



Co-sponsored by Minnesota CLE, the Minnesota Elementary School Principal's Association, Education Minnesota, and the Minnesota Association of Secondary School Principals

**2 Special Bonus Plenary Sessions:**

*“Commonly Abused Drugs and Substances” & “Hot Policy Issues Panel”*

20th Annual

# School

# Law & Liability Conference

Thursday, November 3, 2011  
Minnesota CLE Conference Center  
Seventh Street & Nicollet Mall  
Third Floor City Center, Minneapolis

**Terrific written materials featured on a fully searchable CD-Rom.**

**Policies, forms and best practices.**

**A balanced faculty representing all sectors in Minnesota's K-12 followed by great networking opportunities with your colleagues.**

- All the New Law and Hottest Issues
- Roger's Annual Legislative and Case Law Update
- Do's and Don'ts of Collective Bargaining
- Protecting Against Student Misuse of Social Media/ Facebook
- Local Control? MDE vs. BlueSky Online Charter School
- Thoughts/Takeaways on the Duluth Building Plan Process
- Disciplining for Electronic Misconduct
- Developments in Restraint and Seclusion
- Special Education Update
- Headline Best Practices and Tough Issues
- In-Depth Look at Bullying
- Interagency Data Sharing
- A Test on Termination, Layoff and Nonrenewal
- School Employees With Disabilities – Accommodations and Separation
- Liability for Extracurricular Activities
- Plus Much, Much More!

**New this year!** Many sessions have a reactor/responder, an advocate offering a perspective from the other side.

*“This is the best Conference I attend! The materials are a can't miss resource and the sessions are right on target.”*

– Principal

# Agenda



**New this year!**

**Many sessions  
offering a p**

8:30 – 8:55 a.m.

CHECK-IN & CONTINENTAL BREAKFAST

8:55 – 9:00 a.m.

WELCOME & INTRODUCTION

9:00 – 10:00 a.m.

## Legislation and Case Law Update

*Roger J. Aronson*

**10:05 – 11:05 a.m.**

### BREAKOUT SESSION A

#### 1) **Minimizing School District Liability for Student Bullying**

When school districts may be held liable for bullying; recent guidance on bullying issued by the U.S. Department of Education; what steps school districts can take to minimize their risk of being held liable for bullying incidents; when school districts can discipline students for bullying that occurs off school grounds; and when student speech constitutes bullying vs. freedom of expression.

*Amy E. Mace*

#### 2) **Do's and Don'ts of Collective Bargaining**

Collective bargaining is not getting any easier. The economy and the Legislature's proclivity for turning school districts into lending institutions makes the process even more difficult. This session is presented by two highly experienced negotiators, one from the union and one from the employer's side. Each presenter will offer his, and critique the other's list of things to do and not do during collective bargaining.

*Kevin J. Rupp & Lee F. Johansen*

#### 3) **The Special Ed Year in Review 2011**

New case law developments and the practical impact on special education practice. Plus, hear the Skype interview with the Oregon school district attorney who argued *Forest Grove* to the U.S. Supreme Court and the impact of this seminal case and others on your practice.

*Laura Tubbs Booth*

#### 4) **Interagency Data Sharing**

How schools may properly release and receive information from other agencies. Interaction with county services, police interactions, mental health providers, etc. are often necessary for schools to properly serve students and families and this session will address the legal requirements. Examples will be utilized to illustrate the requirements.

*Susan E. Torgerson*

11:05 – 11:15 a.m.

BREAK

**11:15 a.m. – 12:15 p.m.**

### BREAKOUT SESSION B

#### 5) **"Due" and "Don't" Process: Test Your Knowledge on Termination, Layoff and Nonrenewal**

The Quiz is back! Review the rules for termination, layoff, probation and related issues using practical, real-life examples. Using our interactive responders, see how your answers compare to the other attendees.

*Anne F. Krisnik*

#### 6) **School Employees with Disabilities – Part I: Accommodations**

An overview of background and resources on various disabilities experienced by employees in the school setting. The speakers will discuss unique challenges and provide ideas for accommodations.

*Debra M. Corhouse & Daniel J. Stewart*

#### 7) **A Slap in the Facebook: Protecting Against Student Misuse of Social Media**

The widespread misuse of social media by students who target principals, teachers and other students in their postings present difficult disciplinary issues for schools, requiring them to balance student First Amendment free speech rights with a school's right to be free from speech that substantially disrupts or materially interferes with school-related activities. This presentation will examine recent federal and Minnesota cases addressing First Amendment challenges to student discipline arising from social media postings, including court decisions analyzing under what circumstances there is a sufficient connection, or nexus, on which to base a school district's disciplinary decision. Ways to control student misuse of social media and to protect the rights of victims also will be discussed.

*Gregory S. Madsen*

#### 8) **School District Liability for Extracurricular Activities**

General obligations a school district has to providing extracurricular activities to students, the standard of liability school districts face in offering extracurricular activities including the obligation to prevent foreseeable injuries and methods school districts can implement to reduce the risks of liability. Included in this session will be a discussion of the new Minn. Stat. Chapter 121A imposing additional obligations upon school districts with respect to concussions.

*Jennifer K. Earley*

12:15 – 1:00 p.m.

