

40TH ANNUAL OREGON SCHOOL LAW CONFERENCE

DECEMBER 2-4, 2020 • VIRTUAL



UNIVERSITY OF
OREGON

WEDNESDAY, DECEMBER 2, 2020

| | | |
|---------------|---|--------|
| 9:00 to 12:00 | New Principals Academy | Room A |
| 8:00 to 12:00 | Equity Academy I | Room B |
| 8:00 to 12:00 | Equity Academy II | Room C |
| 8:30 to 4:30 | Oregon School Law and Finance | |
| 1:00 to 4:00 | Back to Basics: Employee Discipline & Dismissal | Room A |
| 1:00 to 4:00 | Nuts and Bolts: Student Rights and Responsibilities | Room B |
| 1:00 to 4:00 | Nuts and Bolts: Special Education | Room C |
| 1:00 to 4:00 | Legal Issues Impacting Oregon Small Schools | Room D |

THURSDAY, DECEMBER 3, 2020

| | | |
|----------------|--|--------|
| 8:00 to 9:15 | General Session I: Andratesha Fritzgerald | |
| 9:15 to 9:30 | Break | |
| 9:30 to 10:30 | Breakout Sessions I – III: | |
| | I. - School Law Hot Topics Panel | Room A |
| | II. - Intersection of Title IX, Sexual Harassment, and Related Requirements of Oregon School Districts | Room B |
| | III. - Activism, Racial Justice, and Its Impact on Legal Issues Concerning Employees | Room C |
| 10:30 to 10:45 | Break | |
| 10:45 to 11:45 | Breakout Sessions IV - VI: | |
| | IV. - Student Speech: Where does student speech cross the line to student discipline? | Room A |
| | V. - Employment Claims Arising Out of Special Education Programs | Room B |
| | VI. - Special Education and COVID 19 Issues | Room C |
| 11:45 to 1:00 | Lunch | |
| 1:00 to 2:15 | Breakout Sessions VII - IX: | |
| | VII. - Employment Issues - 2020's Greatest Hits | Room A |
| | VIII. - FERPA, Data Privacy, and Remote Learning: Considerations in a Global Pandemic | Room B |
| | IX. - How Not to Get Fired | Room C |
| 2:15 to 2:30 | Break | |
| 2:30 to 3:45 | Interactive Sessions: | |
| | A. - The Administrators Role in Trauma Informed Instruction | Room A |
| | B. - On Deck with the OSAA | Room B |
| | C. - Online Charter Schools in a COVID-19 Environment | Room C |
| | D. - SB 155 ODE Sexual Conduct Reporting and Investigation Update | Room D |
| | E. - TSPC Hot Topics Q&A | Room E |
| | F. - All Students Belong | Room F |
| | G. - Section 504, the ADA (Title II) & Students with Disabilities in Public Schools: Lessons Learned | Room G |

FRIDAY, DECEMBER 4, 2020

| | | |
|----------------|--|--------|
| 8:00 to 9:10 | General Session II: 2021 Legislative Session Preview and Priorities | |
| 9:10 to 9:20 | Break | |
| 9:20 to 10:30 | Breakout Sessions X - XII: | |
| | X. - Special Education and Dispute Resolution | Room A |
| | XI. - Student Mental Health Issues During COVID-19 | Room B |
| | XII. - ADA and Leaves Process | Room C |
| 10:30 to 10:45 | Break | |
| 10:45 to 12:00 | Breakout Sessions XIII - XV: | |
| | XIII. - Special Education Students: Change to Compensatory Education and Recovery Services | Room A |
| | XIV. - Staff Evaluations in a Virtual Environment | Room B |
| | XV. - Furloughs and Layoffs | Room C |

WEDNESDAY, DECEMBER 2, 2020

- 9:00 to 12:00 **New Principals Academy** Room A
- 8:00 to 12:00 **Equity Academy I** Room B
- 8:00 to 12:00 **Equity Academy II** Room C
- 8:30 to 4:30 **Oregon School Law and Finance** (pre-registration required)
- 1:00 to 4:00 **Back to Basics: Employee Discipline & Dismissal** Room A
Speakers: Kelly Noor, Shareholder, Garrett Hemann Robertson P.C.
Rebekah Jacobson, Shareholder, Garrett Hemann Robertson P.C.
Paul Dakopolos, Shareholder, Garrett Hemann Robertson P.C.

