining agreements.

Presenters: Nancy Hungerford, Attorney, The Hungerford Law Firm Jennifer Hungerford, Attorney, The Hungerford Law Firm

This session will cover key "nuts and bolts" of student rights and discipline, such as student's rights in the areas of speech and religion, attendance requirements, the range of discipline, a school's general authority to discipline, basic due process considerations, and specific discipline requirements such as discipline for weapons and discipline of disabled students. The session will emphasize changes in practice and district rules/policies required as a result of H.B. 2192, as well as the federal Dept. of Education's increasing involvement in investigating disparities in discipline among students of different races or nationality.

Presenters: Joel Hungerford, Attorney, The Hungerford Law Firm Richard Cohn-Lee, Attorney, The Hungerford Law Firm

Practical and useful information about the procedural and substantive requirements of the IDEA, this primer/ refresher course will be helpful for anyone working with education, from new Special Ed directors and building administrators who wish to be more proficient in this area, to veteran Special

Ed administrators looking for the latest information and practice tips.

4:00 Adjourn Pre-Conference

THURSDAY, DECEMBER 4, 2014

			Diti, DECEMBER 1, 2011	
7:30 to 8:00	Regi	stration / Con	tinental Breakfast	Lobby
8:00 to 9:15	3:00 to 9:15 GENE		ION I	Playwright's Hal
	Mast	ter of Ceremo	ny: Samuel Lee, Secretary-Treasurer, Oregon School Bo	oards Association
	Conf	erence Partne	rs: Jim Green, Deputy Executive Director, Oregon Scho Colin Cameron, Deputy Director, Confederation of Oreg Keith Hollenbeck, Director of Administrator Licens	gon School Administrators
		Schools and note Speaker:	the City: Perspectives on a Vital Relationship Steve Novick, Commissioner, City of Portland	
9:15 to 9:30	Refr	eshment Break Lobb		
9:30 to 10:30	BRE	EAKOUT SES	SSIONS I - III	
	I.	Reasonable	Accommodations and the ADA for Employees and	
		Presenter:	Kelly Noor, Attorney at Law, Garrett Hemann Roberts	-
			The diagnosis of mental health conditions has been so districts will be seeing all kinds of different diagnosis employees and students. We will discuss the changing health and practical applications for situations that employees and students. What should employers do w dysphoria?" A student with a medical marijuana can these revisions could affect the results of an interactive required accommodations with an employee, and also student's ADA or Section 504 requests.	oses and requests from g medical view of menta arise under the ADA for ith a diagnosis of "gendered? We will review how we process to discuss the
	II.	Employee D Presenter:	Discipline and TerminationBrian Hungerford Law Fir	
			The session will cover practice tips and legal compliant necessary to discipline or terminate an employee, in requirements in the dismissal of licensed teachers "just cause" provisions in collective bargaining agree	ncluding Fair Dismissa and administrators and
	III.	Bring Your Presenter:	Own Device: Opportunities and Challenges Rebekah Jacobson, Attorney, Garrett Hemann Robert Corin Richards, Administrator for Instructional Tech	son, P.C.
			This session will dicuss the legal issues related to Bring Your Own Device (BYOD) programs in the school cyberbullying to CIPA to COPPA, the presenters and practical considerations for school administrate implementing a BYOD program.	ools. From equity issues will walk through lega
10:00 to 11:45		nsure and De	gree Career PlanningStu Cheryl Brown, COSA Licensure and Degree Specialist	

This session will provide information about the Oregon Career Ladder for Educators offered by Confederation of Oregon School Administrators in partnership with Concordia University of Chicago. The career ladder offers progressive levels of preparation and levels of advancement in the education profession. COSA offers all levels of a comprehensive career pathway: teacher leader specialization, the Initial and Continuing Administrator licenses and

there is the opportunity to pursue a Master's or Doctorate in conjunction with the programs. The presentation will include different aspects of the rigorous program and the relevant, job embedded internship. The programs emphasize instructional leadership; research based decision-making skills and the application of cross-functional knowledge and skills.

