



Ratwik, Roszak & Maloney, P.A.

*Independent School District No. 2753  
Long Prairie-Grey Eagle*

*Proposal for Legal Services  
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## TABLE OF CONTENTS

GENERAL FIRM BACKGROUND .....	1
ZEALOUS ADVOCACY AND REPRESENTATIVE CASES.....	2
PERSON RESPONSIBLE FOR GENERAL COUNSEL ADVICE .....	4
AREAS OF LEGAL SERVICES.....	5
ATTORNEYS .....	7
CLIENT REFERENCES.....	7
HOURLY FEES .....	7
CONCLUSION .....	8
ATTACHMENT A – ATTORNEYS’ RÉSUMÉS	

## **GENERAL FIRM BACKGROUND**

**A. Name of firm:**

Ratwik, Roszak, & Maloney, P.A.

**B. Address, phone number, fax number and website of the firm:**

444 Cedar Street, Suite 2100  
Saint Paul, MN 55101  
Ph. (612) 339-0060  
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Website: [www.ratwiklaw.com](http://www.ratwiklaw.com)

**C. Brief history of the firm:**

Ratwik, Roszak & Maloney was formed more than 35 years ago as a law firm that focused its practice on all aspects of school law. The firm presently consists of 16 attorneys, who each specialize in representing public entities and schools, in particular.

Since 1987, Ratwik, Roszak & Maloney has provided high quality, cost-effective legal counseling and advice to school districts, charter schools and other school entities, such as special education cooperatives, intermediate school districts, and joint powers entities throughout Minnesota.

The firm's growth and outstanding reputation reflects the quality of our services, the experience on which our advice and counseling is based and the cost efficiency with which we represent our clients.

Our firm's attorneys take pride in being responsive to the needs and desires of our clients. Our goal is to deliver quick and accurate responses to client inquiries. Naturally, response time will vary with the complexity of the facts and the issues of law. Whenever possible, however, we provide complete oral responses to telephone inquiries, supporting them with confirming written communications when appropriate. Our overall familiarity with school law permits us to answer many questions immediately. Our firm has the experience and depth of personnel to handle any and every type of legal matter that pertains to school-related matters.

## ZEALOUS ADVOCACY AND REPRESENTATIVE CASES

Our firm has a strong team of lawyers that obtain results. Our attorneys have made the law in immunities applicable to public entities,<sup>1</sup> the First Amendment,<sup>2</sup> and special education on issues such as the burden of proof,<sup>3</sup> weight of expert testimony,<sup>4</sup> and recently, transporting open enrolled special education students.<sup>5</sup>

Other representative cases, in the last several years, resulting in favorable decisions for school districts, include:

*Thomas v. Marshall Public Schools*, 152 F.4<sup>th</sup> 884 (8th Cir. 2025) (The Eighth Circuit held in favor of the school district and against a former principal who had been demoted following her advocacy for LGBTQ+ students. The Court found that the principal was not protected by the First Amendment when her actions were in her capacity as a school employee and similarly could not maintain a First Amendment retaliation claim for adverse actions taken against her when her alleged protected First Amendment activity was not a substantial or motivating factor behind her demotion.

*Vitek v. City of Eagan, Dakota County and Independent School District 196*, 2023 WL 4307702 (July 3, 2023) (review denied Oct. 17, 2023) (unpublished) (Aided by the Amicus Brief of MSBA, the Minnesota Court of Appeals held that the School District was entitled to a dismissal of a claim of negligence for the death of a student riding a bike on the way to school because no duty was owed in areas and activities outside the school district's control.)

*Schafer v. Lakeview Public Schools*, 2023 WL 3628879 (D. Minn. May 24, 2023) (unpublished) (The Minnesota District Court denied a parent/student's request for a temporary restraining order pertaining to the school district's issuance of a failing grade rendering the student ineligible to compete in an activity governed by the Minnesota State High School League on the grounds that the school district properly applied its policies and the MSHSL rules and, in particular, the requirement that a student athlete remain in "good standing" to be eligible to compete.

