

SOUTH CAROLINA SCHOOL BOARDS ASSOCIATION

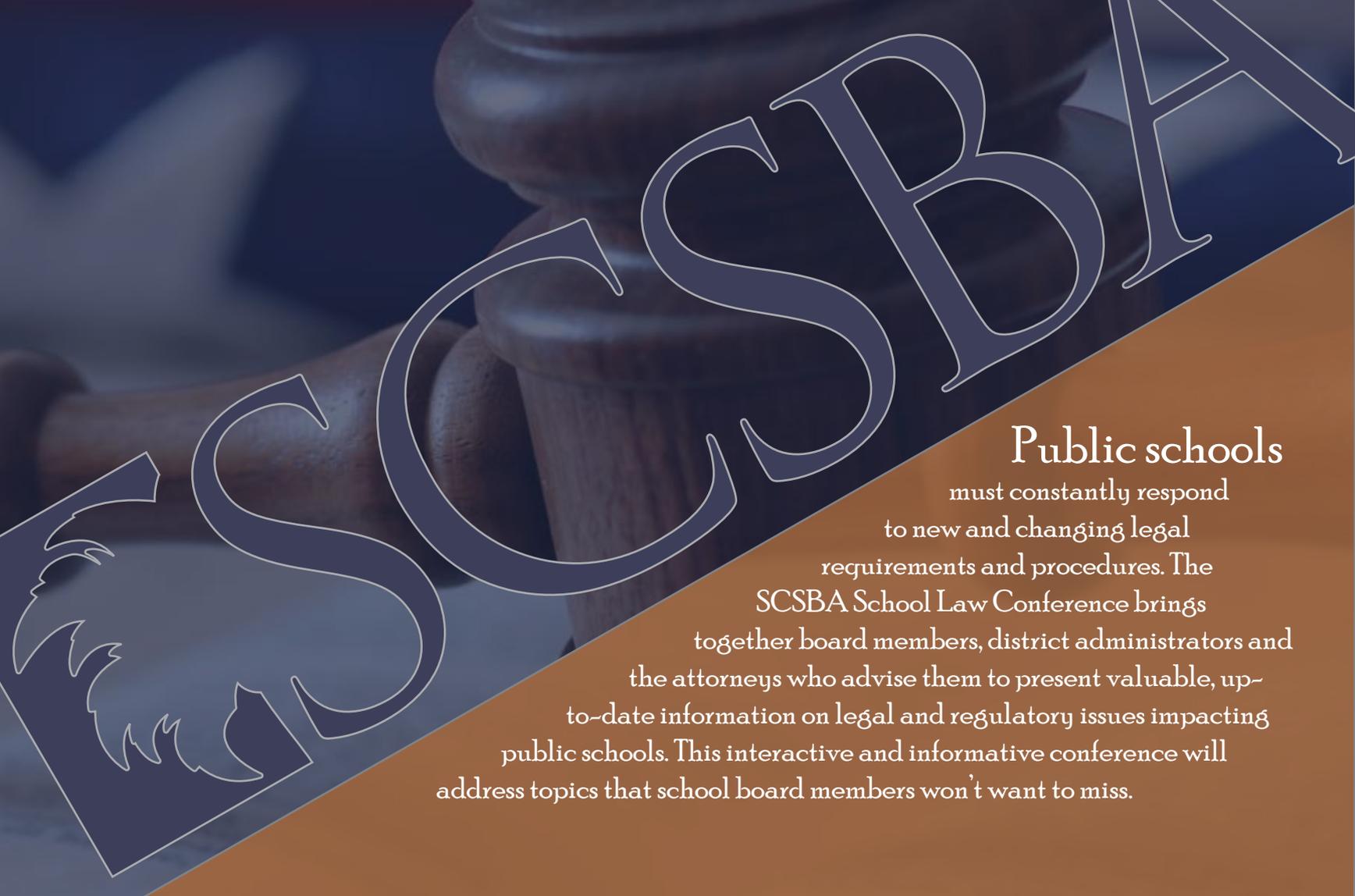
2018

SCHOOL

LAW

CONFERENCE





SCSBA

Public schools

must constantly respond to new and changing legal requirements and procedures. The SCSBA School Law Conference brings together board members, district administrators and the attorneys who advise them to present valuable, up-to-date information on legal and regulatory issues impacting public schools. This interactive and informative conference will address topics that school board members won't want to miss.

OBJECTIVES

- Increase understanding of federal and state laws governing school boards and districts.
- Present recent legal changes affecting school boards and districts.
- Clarify the legal roles and responsibilities of board members on specialized topics.

SCSBA will apply for CLE credit for attorneys in attendance.

REGISTRATION

The registration fee for SCSBA members is \$195 per person, which includes lunch on Saturday. Registration for all others is \$395 per person. Additional guest lunch tickets are available for \$40 each. Guest lunch ticket purchases and/or special dietary requests can be made when registering online. The deadline for cancellations is August 8, 2018. No refunds will be made after this date.

School board members and district administrators must register through their board secretary. Registrations by individual members are not accepted in an effort to prevent duplicate registrations, invoicing and credit card charges.