10:45 to 11:45.....BREAKOUT SESSIONS IV - VI

IV. Social Media: Teachers, Kids, Parents......Hellman/Wilder Room

Presenter: Andrea Hungerford, Attorney, The Hungerford Law Firm

What are the laws governing schools and social media, as it relates to student and staff discipline, confidentiality and privacy rights, freedom of speech, and off-campus conduct? This session will cover basic information that all building administrators need to know when dealing with social media use by staff, schools, and students.

V. Off-Campus Student Behavior: Conduct and Speech......Composer's Hall

Presenter: Paul Dakopolos, , Attorney, Garrett Hemann Robertson P.C.

This presentation will explore the legal issues relating to off-campus student behavior and a school district's ability to regulate that behavior through its discipline policies. When does a district have jurisdiction to take action against a student for an off-campus fight? When does a district violate a student's free speech rights when it suspends a student for off-campus speech? What legal claims does a student have against a school district and individual employees? We will also look at the most current case law around the nation on these subjects.

VI. Mandatory Reporting: Child Abuse, Sexual Conduct and TSPC

ViolationsWilliams/O'Neil Room

Presenters: Nancy Hungerford, Attorney, The Hungerford Law Firm

Jennifer Hungerford, Attorney, The Hungerford Law Firm

Mandatory Reporting: School employees have obligations to report to TSPC, Child Abuse reporting hotline (or police), and to designated employees in their own districts regarding sexual conduct and/or child abuse. Learn the requirements and potential penalties for failing to report. Also covered: What if you are the subject of a report?

11:45 to 1:00.....Lunch

11:45 to 1:00......Portland State University Student Luncheon (by invitation only)......Hellman/Wilder Room

Speakers: Amy Petti, Associate Professor Ed Leadership & Policy, PSU

Susan Carlile, Education Leadership and Policy Program Coordinator, PSU

11:45 to 3:45......Superintendents Leadership Institute (by invitation only)......Vistas I Room

Facilitator: Holly Lekas, Director of Professional Learning, COSA Speakers: Nancy Hungerford, Attorney, The Hungerford Law Firm

Jerry Colonna, COSA Superintendent Emeritus

1:00 to 2:15BREAKOUT SESSIONS VII - IX

VII. OCR's Dear Colleague Letter on Resource Equity: Are You Ready if OCR Comes

Knocking?Williams/O'Neil Room

Presenter: Mike Porter, Partner, Miller Nash LLP

On October 1, 2014, OCR issued a Dear Colleague Letter advising school districts

of compliance obligations related to resources. This creates OCR enforcement focus on programs and practices that school districts may not think are discriminatory but that OCR believes may be. Does a program offered at a well-performing school but not a Title I school create a possible discrimination issue? Does your collective bargaining agreement teacher assignment clause risk running afoul of OCR's position concerning Title VI discrimination prohibitions concerning race, color, and national origin? If so, what might you do to increase the likelihood of managing an investigation by OCR? This session will focus on OCR's new enforcement priority expressed in the October 1 letter, key programmatic issues to consider, and how to respond if OCR is knocking at your district's door.

VIII. Strategies to Avoid ACA Penalties and TaxesHellman/Wilder Room

Presenter: Peggy Stock, Labor & PACE Services Consultant, OSBA

> With the actual implementation of the employer responsibility penalty on the near horizon and soon after that the implementation of the ACA excise tax, now is the time to learn strategies to help avoid those penalties and taxes. In this breakout session, there will be a basic overview of the penalties and excise tax, followed by information regarding the employer's IRS and employee reporting requirements, leading to a discussion of additional strategies to help the employer avoid penalties and taxes (or the trickle down of the excise tax). Bring your ACA questions because there will also be time to ask your burning ACA questions.

IX. How Not to Get Fired: Administrative Contracts 101......Composer's Hall

Presenters:

Nancy Hungerford, Attorney, The Hungerford Law Firm Nathan Rietman, Attorney At Law

Nancy Hungerford will cover legal requirements involved in any administrator dismissal. Nathan Rietmann will provide advice on how administrators may avoid or remediate situations that commonly threaten continued employment.