LUNCH (provided by Minnesota CLE)

**1:00 – 2:00 p.m.**

### BREAKOUT SESSION C

#### 9) **Formulating and Implementing a Building Plan – Thoughts and Takeaways on the Duluth Process**

*Keith Dixon*

#### 10) **The Beginning of the End of Local Control? Questions Raised by MDE vs. BlueSky Online Charter School**

Post BlueSky, the extent to which public schools can retain local control over coursework, assignment of credit and ultimately high school graduation. This session will focus on these and related legal issues that have tremendous policy significance not only for charter schools, but for all public schools.

*Cindy L. Lavorato*

#### 11) **School Employees with Disabilities – Part II: Separation – When Accommodations are Not Enough**

A discussion of various benefits available for employees unable to work, including LTD, TRA/PERA, COBRA, 403(b)s, and insurance. Additionally, we will cover items to be sure to address in a settlement agreement.

*Debra M. Corhouse*

#### 12) **Disciplining Students and Employees for Electronic Misconduct – The Information Superhighway: A Road to Litigation?**

When may or should a school district access an applicant's, employee's, or student's "private" email messages, text messages, tweets, YouTube videos, and social networking sites? What precautions should a school district take when investigating an employee's, applicant's, or student's use of email messages, text messages, tweets, YouTube videos, or social networking sites? When may a school district discipline an employee or student based on the content of email messages, text messages, tweets, YouTube videos, or social networking sites? And what are the potential causes of action an employee, applicant, or student could bring if a school district makes decisions based on the content of email messages, text messages, tweets, YouTube videos, or social networking sites?

*Michael J. Waldspurger*

ons have a reactor/responder, an advocate perspective from the other side.

2:00 – 2:10 p.m.

BREAK

2:10 – 3:10 p.m.

**BREAKOUT SESSION D**

13) **Restraint and Seclusion of Special Education Students: Strategies for Compliance with Minnesota's New Restrictive Procedures Law**

The scope of the restrictive procedures law; prerequisites for implementing restraint and seclusion in the schools; and statutory prohibitions concerning the use of restraint and seclusion. Discussion will include Minn. Stat. Secs. 125A.094-0942.

*Peter A. Martin*

14) **Electronic Surveillance Issues for Schools**

*Timothy R. Palmatier*

15) **Conducting Effective Employment Investigations in the Schools**

Two important decisions that must be made at the outset of every investigation; Tennesen and Weingarten rights; the role of investigation, and when should an investigation be conducted?

*James K. Martin*

3:10 – 3:15 p.m.

BREAK

3:15 – 3:45 p.m.

**What School Kids are Facing – Commonly Abused Drugs and Substances, Their Physical and Clinical Effects**

With everything from methamphetamines to synthetics and herbs, Dr. Harris will provide information on some of the origins of substances, some of the impact on society, their signs and symptoms and the impact he sees from his unique perspective on patients.

*Carson R. Harris MD*



3:45 – 4:15 p.m.

**Hot Policy Issues Panel**

The School Law Conference welcomes these three leaders to discuss some of the "hot issues" that have come up in the Minnesota legislature regarding K-12 issues and how both the discussion and resolution of these issues will impact K-12 schools going forward.

*Thomas Doohar, Rep. Pat Garofalo & Charlie Kyte  
Kris Amundson, moderator*



# Faculty & Planners

• Planning Committee Member

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Goff & Howard, Inc.; Saint Paul

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The Law Office of Roger Aronson; Minneapolis

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Booth & Lavorato LLC; Minnetonka

**Debra M. Corhouse**

Education Minnesota; Saint Paul

**Keith Dixon**

Centennial IDS 12; Circle Pines

**Thomas Doohar**

Education Minnesota; Saint Paul

• **Susan Droegemueller**

Plymouth

• **Jennifer K. Earley**

Knutson Flynn & Deans P.A.; Mendota Heights

**Rep. Pat Garofalo**

District 36B; Farmington

• **Amy Goetz**

School Law Center; Saint Paul

**Carson R. Harris MD**

Regions Hospital; Saint Paul

**Lee F. Johansen**

Education Minnesota; Saint Paul

• **Anne F. Krisnik**

Education Minnesota; Saint Paul

**Charlie Kyte**

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**Daniel J. Stewart**

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• **Susan E. Torgerson**

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**Michael J. Waldspurgen**

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*"This is a GREAT conference! Well worth the drive and the time – super materials."*  
– Special Education Teacher

*"Very informative and beneficial; I feel informed enough to be a better teacher rights representative."*  
– Union Representative

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DATE & LOCATION

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Minnesota CLE is applying to the Minnesota State Board of Continuing Legal Education for **6.0 CLE credits**. The maximum number of CLE credits attendees may report is 6.0 credits. Application also is being made to the Minnesota Board of School Administrators for **6.0 continuing education units**.

CANCELLATION / NO-SHOW POLICY

Paid registrants who cancel their registration at least 72 hours before the program will receive a full credit on their account; if fewer than 72 hours, a \$25 administrative fee will be deducted. Paid registrants who fail to attend will receive the written materials. Passholders may purchase the course materials at 50% of the full retail price.

ACCOMMODATION

If you have a disability and need an accommodation in order to attend this seminar, please contact Minnesota CLE as soon as possible at 2550 University Avenue West, Suite 160-S, Saint Paul, MN 55114 or call 651-227-8266 or 800-759-8840.

QUESTIONS?

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