The presentation will focus on current Oregon laws, both statutory and administrative, as well as collective bargaining and related laws for employee discipline and dismissal. It will provide information to help you maneuver through the requirements a district must address prior to disciplining or dismissing staff.
- 1:00 to 4:00 **Nuts and Bolts: Student Rights and Responsibilities** Room B
Speaker: Nancy Hungerford, Attorney, The Hungerford Law Firm

Nancy Hungerford uses case studies to focus on recurring and current issues, including sexual harassment, nondiscrimination on the basis of protected class, free speech rights in remote and hybrid learning, and rights of disruptive students under Oregon statute.
- 1:00 to 4:00 **Nuts and Bolts: Special Education** Room C
Speakers: Rich Cohn-Lee, Attorney, The Hungerford Law Firm
Joel Hungerford, Attorney, The Hungerford Law Firm

This presentation will follow a chronological approach in covering basic sped concepts such as child find, IEP developments as well as covering hot topics.
- 1:00 to 4:00 **Legal Issues Impacting Oregon Small Schools** Room D
Speakers: Haley Percell, Chief Legal Counsel, Oregon School Boards Association
Tonyia Brady, Senior Assistant Legal Counsel, Oregon School Boards Association
Elliot Field, Senior Assistant Legal Counsel, Oregon School Boards Association

Oregon's small schools often have limited administrative staff which can make compliance with the different laws quite challenging. Who do you designate as your alternate licensed administrator when there is only one of you? How do you handle the scenario where one of your family members applies for a position at the school and you are the only administrator who hires and supervises staff? Hear from the experts regarding resources and forms that are available to assist you when you are tasked with some or all of the job duties of the Superintendent, Principal, AD, Title IX Coordinator, HR Director, Business Manager, Special Education Director and more!

THURSDAY, DECEMBER 3, 2020

- 8:00 to 9:15 **General Session I:**
An Invitation to Personalize your Protest with UDL and AntiRacism
Keynote: Andratesha Fritzgerald, EdS, Director of Teaching, Learning and Innovation, East Cleveland (OH) City School Districts

Andratesha Fritzgerald reveals Universal Design for Learning (UDL) as an effective framework to teach Black and Brown students. Drawing vivid portraits of classroom instruction, she shows how teachers open new roads of communication, engagement, and skill-building for students who feel honored and loved.
- 9:15 to 9:30 Break
- 9:30 to 10:30 **Breakout Sessions I - III:**
I. - School Law Hot Topics Panel Room A
Speakers: Haley Percell, Chief Legal Counsel, Oregon School Boards Association
Rebekah Jacobson, Partner, Garrett Hemann Robertson P.C.
Jollee Faber Patterson, Partner, Miller Nash Graham & Dunn LLP
Karen Vickers, Partner, Mersereau Shannon LLP

Please join us for a preview of the hot and emerging school law issues from our Oregon school law experts.
- II. - Intersection of Title IX, Sexual Harassment, and Related Requirements of Oregon School Districts** Room B
Speakers: Kelly Noor, Shareholder, Garrett Hemann Robertson P.C.
Naomi Haslitt, Partner, Miller Nash Graham & Dunn LLP
Christine Nesbit, General Counsel, Eugene SD

This session will update administrators on the new federal TIX rules, state implementation of sexual harassment laws set out in SB 155, new processes in place, and identification of critical liability issues. It also will identify how to address

overlapping requirements of the laws and best practices for districts.

III. - Activism, Racial Justice, and Its Impact on Legal Issues Concerning Employees Room C

Speakers: Mike Porter, Partner, Education Team Leader, Miller Nash Graham & Dunn LLP
Erin Burris, Associate, Education Team, Miller Nash Graham & Dunn LLP

This past summer’s protests in pursuit of racial justice created opportunities for school districts to undertake work related to racial justice and equity. The opportunities also give rise to interesting and challenging issues related to employment. This session will address, among other things, employee speech rights including speech that is inconsistent with district values, district initiatives surrounding race and equity and their relationship to discrimination laws and equal protection obligations, and managing issues related to equity in areas of recruitment, evaluation, and discipline.