Associate members must register through their company's contact assigned by SCSBA. Registrations by individual members are not accepted.

BOARDMANSHIP

15 points, 7 hours

HOTEL

The Marriott at Grande Dunes is located at 8400 Costa Verde Drive in Myrtle Beach. A nightly room rate of \$142 for single/double occupancy, plus tax and fees, is available through July 27, 2018, or until the room block is full, whichever comes first. Hotel reservations will be accepted either by calling central reservations or using an online link. The reservation information is available at scsba.org.

All hotel reservations will require a one (1) night's guarantee that will be refundable only if the reservation is canceled by August 8, 2018.

DRESS CODE

The dress code throughout the conference is casual. Dressing in layers is recommended, as temperatures may vary in the meeting rooms.

AGENDA

Saturday, August 25

7:45 - 8:30 a.m.

Registration and breakfast break

○ Co-sponsored by Halligan Mahoney & Williams, P.A.

8:30 - 9:45 a.m.

First general session

Welcome and purpose

Wesley Hightower, *SCSBA President, Aiken County Public School District*

Student voices in mighty times - In 1965, Mary Beth Tinker had no idea that she would make history by wearing a small black armband to school to mourn the dead in Vietnam and call for a Christmas truce. But history was made, with a ruling in *Tinker* that has been cited in thousands of student speech cases. Hear Mary Beth share her experience of the famous case and how the ruling is being interpreted today.

Mary Beth Tinker, *plaintiff in Tinker v Des Moines Independent Community School District (1969)*

Post Tinker: Student speech in the school environment - This panel will address the law since *Tinker*, looking at the rights of students to protest and exercise their freedom of speech while balancing the duties of schools to maintain safety and order. The session will include the recent occurrences of student walkouts and how they fit within the parameters of *Tinker*.

Derek Black, *Esquire, Professor of Law, University of South Carolina School of Law*

Doug Webb, *Esquire, General Counsel, Greenville County Schools*

9:45 -10:45 a.m.

A look at the NSBA legal and legislative advocacy agenda

Learn about recent key rulings and pending cases in the U.S. Supreme Court and lower federal courts and their implications for public schools.

Francisco M. Negron, Jr., *Esquire, Chief Legal Officer and Interim Chief Advocacy Officer, National School Boards Association*

10:45 - 11 a.m.

Beverage break

○ Co-sponsored by White & Story, LLC

11 a.m. - 12 p.m.

Breakout sessions (choose one of four)

- **Avoiding the \$10,000 fine: What you need to know about South Carolina Ethics** - As a public official, you are subject to the Ethics Reform Act. Running afoul of the Act can be costly in a number of ways. This presentation seeks to provide you with an overview of the Act, as well as inform you of all the ways the State Ethics Commission is here to serve you.

Meghan Walker, *Executive Director, S.C. State Ethics Commission*

- **Politics in the workplace** - The problem: According to a recent survey from BetterWorks, 50 percent of respondents have witnessed a political conversation turn into an argument at work (63 percent of millennials say the same). Thirty percent of respondents say they are less productive since the election due to the political environment. During this presentation, we will discuss how employees are increasingly taking to social media to express their political beliefs and opinions, sometimes crossing the line into harassment and discrimination, or embarrassing their company and creating a public relations nightmare.

Perry T. MacLennan, *Esquire, Haynsworth Sinkler Boyd, P.A.*

- **Protected speech and the First Amendment for board members and district employees** - Board members are citizens who have First Amendment rights of free speech. However, when acting in their official capacities as board members, they must be careful not to allow personal beliefs or opinions to interfere with issues of public concern. Additionally, the trending issue of school employees' controversial use of social media amplifies the need for school boards to be aware of the First Amendment rights of district employees and when it is appropriate for the school to step in and take action. This session will explore these topics and focus on how school board members can balance their rights and also consider the rights of school employees in approaching and discussing speech issues involving the First Amendment — in person and online.

Donald E. Andrews, *Former Superintendent, Jasper County School District*

Ashley C. Story, Esquire, *White & Story, LLC*

- **Human Resources for board members, with a focus on employee online speech** - This session will provide school board members with the fundamental knowledge they need to better understand the role of board members in addressing employment matters in the district, including the employment rights of certified and classified employees. The session will also focus on how to respond to and address concerns with employee online speech.

Kathryn Long Mahoney, Esquire, *Halligan Mahoney & Williams, P.A.*

Vernie L. Williams, Esquire, *Halligan Mahoney & Williams, P.A.*

UPCOMING EVENTS

- **Beyond the Basics Workshop - Bond Referendums:** *October 11, 2018 - Columbia, SCSBA Training Center*
- **Risky Business Seminar - SCSBIT's Workers' Compensation and Property & Casualty Insurance Trust Seminar:** *October 17-19, 2018 - Myrtle Beach, Marriott at Grande Dunes*
- **Legislative Advocacy Conference & Delegate Assembly:** *December 7-9, 2018 - Charleston, Charleston Marriott*
- **Annual Convention, New Board Orientation, Board Chair Workshop:** *February 21-24, 2019 - Hilton Head, Hilton Head Marriott*

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12 - 1:30 p.m.