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<sup>1</sup> *Doe 175, et al. v. Columbia Heights School District, et al.*, 873 N.W.2d 352 (Minn. Ct. App. 2016); *Ireland v. Crow's Nest Yachts, Inc.*, 552 N.W.2d 269 (Minn. Ct. App. 1996).

<sup>2</sup> *Maethner v. Someplace Safe*, 929 N.W.2d 868 (Minn. 2019).

<sup>3</sup> *M. M. v. Special School District No. 1*, 512 F.3d 455 (8th Cir. 2008).

<sup>4</sup> *K.E. ex rel. K.E. v. ISD No. 15*, 647 F.3d 795 (8th Cir. 2011).

<sup>5</sup> *Osseo Area Schools v. M.N.B. by and through J.B.*, 2020 WL 4342263 (8th Cir. 2020).

*Minnetonka Public Schools, Independent School District No. 276 v. M.L.K.*, 42 F.4th 847 (8th Cir. 2022) (The Eighth Circuit held that the school district provided the student with an IEP that was reasonably calculated for appropriate progress and, thus, did not deny the student FAPE in violation of the IDEA.)

*Doe v. Minneapolis Public Schools*, 2022 WL 314090 (Minn. Ct. App. 2022) (unpublished) (The school district prevailed in dismissing all claims of a student alleging vicarious liability and negligence, based on an alleged assault and battery by an employee, due to the plaintiff's failure to timely file the summons and complaint within the one-year deadline required by law.)

*Loescher v Forest Lake Area Schools et. al*, 441 F.Supp.3d 762 (D. Minn. 2020) (Plaintiff's claims of violation of the First Amendment related to payment of union dues was dismissed by U.S. District Court, District of Minnesota)

*Osseo Area Schools v. M.N.B. by and through J.B.*, 2020 WL 4342263 (8th Cir. 2020) (unpublished) (The Eighth Circuit found that the IDEA does not require a school district that enrolls a nonresident student to provide transportation between the student's home and the school district where the parent chose to enroll the student.)

*Eilen v. Minneapolis Public Schools, et al.*, Co. No. 17-CV-04388 (D. Minn. April 10, 2019) (The Court dismissed FMLA retaliation and whistleblower claims brought by a teacher.)

*Matter of Rollingstone Community School*, 2019 WL 1591772 (Minn. Ct. App. 2019) (The Court of Appeals dismissed claims by a citizen group opposing closure of elementary schools.)

While we strive to help our clients satisfactorily resolve employment disputes, when needed, our attorneys also provide zealous representation. Thus, in addition to the results we obtained for our clients in the court system, we also prevailed in important arbitrations impacting the labor relations of the schools we represent, including the following:

*Minneapolis Federation of Teachers v. Minneapolis Public Schools*, BMS. No. 23-PA-0632 (Arb. Jacobs, June 26, 2023) (The Arbitrator denied the grievance to enforce a prior MOA on the basis that the School District successfully sent a repudiation notice not to continue a MOU and ended a past practice which the union failed override by negotiating replacement language.)

*SEIU Local 284 v. ISD 2687, Howard Lake*, BMS No. 17-PA-0025 (Arb. Latimer, Jan. 19, 2017) (The Arbitrator denied the union's grievance that the School

District improperly unilaterally subcontracted its bus transportation services finding that the parties had reached an “unchangeable stalemate” and therefore had reached impasse under the meaning of *New Ulm School Service*, that justified unilateral implementation.)

*SEIU Local 284 v. ISD 727, Big Lake*, BMS No. 17-PA-0139 (Arb. Ver Ploeg, March 31, 2017) (The Arbitrator denied the grievance alleging that the School District improperly unilaterally subcontracted all food service bargaining unit work holding that the collective bargaining agreement’s recognition provision and duration clauses did not create an implied obligation to negotiate a decision to subcontract, that an “unchangeable stalemate, hence “impasse,” was reached and that the School District properly negotiated the effects of its decision to subcontract.)