1:00 to 4:00Licensure and Degree Career Planning......Studio A (mezzanine level)

Presenter:

Cheryl Brown, COSA Licensure and Degree Specialist

This session will provide information about the Oregon Career Ladder for Educators offered by Confederation of Oregon School Administrators in partnership with Concordia University of Chicago. The career ladder offers progressive levels of preparation and levels of advancement in the education profession. COSA offers all levels of a comprehensive career pathway: teacher leader specialization, the Initial and Continuing Administrator licenses and there is the opportunity to pursue a Master's or Doctorate in conjunction with the programs. The presentation will include different aspects of the rigorous program and the relevant, job embedded internship. The programs emphasize instructional leadership; research based decision-making skills and the application of cross-functional knowledge and skills.

2:15 to 2:30Refreshment BreakLobby

2:30 to 3:45SMALL GROUP DISCUSSIONS

Full-Day Kindergarten Bloch Room

Maryalice Russell, Superintendent, McMinnville SD 40 Presenter:

> Full-day Kindergarten, are you ready? Overview of issues related to 2015-16 implementation of Full-day Kindergarten program description, funding levels, related legal issues and requirements. Q & A.

B. Electronic Cigarettes and Banned Items in SchoolsSousa Room

Presenter:

Peggy Holstedt, Director, Oregon School Boards Association Spencer Lewis, Specialist, Oregon School Boards Association

This small group discussion will provide the audience with an opportunity to dialogue around issues related not only to e-cigarettes but other "banned" items in schools such as but not limited to medical marijuana, weapons, dress, body art, advertising, food, medications etc.

C. Interdistrict TransferWilder Room

Presenters:

Nancy Hungerford, Attorney, The Hungerford Law Firm Morgan Allen, Legislative Services Specialist, Oregon School Boards Association

The interdistrict transfer session will provide an opportunity to discuss the impact of recent changes in the IDT law, including issues related top special education, transportation, revocation of IDTs, and how the IDT procedures differ from Open Enrollment and other transfer and residency laws.

Presenters:

Rebekah Jacobson, Attorney, Garrett Hemann Robertson P.C.

Tom Welter, Executive Director, Oregon School Activities Association

This session will outline common safety and legal issues related to preseason conditioning camps and other summer activities. The presenters will provide guidance regarding best practices to limit school district liability, while keeping athletes safe during the summer months.

E. Sex Discrimination Under Title IX......Williams Room

Presenter:

Kelly Noor, Attorney at Law, Garrett Hemann Robertson P.C.

Enforcement of Title IX issues has gone far beyond the traditional realm of sports; public entities are now subject to claims of systemic bullying and harassment based on Lesbian, Gay, Bisexual, and Transgender (LGBT) issues and heightened concerns about sexual violence. This session will cover the most recent guidelines on civil rights legal cases, the requirements under federal law, and discussion about how schools can prepare to address these issues to avoid missteps and conflict.

Presenter:

Jim Green, Deputy Executive Director, Oregon School Boards Association

This session will cover basic elements of charter school sponsorship for those new to the practice, such as: receiving the first application, processing the first renewal, looking at termination, fitting charter schools into the district's portfolio of options, and funding. We will also discuss the basics of charter school sponsorship, and how authorizing has changed since the Legislature enacted the charter school law in 1999.

G. How Civic Ed Pays Big Dividends O'Neil Room

Presenter: Marilyn Cover, Executive Director, Classroom Law Project

Renewed attention to civic education can pay big dividends in school climate, community engagement and student achievement. You may have heard about constitution teams, mock trial, courthouse tours, youth summits, Project Citizen, and other innovative programs engaging students across Oregon. In this session, learn more about these programs and how to bring them to your school or district.

H. IDEA Q&A.....Joplin/Seeger Room

Presenters: Claudette Rushing, Legal and Dispute Resolution Specialist, ODE

This session is designed for school building administrators and professionals who are new to working with special education laws. Discussion will allow for attendees to pose questions related to working with children who are covered by the Individuals with Disabilities Education Act (IDEA) in a safe and collegial environment. The main topics for discussion will include: Frequently used IDEA Acronyms, IDEA eligibility and categories, parent participation rights, and complaint resolution. However, attendees are welcome to bring their own questions and topics for discussion.

