

37th Annual School Law Conference
February 17-18, 2022 • AT&T Conference Center • Austin, TX
February 17-18, 2022 • Live Webcast

Thursday Morning, Feb. 17, 2022

Presiding Officer:

Christopher B. Gilbert, Thompson & Horton LLP - Houston, TX

7:30 am In Austin Only	Registration Opens Includes continental breakfast.
8:20 am	Welcoming Remarks
8:30 am 0.75 hr	Commissioner Decisions Update Hear an update on Commissioner of Education decisions from the past year. Mark P. Tilley, Texas Association of School Boards - Austin, TX
9:15 am 0.50 hr	Special Education Update Review a round-up of recent agency guidance—as well as administrative and judicial decisions—concerning special education with a focus on COVID-19 issues. Dive into topics including “long-COVID,” IEP implementation, and compensatory services. Elvin Houston, Walsh Gallegos Treviño Russo & Kyle, P.C. - San Antonio, TX
9:45 am 0.50 hr	LGBTQIA+ Update Analyze and untangle the web of issues relating to transgender students, including participation in UIL activities, proposed policies suggesting gender reassignment surgeries may be child abuse, student records and bathroom/locker room issues, and employment protections for openly gay teachers. With so much changing in the last year alone, this presentation discusses emerging case law, legislation, and regulations that affect LGBTQIA+ students and staff. Andrea Mooney, Eichelbaum, Wardell, Hansen, Powell & Muñoz, P.C. - Plano, TX
10:15 am	15-Minute Break
10:30 am 0.50 hr	The FLSA and School Districts Explore the application of the FLSA to school districts including misclassification of exempt employees, calculating overtime for dual employment, and compensatory time. Ann Manning, The Underwood Law Firm, P.C. - Lubbock, TX

11:00 am 0.50 hr	<p>The Changing Landscape of Contract Abandonment and Resignation from a Chapter 21 Contract</p> <p>The passage of HB2519—as well as proposed amendments to the State Board for Educator Certification's disciplinary rules related to good cause or mitigating factors to resign from a teacher contract—have sparked a debate within the education community about when a teacher should be permitted to resign mid-year from a Chapter 21 employment contract. This presentation considers the background of that discussion and examines the new legislation and status of SBEC's rules related to enforcement of contract abandonment.</p> <p>Julie Leahy, Texas Classroom Teachers Association - Austin, TX</p>
11:30 am 0.50 hr	<p>Critical Race Theory</p> <p>So, exactly what is Critical Race Theory (CRT)? Learn about CRT, how it came to be, and explore what this scholarly work and the analytical framework offers us in our understanding of the intersection of race and law.</p> <p>Shavonne Henderson, Assistant Dean for Equity and Inclusion, The University of Texas School of Law - Austin, TX</p>
12:00 pm In Austin Only	<p>Pick Up Lunch (in Austin)</p> <p>Included in registration.</p>

Thursday Afternoon, Feb. 17, 2022

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Christopher B. Gilbert, Thompson & Horton LLP - Houston, TX

LUNCHEON PRESENTATION

12:30 pm 0.75 hr	<p>Senate Bill 3 and the Two CRTs</p> <p>SB3, passed in the 87th Texas Legislature's second special session, has the stated intent of “updat[ing] civics and social studies curriculum and instruction and prohibit[ing] the teaching of critical race theory and its elements.” But does this law also impact the other CRT, culturally relevant teaching? Attorneys from both sides of the bar explore the new law in-depth and share practical strategies for implementation, while also highlighting the potential dangers of over compliance.</p> <p>Denise Nance Pierce, Schulman, Lopez Hoffer & Adelstein, LLP - Austin, TX Jason L. Stuart, United Educators Association - Fort Worth, TX</p>
1:15 pm	<p>15-Minute Break</p>
1:30 pm 0.75 hr	<p>Laws that May Negatively Impact Mental Health</p> <p>Sometimes the most well-intentioned laws have negative impacts. This presentation explores the school laws that have the biggest risk of impacting the mental health and wellbeing of students.</p> <p>Amanda Marie Bigbee, Keller ISD - Keller, TX Amy Grosso, Round Rock ISD - Round Rock, TX</p>

2:15 pm 0.75 hr	<p>School District Election Issues</p> <p>In the aftermath of the U.S. Supreme Court's 2013 decision in <i>Shelby Cnty., Ala. v. Holder</i> invalidating Section 4 of the Voting Rights Act of 1965, do school districts still need to consider potential liability for violating the voting rights of minority voters? Learn about this and other current election-related topics, from redistricting to recounts.</p> <p>Debbie Moritz Esterak, Rogers, Morris & Grover, L.L.P. - Austin, TX Leila Sarmecanic, Clear Creek ISD - League City, TX</p>
3:00 pm 0.75 hr ethics	<p>Managing Generational Differences</p> <p>The mentorship of young attorneys is an ethical obligation of the supervising attorneys and is critical for the retention of good attorneys. Communication, clarity, and leadership/culture sharing are all critical to bridging the generational divide. This is true for law firms that represent school districts, law firms that represent the employees of school districts, and general/in-house counsel for school districts.</p> <p>Rebecca S. Bradley, Abernathy, Roeder, Boyd & Hullett, P.C. - McKinney, TX Deron T. Robinson, Denton ISD - Denton, TX Jim Whitton, Brackett & Ellis, P.C. - Fort Worth, TX</p>
3:45 pm	Adjourn
In Austin Only	<p>Networking Reception (in Austin from 3:45 p.m. - 4:45 p.m.)</p> <p>Join us for drinks and hors d'oeuvres with program faculty and attendees.</p>