*Minneapolis Public Schools v. Minneapolis Federation of Teachers*, BMS Case No. 17-PA-0728 (Arb. Beens, December 22, 2017) (The Arbitrator denied the grievance, holding that the School District justifiably suspended the employee, issued a final warning, and administrative transfer for failure to improperly perform duties.)

### **PERSON RESPONSIBLE FOR GENERAL COUNSEL ADVICE**

Jennifer K. Earley is a shareholder of Ratwik, Roszak & Maloney, who has practiced almost exclusively in the area of education law for over 30 years. She advises school districts in all areas of school law including, but not limited to: employment and labor law including disciplinary matters, employee disability/leave matters, negotiations and contract reviews, drafting and reviewing handbooks and employee policies, labor disputes, administrative hearings and arbitrations; student rights/matters including discipline and parental rights; discrimination/harassment/bullying>Title IX claims from interpretation of policy and the law to investigations and representation of claims to administrative agencies, such as the Minnesota Department of Human Rights, Office of Civil Rights, Equal Employment Opportunity Commission and Department of Labor; policy matters, data privacy and the Open Meeting Law issues, First Amendment claims of students, staff and the community; school board governance including staffing and employee relations, vendor agreements, bid law requirements and subcontracting, addressing conflicts of interests and ethics issues, and school closures. Jennifer successfully represented schools in numerous labor arbitrations/grievance disputes, subcontracting challenges and student discipline appeals. She serves as an investigator for school districts in discrimination/harassment claims as well as employee or other general complaints. She provides annual or periodic training to staff and administrators on a variety of topics such as student and staff discipline, harassment and discrimination and data privacy.

Jennifer is a frequent presenter at various conferences for school administrators and board members conducted by the Minnesota School Boards Association, Minnesota Association of School Administrators, the Minnesota Association of School Business Officials, the Minnesota Association of School Personnel Administrators and various cooperatives and consortiums. Jennifer also has testified on behalf of several of these school associations at the Minnesota Legislature arguing for more favorable legislation on a variety of laws applicable to schools.

## **AREAS OF LEGAL SERVICES**

A broad range of legal services are available to our school district clients, but the nature of services rendered can vary greatly depending upon the needs of the client. The client defines the exact services desired. The firm is available to serve as general counsel to clients, covering the full scope of general and special education law, counseling both school boards and administrators. A more comprehensive explanation of the various services our attorneys provide can be found on our website at: <https://ratwiklaw.com/practice-areas/>. A summary of those matters include.

### **EMPLOYMENT LAW**

EEOC, ADA, Section 504 and discrimination complaints and litigation  
Employment agreements – drafting, review and negotiation  
Discipline and discharge of employees  
Investigations  
Employee benefits  
Wage and overtime matters  
Employee Sick and Safe Time leave  
FMLA and ADA leaves  
Veteran's preference issues  
Personnel policy issues

### **BOARD POWERS AND DUTIES**

Board meetings & Board elections  
Board governance issues  
Open Meeting Law compliance  
Review and updating of Board policies/procedures/handbooks  
Conflicts of interest

### **SCHOOL BUSINESS AND FINANCE QUESTIONS**

Lease review

- Contract review
- Transportation issues
- Lease-Purchase and other finance agreements
- Competitive Bid Law compliance
- Referendums and levies

## **STUDENT RIGHTS AND RESPONSIBILITIES**

- Parent rights issues
- Student discipline and expulsion
- Student publications and free speech
- Student searches and seizure
- Educational data issues
- Enrollment and truancy issues
- Harassment, discrimination and Title IX claims

## **SPECIAL EDUCATION MATTERS**

School district rights and obligations under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 (Section 504)

- Conferring with clients to adapt strategies to avoid hearings
- Conciliation conferences
- Administrative hearings
- Litigation in state and federal court, all levels