4:00 to 5:00Reception......Lobby

FRIDAY, DECEMBER 5, 2014

7:30 to 8:00Continental BreakfastLobby

8:00 to 9:10Playwright's Hall

Master of Ceremony: Samuel Lee, Secretary-Treasurer, Oregon School Boards Association

Legislative Updates and Issues

Speakers: Morgan Allen, Legislative Services Specialist, Oregon School Boards Association

David Williams, Director-Government Relations, Portland SD Chuck Bennet, Director of Government Relations, COSA

Jim Green, Deputy Executive Director, Oregon School Boards Association

Join legislation specialists from OSBA, COSA and Portland SD for an overview of the results of the November election results and how they are likely to impact the House and Senate. Proposed legislation that will impact Oregon schools and what to anticipate as far as funding for the next biennium.

9:10 to 9:20Refreshment BreakLobby

9:20 to 10:30......BREAKOUT SESSIONS X - XII

Presenter: Rebekah Jacobson, Attorney, Garrett Hemann Robertson P.C.

Shelley Rutledge, SIRC Coordinator, Salem-Keizer SD

Rich Robison, Juvenile PO Supervisor, Polk County Juvenile Department

This presentation will provide practical advice to implement safety plans of juvenile sex offenders to limit liability, and more importantly, keep your school safe. Presenters will also discuss how to successfully facilitate a multi-agency threat assessment team to manage students who engage in concerning sexual behaviors.

XI. Bullying and Harassment Issues in Schools......Williams/O'Neil Room

Presenter: Paul Dakopolos, Attorney, Garrett Hemann Robertson P.C.

This presentation will focus on bullying and harassment between students. Understanding the legal issues involved is critical for building administrators. We will discuss the most current case law involving students who have been bullied at school by fellow students. Disabled students are often targets of bullying/harassment by peers. Learn OCR has to say about disability harassment, how these claims are treated by the courts, and what districts need to do about it.

XII. ELL Achievement Gap, Ethics and the Law......Hellman/Wilder Room

Presenter:

David Bautista, Assistant Superintendent, Oregon Department of Education

In this session we will be covering basic laws that support English learners and are the basis to have a solid academic program. Forty years ago, in its landmark decision in Lau v. Nichols the US Supreme Court unanimously held that "...failure of the school system to provide English language instruction to its non-English speaker students or to provide them with other adequate instructional procedures, denies them a meaningful opportunity to participate in the public educational program and thus violates the 601 of the Civil Rights Act of 1964" It is imperative that our school districts have a well implemented program.

10:30 to 10:45Refreshment BreakLobby

10:45 to 12:00......BREAKOUT SESSIONS XIII - XV

XIII. Oregon's Educator Evaluation Systems: What All Districts Need to

Know......Williams/O'Neil Room

Presenters: Theresa Richards, Director of Educator Effectiveness, ODE

Shawn Swisher, Attorney, High Desert ESD

In this session, Theresa Richards will provide an update the developments in educator evaluation systems during the past year including the ESEA Flexibility Waiver, regional peer review panels, and what is required in the 2014-15 school year. Shawn Swisher will discuss collective bargaining and legal implications related to the educator evaluation requirements.

XIV. High Priority Issues in Special Education: Rules and Resources for

Administrators......Hellman/Wilder Room

Presenter: Kelly Noor, Attorney at Law, Garrett Hemann Robertson P.C.

> Special education disputes are always a high priority for districts due to the tremendous financial impacts of the decisions that are made, as well as the impact that disputes have on the relationships between schools and families. This session will focus on problem solving to avoid disputes by addressing key problem areas that come up in special education, and it will provide practical rules and resources for administrators.

Sexual Violence: Title IX and IDEA......Composers Hall XV.

Presenters:

Claudette Rushing, Legal Specialist, Oregon Department of Education Karin Moscon, Civil Rights Specialist, Oregon Department of Education

Recent guidance from the US Department of Education's Office of Civil Rights (OCR) discusses sexual violence and Title IX with some IDEA and Special Education implications. Come learn about both bodies of law as they apply to sexual violence and sexual harassment.

