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Hello,

Welcome to the fall edition of ***School Law Matters***, a quarterly e-Newsletter developed by the Education & Municipal Law Group of Clark Hill PLC.

In this issue, we offer articles of interest on general school law, special education and labor & employment law.

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1 GENERAL SCHOOL LAW

["U.S. Department of Education Extends NCLB Deadline for Paraprofessionals to Become Highly Qualified"](#)

- By *Andre F. Mayes, Attorney, Clark Hill PLC*

Paraprofessionals now have until the end of the 2005-2006 school year to comply with the No Child Left Behind (NCLB) requirements. The NCLB states that all teachers and paraprofessionals must be highly qualified. Specifically, paraprofessionals hired after January 8, 2002, working in a program supported by Title I funds, must have completed one of the following: (1) two years of study at an institution of higher learning, (2) obtained an associate's degree or higher, or (3) be able to demonstrate their knowledge and ability through a state or local assessment.

[Read the entire article here.](#)

["Court of Appeals Rejects School Districts' Headlee Amendment Suit"](#)

- By *Neil Goodman, Attorney, Clark Hill PLC*

On August 4, 2005, the Michigan Court of Appeals dismissed a lawsuit brought on behalf of a number of school districts which alleged that the record-keeping obligations required by MCL 388.1752 and Executive Order 2000-9 constitute new, unfunded mandates in violation of section 29 of the Headlee Amendment.

[Read the entire article here.](#)

["EduNets Fights for School Telecom Networks"](#)

- *By Rick Coy, Attorney, Clark Hill PLC*

EduNets is a coalition of educational institutions which have educational telecommunications networks. EduNets has collectively represented many educational institutions who have encountered or are continuing to encounter problems attempting to install or maintain fiber optic cables on utility poles. These problems include long delays, skyrocketing costs, and unreasonable conditions and contracts. Any school district which has a fiber optic telecommunications network of its own, or is contemplating having one, is significantly affected by the matters in which EduNets participates. [Read the entire article here.](#)

.2 SPECIAL EDUCATION

["Feds and State Reform Special Education Hearings"](#)

- *By Robert A. Lusk, Attorney, Clark Hill PLC*

Special education due process hearings are expensive, uncertain and exact an emotional toll on school district staff and parents. Congress, through IDEA, and the State of Michigan, through Executive Order 2005-1, have substantially revised special education due process hearings. The ultimate impact of these reforms remains to be seen.

[Read the entire article here.](#)

.3 LABOR AND EMPLOYMENT

["Michigan Supreme Court Overrules "Continuing Violations" Doctrine"](#)

- *By Maria Fracassa Dwyer, Attorney, Clark Hill PLC*

The Michigan Supreme Court's recent decision in *Garg v Macomb County Community Mental Health Services*, overruled the "continuing violations" doctrine, which revived time barred claims under Michigan law.

[Read the entire article here.](#)

["Privacy Laws Limit Disclosure of Social Security Numbers"](#)

- *By Andre F. Mayes, Attorney, Clark Hill PLC*

School districts must comply with federal and state requirements designed to protect the privacy of social security numbers. The Privacy Act of 1974 was enacted to limit the compulsory divulgence of social security numbers. Section 7 of the Privacy Act prohibits disclosure of social security numbers unless a federal law authorizes mandatory disclosure or disclosure is required by a statute or regulation adopted prior to January 1, 1975, for purposes of identifying an individual.

[Read the entire article here.](#)

["Student-on-Teacher Harassment May be Actionable under Title IX, Title VII and Michigan's Elliott-Larsen Civil Rights Act"](#)

- *By Kristen Beals, Summer Associate, Clark Hill PLC*

School districts and administrators should take note of a recent federal court decision that could affect the scope of a school district's liability under Title IX of the Education Amendments of 1972, Title VII of the 1964 Civil Rights Act, and Michigan's Elliott-Larsen Civil Rights Act for "student-on-teacher" sexual harassment.

[Read the entire article here.](#)

["New Law Affecting Tax Sheltered Annuity \(TSA\) Plans and 457 Plans"](#)

- *By Florence M. Vincent, Attorney, Clark Hill PLC*

In 2001, Congress passed The Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA"). EGTRRA has recently imposed new rules on how certain kinds of distributions must be made from certain retirement plans. Among the retirement plans affected by the new rules are TSA and 457 plans.

[Read the entire article here.](#)

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>>>Newsletter Editors - Maria Fracassa Dwyer and Neil H. Goodman<<<

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