## **RISK MANAGEMENT AND LITIGATION**

- Investigation of potential claims
- Responses to administrative complaints
- Advice to the School Board and Administration regarding strategy
- Conducting litigation, including discovery, mediation, motion practice and trial
- Managing contacts with insurer
- Civil rights actions and liability under 42 USC § 1983
- Constitutional issues, including due process and the First Amendment

## **TEACHING AND LEARNING**

- Policy review
- Consultation on case-by-case matters
- MDE compliance issues

In addition to providing traditional legal services for our clients, we provide the following:

1. Free annual school law seminar for clients;
2. Annual special education conference and periodic virtual meetings;
3. In-service presentations to staff on a wide variety of subjects, as specified by the client. These presentations, and the comprehensive outlines we distribute to staff, are designed to provide practical “how to” advice on critical topics;
4. General and specialized newsletters for board members and administrators;
5. Monitoring of changes in laws affecting school districts and drafting of legislation addressing client needs; and
6. Attending school board meetings as requested.

### **ATTORNEYS**

See Attachment A.

### **CLIENT REFERENCES**

Available on request.

### **HOURLY FEES**

Our current rates are:

<b>SCHOOL DISTRICT RATES</b>	
<b>ATTORNEY</b>	<b>RATE</b>
<b>Shareholders</b>	<b>\$285.00/hr</b>
<b>Associates</b>	<b>\$270.00/hr</b>
<b>Associates (less than 2 years)</b>	<b>\$260.00/hr</b>
<b>Law Clerk</b>	<b>\$170.00/hr</b>
<b>Paralegal</b>	<b>\$170.00/hr</b>

While we charge an hourly rate or pro rata portion thereof, we recognize that some requests for legal services carry with them a certain maximum value to the client. The actual time that we spend, however, may exceed that value to the client, in which case we reduce our bill.

In addition to the hourly fee for services, we also bill actual and necessary expenses incurred on behalf of the client. Common examples include mileage at the IRS rate, filing fees and other litigation expenses. Actual legal research expense through Westlaw is also charged to the client. Travel expense could include actual and reasonable costs for lodging and food.

Bills for legal services are prepared monthly. They set forth a detailed description of the services rendered together with an itemized listing of any expenses.

We believe that our billing rates are competitive when compared to other firms of similar experience and skill. Our goal is to develop a continuing relationship with our clients. We spend a great deal of our time maintaining levels of expertise. We then perform our work as efficiently and accurately as possible.

No retainer agreement is required. All of our services, including telephone calls and time spent on e-mail correspondence with the client, are billed to the 1/10 of an hour. Bills are sent on a monthly basis.

Because our firm focuses on the representation of education-related entities, we are aware of and understand issues which are currently developing in education. We also make every attempt to represent our clients according to the labor-management strategy established by the school board and administrative team. Our goal is to provide the highest quality legal services to our clients in a cost-effective manner.

## **CONCLUSION**

Our attorneys are available to provide the Long Prairie-Grey Eagle School District with a full range of legal services to meet the School District's needs. Each of the firm's shareholders have extensive school law experience and are well-equipped to assist the School District. We strive to always have experienced counsel available to respond to inquiries.

The School District's legal needs would be given the highest priority. We are well aware of our clients' need for timely legal advice and strive to respond to inquiries as quickly as possible. Our firm's successful history of representing clients demonstrates the high standards that Long Prairie-Grey Eagle Schools can expect from us. With our extensive school district client base, we are often able to assign attorneys to work on legal issues for the School District that they have handled successfully in the past for other clients.

Our firm has the experience and depth of personnel to handle any and every type of legal matter that pertains to school law. Our firm's size enables the School District to call upon

individual attorneys possessing specialized knowledge in a wide variety of areas, thereby keeping costs to a minimum.

We welcome the opportunity to provide legal services to the Long Prairie-Grey Eagle School District.

Respectfully submitted,

**RATWIK, ROSZAK & MALONEY, P.A.**

*/s/ Jennifer K. Earley*

Jennifer K. Earley