12:00Adjourn

2014-15 PROFESSIONAL LEARNING CALENDAR

DECEMBE	R 2014	
3-5	Oregon School Law Conference	Hilton, Eugene
JANUARY	2015	
•	Winter Breakthrough Coach	Inn at Commons Medford
	OACOA/OASE Winter Conference	
	OACOA Seminar Series	
0 2		
FEBRUAR	Y 2015	
6-7	OALA Winter Conference	University of Oregon, Eugene
26	Full-Day Kindergarten Implementation and Planning Co	onference Hilton, Eugene
TBD	Winter Special Education Workshop	Wilsonville
MARCH 2		M21
	Spring Breakthrough Coach	
	CCSS Spring Regional Training	
	CCSS Spring Regional Training	-
	CCSS Spring Regional Training	
12-13	State English Learners Alliance Conference	Hilton, Eugene
APRIL 20	15	
16-17	Anthony Muhammad "All Means All"	Hilton Portland & Executive Tower, Portland
24	OACOA Seminar Series	Hilton, Eugene
JUNE 201		
	41st Annual COSA Pre-Conference	
18-19	41st Annual COSA Conference	
AUGUST 2	015	
5-7	Oregon Summer Assessment Institute	Hilton, Eugene
NATIONA	L CONFERENCES	
NASSP	February 19-21, 2015	
AASA	February 26-28, 2015	San Diego, California
ASCD	March 21-23, 2015	
NAESP	June 30-July 2, 2015	Long Beach, California

PSU Graduate credit for COSA events!

Attend the **Annual COSA Law conference in Eugene, Oregon on December 4th and 5th 2014** to earn one graduate credit through the Continuing Education at Portland State University's Graduate School of Education.

To earn the one credit:

 Attend the full conference and complete one written assignment, to earn one graduate credit through the Education Leadership and Policy Department through the Graduate School of Ed (ELP 506)

Tuition: \$80 per credit

1 credit

Registration

Look for the PSU booth at the conference. A representative will be available to assist with credit registration.

Requirements

Assignment instructions will be available at the PSU booth. **All papers must be submitted by Friday January 30th, 2015.**

Grades, receipts, and transcripts

The course above will be graded **Winter 2015**. Grades will be available on the PSU website on **Wednesday March 25th**, **2015**. For instructions on accessing your grade, obtaining a receipt, or getting transcripts, visit pdx.edu/ceed/cooperative-credit-program-information-for-students

For more information

To request a copy of the assignment instructions or to get information about partnering with PSU to offer credit for your school or district's professional development activities, contact Julie Wolleck at jwolleck@pdx.edu.

Continuing Education

Julie Wolleck Program Manager, Cooperative Credit jwolleck@pdx.edu | 503-725-8234





COSA LICENSURE AND DEGREE PROGRAMS





Our stated mission at COSA is to develop and support school leaders. We see our licensure programs as an excellent example of striving to meet our service mission. COSA offers an online Administrative Licensure program for Initial License and Continuing License along with a Doctoral Program in partnership with the nationally recognized Concordia University of Chicago.

Our COSA/CUC Program Offers:

- IAL Initial Administrative License
- IAL with Master's Degree in Educational Leadership
- CAL Continuing Administrator License
- Doctorate in Educational Leadership (CAL credit applying to Doctorate)
- The Leadership Programs are TSPC approved and nationally accredited.
- Fully on-line content courses in an asynchronous format.
- Relevant high quality internships are completed face to face.
- Job-embedded, career focused internships and coursework requirements will allow candidates to create relevant and productive experiences that directly work to improve their schools.
- The costs of the programs are at or below the average cost of existing licensure programs.

For additional information you can also review our website: www.cosa.k12.or.us/licensure/admin.licensure.html or contact the following at the COSA office:

- Trina Hmuratrina@cosa.k12.or.us
- Cheryl Brown.....cherylk@cosa.k12.or.us
- Colin Cameroncolin@cosa.k12.or.us