10:30 to 10:45 Break

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

IV. - Student Speech: Where does student speech cross the line to student discipline? Room A

Speakers: Callen Sterling, Assistant Legal Counsel, Oregon School Boards Association
Tonyia Brady, Senior Assistant Legal Counsel, Oregon School Boards Association
Elliot Field, Senior Assistant Legal Counsel, Oregon School Boards Association

Student speech is protected by the First Amendment. When is it permissible to discipline students for their speech? Now that confederate flags, nooses and swastikas are prohibited in schools, how can schools legally enforce that prohibition in light of a student’s free speech rights?

V. - Employment Claims Arising Out of Special Education Programs Room B

Speaker: Mike Porter, Education Team Leader, Miller Nash Graham & Dunn LLP

In the past few years a number of lawsuits involving special education employees have been working their way through the courts. This session will address the types of claims made, the status of some of the key lawsuits, and address strategies and tips to reduce employment exposure.

VI. - Special Education and COVID 19 Issues Room C

Speakers: Kelly Noor, Shareholder, Garrett Hemann Robertson P.C.
Elizabeth Polay, Attorney, Garrett Hemann Robertson P.C.
Rich Cohn-Lee, Attorney, The Hungerford Law Firm

Special Education has been impacted in many ways under COVID, the experts will discuss what the key issues are, and how to navigate student needs, parent requests, and issues related to COVID and delivery of education on and offline.

11:45 to 1:00 Lunch

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

VII. - Employment Issues - 2020’s Greatest Hits Room A

Speaker: Brian Hungerford, Attorney, The Hungerford Law Firm

A review of the most significant personnel issues facing districts in the pandemic environment, including leaves, ADA, and employee discipline.

VIII. - FERPA, Data Privacy, and Remote Learning: Considerations in a Global Pandemic Room B

Speakers: Jollee Patterson, Partner, Miller Nash Graham & Dunn LLP
Souvanny Miller, Associate, Miller Nash Graham & Dunn LLP

This session will review what school leaders need to know about FERPA, data privacy, and public records requests, especially during a pandemic!

IX. - How Not to Get Fired Room C

Speakers: Nancy Hungerford, Attorney, The Hungerford Law Firm
Nathan Reitman, Attorney, Reitman Law

Attorneys Nathan Rietmann and Nancy Hungerford return with a presentation that focuses on how to avoid or appropriately deal with situations that might jeopardize your continued employment, including ethical issues, changes in district leadership or direction, “political” issues, the impact of personal life issues, and more.

2:15 to 2:30 Break

2:30 to 3:45 **Interactive Sessions:**

A. - The Administrators Role in Trauma Informed Instruction Room A

Speaker: Grace Bullock, Senior Mental Health Strategist, Oregon Department of Education

Grace Bullock will facilitate a session to discuss the administrator role in promoting the mental health and well-being of school communities. Be prepared to share how your school or district is promoting student and staff mental health and well-being, as well as the tools that are being used. Best practices and lessons learned will be emphasized.

B. - On Deck with the OSAARoom B

Speakers: Peter Weber, Executive Director, Oregon School Activities Association
K.T. Emerson, Assistant Executive Director, Oregon School Activities Association

On Deck with the OSAA: Peter Weber and K.T. Emerson will review ways to navigate state requirements, as well as recommended best practices, for OSAA participation opportunities during modified seasons ahead. They will also provide an overview of ongoing equity efforts including the new S.T.A.R. initiative.

C. - Online Charter Schools in a COVID-19 Environment.....Room C

Speaker: Kate Pattison, Program Analyst, Oregon Department of Education

Kate Pattison from ODE will provide updates and information related to Online Charter Schools in Oregon. Issues such as: 3% cap, working with local schools, waiver process, Impact COVID 19 is having on Districts and future considerations. Interactive and informative.

D. - SB 155 ODE Sexual Conduct Reporting and Investigation Update..... Room D

Speakers: Stacey Guise, Investigations and Complaints Unit Manager, Oregon Department of Education
Haley Percell, Chief Legal Counsel, Oregon School Boards Association
Rebekah Jacobson, Partner, Garrett Hemann Robertson P.C.

Stacey Guise will provide an update on how ODE’s new sexual conduct reporting and investigation system is working. Where does the designated licensed administrator make the report on the ODE website? Who do they contact for questions? Learn what ODE wants school administrators to know about ODE’s verification and investigation processes. Rebekah Jacobson and Haley Percell will discuss their experiences and challenges in assisting schools with the new reporting requirements and provide practical tips for how to navigate a potential sexual conduct report based on this experience.

