



COUNCIL OF SCHOOL ATTORNEYS WORKSHOP

FRIDAY, NOVEMBER 9, 2018 | MT. HOOD ROOM

- 9 a.m. **Sexual Conduct, Child Abuse and Elder Abuse in Schools**
Haley Percell, Spencer Lewis; Oregon School Boards Association
OSBA attorneys will discuss the recent developments relating to Oregon’s sexual conduct and child abuse laws including a brief overview of the Whitehurst report from the Portland Public School District, an update on potential legislative changes, the ongoing discussion about whether sexual conduct between minor students triggers a mandatory report to DHS or the police, and the new requirements surrounding DHS child abuse investigations in schools. There will also be a discussion of the attorney elder abuse reporting requirements.
- 10 a.m. **Workplace Investigations**
Rebekah Jacobson; Garrett Hemann Robertson PC
Ms. Jacobson will provide advice on conducting workplace investigations in the school setting including a discussion of recent court and District Attorney decisions that may impact whether workplace investigations are considered privileged and/or are exempt from public record requests. She will also discuss the recent Oregon Court of Appeals decision in *Meyer v. Oregon Lottery*, in which the court held that workplace investigations into consensual romantic relationships between employees may violate the employees’ First Amendment right to intimate association.
- 11 a.m. *Break*
- 11:15 a.m. **The Intersection Between Family Law and Schools**
Meghan Gassner, Melinda Thomas; High Desert Education Service District
High Desert ESD attorneys will discuss the variety of family law matters facing our schools including issues such as non-custodial parental rights, out-of-state court orders, who is entitled to records, should staff testify on behalf of a parent in a custody battle, responding to subpoenas, and preparing school staff for court testimony.
- 12:15 p.m. **Business Meeting**
Spencer Lewis; Oregon School Boards Association
- 12:25 p.m. **Lunch**
- 1:45 p.m. **Student Civil Rights Litigation in Oregon**
Karen Vickers, Beth Plass; Mersereau Shannon LLP
Mersereau Shannon represented the Dallas and Sutherlin school districts in lawsuits filed by privacy groups alleging that transgender students should not be allowed to use the bathroom of the gender with which they identify. The firm also represented the Hillsboro School District with respect to the First Amendment lawsuit where a student alleged his First Amendment speech rights were violated when he was prohibited from wearing a T-shirt stating, “Border Wall Construction Co.” and “The Wall Just Got 10 Feet Taller.” The firm’s attorneys will discuss these cases and student civil rights litigation generally.
- 2:45 p.m. *Break*
- 3 p.m. **Labor and Employment Law Update**
Kyle Abraham; Barran Liebman LLP
Mr. Abraham will provide a review of the two most important developments in labor and employment this year: the U.S. Supreme Court’s decision in *Janus* and recent legislative changes relating to Oregon’s New Equal Pay Act. The program will help attendees understand employer responsibilities, identify where to focus on compliance, and provide practical methods for implementing the new laws and policies within their respective workplaces.

OSBA will apply for CLE credit and will notify those who sign up when we receive notification from the Bar on hours granted (5.0 hours anticipated, including 1.0 hours child abuse/elder abuse).