Friday Morning, Feb. 18, 2022

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Christopher B. Gilbert, Thompson & Horton LLP - Houston, TX

7:30 am In Austin Only	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
8:25 am	Morning Announcements
8:30 am 0.50 hr	<p>COVID Update: Litigation</p> <p>A summary of the results, or at the least current posture, of the ongoing COVID litigation and its potential future implications for school districts, students, and employees. There will also be a focus on procedural lessons for the practitioner gleaned from this fast-paced, high-profile litigation.</p> <p>Jonathan G. Brush, Rogers, Morris & Grover, L.L.P. - Houston, TX</p>
9:00 am 0.50 hr	<p>COVID Update: Impact of Funding</p> <p>Discuss the pandemic funding that has been made available to school districts and charter schools and the impact it can have on improving learning loss.</p> <p>Cory Green, Texas Education Agency - Austin, TX</p>

9:30 am 0.50 hr	COVID Update: Employee Issues What is happening in 2021-22 related to COVID? Hear an update on employment matters, including the intersection of the ADA and FMLA. Giana Ortiz, The Ortiz Law Firm - Arlington, TX
10:00 am 0.50 hr	COVID Update: Parents and Students What's COVID got to do with it? Explore and discuss parent/student grievances, student discipline, and board decisions in the time of COVID. Heather M. Castillo, Arlington, TX
10:30 am	15-Minute Break
10:45 am 0.75 hr	Online Student Speech and the Impact of the <i>Mahanoy</i> Decision A school district attorney explores the impact of the U.S. Supreme Court <i>Mahanoy</i> decision in relation to multiple district activities, including school discipline, extracurricular participation and discipline, and in relation to school safety matters. This presentation also reviews new court decisions applying <i>Mahanoy</i> . Ellen H. Spalding, Karczewski Bradshaw Spalding - Houston, TX
11:30 am 0.75 hr 0.25 hr ethics	Managing Board Meetings in Today's Political Climate Communities with divided political views are experiencing unusually high interest in board meeting public comments and other feedback from citizens near and far. School boards now need strategies to give each person a fair opportunity to speak while also dealing with unruly participants. Meanwhile, many school officials have been targeted by threats or verbal attacks—and when things get personal, we attorneys have to keep calm and remember our ethical obligations, too. Joy S. Baskin, Texas Association of School Boards - Austin, TX Mia M. Martin, Richardson, TX
12:15 pm In Austin Only	Pick Up Lunch (in Austin) Included in registration.

Friday Afternoon, Feb. 18, 2022

Presiding Officer:

Christopher B. Gilbert, Thompson & Horton LLP - Houston, TX

LUNCHEON PRESENTATION

12:45 pm 0.75 hr	Title IX: The First 50 Years In 1972, Congress enacted Title IX, ushering in a new era of equity in education. Prior to Title IX, just 30,000 women participated in NCAA sports compared to 170,000 men, and women earned less than 10 percent of all law degrees. Two long-time practitioners survey the major events of the last 50 years and discuss anticipated developments, including proposed amendments to Title IX's regulations. Lisa A. Brown, Thompson & Horton LLP - Houston, TX Jackie Gharapour Wernz, Thompson & Horton LLP - Dallas, TX
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1:30 pm	15-Minute Break
1:45 pm 0.75 hr	<p>“Oh, What a Tangled Web We Weave”: Commissioner Jurisdiction after <i>Davis</i>, With a Little DOI and Charter Thrown In</p> <p>Rarely does a school law case make it to the Texas Supreme Court and rarely is the topic so significant. This presentation analyzes <i>Davis v. Morath & Dallas ISD</i>, in which the Texas Supreme Court (perhaps) answered the question of what makes a grievance untimely and whether an untimely grievance deprives the Commissioner of appellate jurisdiction under Texas Education Code §7.057. As a bonus, this presentation also touches upon the Commissioner’s appellate jurisdiction related to districts of innovation and charter schools.</p> <p>Paul Tapp, Association of Texas Professional Educators - Austin, TX</p>
2:30 pm 0.75 hr ethics	<p>Practicing Law Remotely: We’re Not in Kansas Anymore</p> <p>Drawing on two recent ABA ethics opinions, this presentation explains the ethical pitfalls of practicing law remotely as they apply to school law attorneys and discusses strategies for avoiding them.</p> <p>John Husted, Fanning Harper Martinson Brandt & Kutchin, P.C. - Dallas, TX Francisco J. Valenzuela, Fanning Harper Martinson Brandt & Kutchin, P.C. - Dallas, TX</p>
3:15 pm	Adjourn