E. - TSPC Hot Topics Q&A..... Room E

Speaker: Wayne Strickland, Director of Program Approval, Teacher Standards and Practices Commission

Wayne Strickland from TSPC will be provide an update from TSPC related to all Professional licenses. Questions and Answer session will address Licensure Redesign, Multiple pathways, Scholarship program for culturally and linguistically diverse teachers and administrators. This is a chance to be updated on future happenings at TSPC.

F. - All Students Belong..... Room F

Speaker: Carmen Xiomara Urbina, Deputy Director, Oregon Department of Education

All Students Belong prohibits hate symbols, including three of the most recognizable symbol of hate; the swastika, the Confederate flag, and the noose. Carmen will be presenting context and background and entertain questions on implementation at the local level.

G. - Section 504, the ADA (Title II) & Students with Disabilities in Public Schools: Lessons Learned.....Room G

Speaker: Winston Cornwall, Civil Rights Specialist, Oregon Department of Education

Winston Cornwall from ODE will be presenting on the lessons learned around 504 and Title students and special ed students. What have we learned and how are we being impacted currently and what can we predict into the future.

FRIDAY, DECEMBER 4, 2020

8:00 to 9:10 **General Session II**

2021 Legislative Session Preview and Priorities

Panel: Morgan Allen, Deputy Director of Policy & Advocacy, COSA
Lori Sattenspiel, Director of Legislative Services, OSBA
David Williams, Director, Government Relations, Beaverton SD
Courtney Westling, Director, Government Relations, Portland SD
Parasa Chanramy, Legislative Director, COSA
Richard Donovan, Legislative Services Specialist, OSBA
Stacy Michaelson, Government Affairs Administrator, Multnomah ESD

Government Affairs teams from OSBA, COSA, and school districts share perspective and insights into the budget and policy conversations that will highlight the 2021 Legislative Session. Participants will also have the opportunity to get their questions answered.

9:10 to 9:20 Break

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

X. - Special Education and Dispute ResolutionRoom A

Speakers: Rich Cohn-Lee, Attorney, The Hungerford Law Firm
Joel Hungerford, Attorney, The Hungerford Law Firm

This presentation will cover the variety of ways parents can make allegations against a school district (e.g., internal complaints, administrative complaints, and litigation) and the possible ways those disputes can be resolved (e.g., mediation,

Voluntary Resolution Agreements, and Early Complaint Resolution). We will also discuss ways that school districts can resolve disputes before a parent ever files a complaint.

XI. - Student Mental Health Issues During COVID-19Room B

Speakers: Jollee Patterson, Partner, Miller Nash Graham & Dunn LLP
Erin Burris, Associate, Miller Nash Graham & Dunn LLP
Souvanny Miller, Associate, Miller Nash Graham & Dunn LLP

Student mental health issues are skyrocketing. Come learn about key legal issues school leaders must be aware of in responding to this crisis.

XII. - ADA and Leaves ProcessRoom C

Speakers: Paul Dakopolos, Attorney, Garrett Hemann Robertson P.C.
Rebekah Jacobson, Attorney, Garrett Hemann Robertson P.C.

This session will focus on the many HR issues related to ADA accommodations for COVID-19, as well as OFLA, FMLA, sick leave, sick child leave, and FFCRA leave. The reality and worry of COVID-19 for high-risk school staff creates unprecedented complexity with the ADA and protected leaves.

10:30 to 10:45 Break

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

XIII. - Special Education Students: Change to Compensatory Education and Recovery ServicesRoom A

Speakers: Kelly Noor, Shareholder, Garrett Hemann Robertson P.C.
Elizabeth Polay, Attorney, Garrett Hemann Robertson P.C.

Many Special Education families and educators are concerned about the impact of extended Distance Learning; we will discuss parent requests for compensatory/recovery services and student needs as they relate to the complex requirements of providing a FAPE during the COVID global pandemic and continued distance learning.

XIV. - Staff Evaluations in a Virtual EnvironmentRoom B

Speaker: Brian Hungerford, Attorney, The Hungerford Law Firm

You may be in a virtual environment, but your obligation to evaluate employees and take related personnel actions still exists. What has changed and what has stayed the same? How do you navigate non-renewals/non-extensions and plans of assistance? Find out the answers to these questions and more.

XV. - Furloughs and LayoffsRoom C

Speakers: Nancy Hungerford, Attorney, The Hungerford Law Firm
Paul Dakopolos, Shareholder, Garrett Hemann Robertson P.C.

Nancy Hungerford and Paul Dakopolos address how Oregon law and collective bargaining agreements impact decisions that districts can make to “downsize” staff, through temporary furloughs or permanent layoffs, so that districts can retain staff that best meet their needs in the COVID and post-COVID era.

12:00 Adjourn



2020 2021 CALENDAR OF EVENTS

LAST UPDATED: NOVEMBER 19, 2020

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AUGUST 2020

| | | |
|-----|--|-----------|
| 7 |2020-2021 New Principals Academy..... | (virtual) |
| 4-6 |Summer Conference..... | (virtual) |
| 21 |2020-2021 New Principals Academy..... | (virtual) |

SEPTEMBER 2020

| | | |
|-------|---|-----------|
| 8 |2020 NCCE Google Classroom Superstar (beginning)..... | (virtual) |
| 18 |2020-2021 OACOA Seminar Series..... | (virtual) |
| 21 |2020 NCCE Google Classroom Superstar II (beginning)..... | (virtual) |
| 21 |2020 NCCE Google Classroom Superstar Cohort II..... | (virtual) |
| 23 |2020-2021 New Superintendents Academy..... | (virtual) |
| 23-24 |Statewide Educator Equity Summit..... | (virtual) |
| 30 |2020 Distance Learning Academy (beginning)..... | (virtual) |

OCTOBER 2020

| | | |
|-------|--|-----------|
| 1-2 |ODE/COSA Special Education Fall Conference..... | (virtual) |
| 18 |2020-2021 New Principals Academy..... | (virtual) |
| 18-19 |Annual Principals Conference..... | (virtual) |
| 28 |2020 NCCE Google Classroom Superstar III (beginning)..... | (virtual) |

NOVEMBER 2020

| | | |
|----|---|-----------|
| 3 |2020-2021 New Superintendents Academy..... | (virtual) |
| 6 |2020-2021 New Special Education Directors Academy..... | (virtual) |
| 9 |2020 Distance Learning Playbook Academy Cohort II (beginning)..... | (virtual) |
| 10 |2020-2021 OESPA "Let's Talk" (beginning)..... | (virtual) |
| 18 |2020-2021 Aspiring Superintendent Seminar (beginning)..... | (virtual) |

DECEMBER 2020

| | | |
|-----|---|-----------|
| 2 |2020-2021 New Principals Academy..... | (virtual) |
| 2 |2020-2021 Equity Academy I & II for Educators..... | (virtual) |
| 2-4 |Oregon School Law Conference..... | (virtual) |
| 4 |2020-2021 New Superintendents Academy..... | (virtual) |
| 8 |2020-2021 Distance Learning Playbook for School Leaders (beginning)..... | (virtual) |

JANUARY 2021

| | | |
|-------|---|-----------|
| 27 |2020-2021 OACOA Seminar Series..... | (virtual) |
| 27 |2020-2021 New Superintendents Academy..... | (virtual) |
| 28-29 |OASE/OACOA/OASBO Winter Conference..... | (virtual) |

FEBRUARY 2021

| | | |
|----|---|-------------------------------------|
| 12 |Pre-Service Teacher Conference..... | Western Oregon University, Monmouth |
| 17 |2020-2021 New Special Education Directors Academy..... | COSA Office, Salem |
| 25 |2020-2021 New Superintendents Academy..... | Salem Convention Center |

MARCH 2021

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|-------|--|-----------------|
| 10 |2020-2021 New Principals Academy..... | Graduate Eugene |
| 10 |2020-2021 OACOA Seminar Series..... | Graduate Eugene |
| 10 |2020-2021 Equity Academy I & II for Educators..... | Graduate Eugene |
| 10-12 |Statewide English Learners Alliance Conference..... | Graduate Eugene |

APRIL 2021

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|----|---|-----|
| 15 |2020-2021 New Superintendents Academy..... | TBD |
|----|---|-----|

MAY 2021

| | | |
|---|---|-----------------------------|
| 5 |2020-2021 Equity Academy I & II for Educators..... | Graduate Eugene |
| 7 |Oregon Small Schools Conference..... | Wildhorse Resort, Pendleton |

JUNE 2021

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|-------|--|--|
| 23-25 |Annual COSA Seaside Conference..... | Seaside Civic & Convention Center, Seaside |
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