Lunch (included in registration)

1:30 - 2:30 p.m.

Breakout sessions (choose one of four)

- **IDEA** - (Repeats at 2:45 p.m.) This session will provide an overview of the lawsuit with the United States Department of Education regarding our state's Individuals with Disabilities Education Act (IDEA).
Barbara A. Drayton, *Deputy General Counsel, Office of General Counsel, South Carolina Department of Education*
- **Policy and legislative update** - (Repeats at 2:45 p.m.) Get an overview of education-related legislation enacted this year and policies that resulted from the statutory changes.
Debbie Elmore, *Director of Governmental Relations and Communications, SCSBA*
Dr. Tiffany N. Richardson, *General Counsel and Director of Policy and Legal Services, SCSBA*
- **The #METOO era and sexual harassment** - This presentation will address the #METOO movement and how it can potentially impact the school environment. Appropriate and inappropriate school employee environments, employees that date, and celebratory functions will be addressed. Sexual harassment liability will be discussed to include Title VII, state law claims and potentially criminal charges.
Susan G. Williams, *General Counsel, Richland One*
- **No petting: Identifying and regulating student service animal needs** - School districts often face challenges in complying with the numerous laws which protect students with disabilities such as: The Individuals with Disabilities Education Act, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. Together, these laws grant students who have service animals the rights to be free from discrimination, to receive reasonable accommodations and to access a free, appropriate public education. This presentation will provide an

overview of the laws by which school districts must abide as it relates to their identification and regulation of service animals. This presentation will also highlight the ramifications school districts may face upon failure to adopt or follow policies which comply with these laws.

Kierra N. Brown, Esquire, *Boykin & Davis, LLC*

Adam J. Mandell, Esquire, *Boykin & Davis, LLC*

2:30 - 2:45 p.m.

Beverage break

○ Co-sponsored by *Duff & Childs, LLC*

2:45 - 3:45 p.m.

Breakout sessions (choose one of four)

- **IDEA** (repeated)
Barbara A. Drayton, *Deputy General Counsel, Office of General Counsel, South Carolina Department of Education*
- **Policy and legislative update** (repeated)
Debbie Elmore, *Director of Governmental Relations and Communications, SCSBA*
Dr. Tiffany N. Richardson, *General Counsel and Director of Policy and Legal Services, SCSBA*
- **Sexual harassment and investigations in the Me Too generation** - In today's evolving landscape, sexual harassment and discrimination claims will inevitably arise and an investigation will take place. Conducting an effective investigation and responding successfully to internal and external situations needing an investigation are critical for human resources and management. This presentation will focus on key tactics and best practices for HR professionals and Management during an internal investigation and what to do once it is concluded.
Reginald M. Gay, Esquire, *McNair Law Firm*

- **Shovel ready: Demystifying school construction lingo -**
Building programs are very complicated, trouble-prone and high-profile with the public. A huge amount of activity and expertise plays out below the surface, but boards often receive their information in short, high-level project updates with reports of or requests for "change orders" accompanied by a lot of construction lingo. A change can affect the price, the schedule and/or the design. This can occur for many different reasons, all lumped together under the term "change orders" – and often the contractor, designers and district have different opinions on "fault" for a change. In this session, the most common problems taken to the board level will be covered, and lingo will be explained, so that board members can have a basic concept of these issues.

Keith R. Powell, *Special Counsel, Duff & Childs, LLC*

4 - 5 p.m.

S.C. Caucus of Black School Board Members meeting

This meeting is open to all participants.

Sunday, August 26

8 - 8:30 a.m.

Registration and breakfast break

○ *Co-sponsored by Boykin & Davis, LLC*

8:30 - 9:30 a.m.

Second general session

Opening remarks

Wesley Hightower, *SCSBA President, Aiken County Public School District*

So you're being sued....now what? - This session on state and federal lawsuits will touch on some allegations that can be brought against individual defendants, school boards and districts. It will also discuss

the parties involved, their roles and the different stages of litigation, from service of a summons and complaint through settlement or trial.

Gene H. Matthews, *Attorney, Richardson Plowden & Robinson, P.A.*

9:30 - 9:45 a.m.

Beverage break

○ *Co-sponsored by Haynsworth Sinkler Boyd, P.A.*

9:45 - 10:45 a.m.

Closing general session

Is your district on the road to a possible state of emergency?

- The State Superintendent of Education and the State Board of Education have been given more authority each year by the General Assembly in the oversight of school districts. This oversight includes student achievement under the Education Achievement Act, district finances under the new Fiscal Practices statute and state budget Proviso 1A.12, and by Congress through federal programing under the Federal Uniform Grant Guidance. To date, three districts have been declared in a state of emergency for a combination of these issues. This session will review each legal component of state oversight and what all districts can do to mitigate issues and avoid a declaration.

Cathy Hazelwood, *Deputy Superintendent, Division for Legal Affairs, South Carolina Department of Education*

11 a.m.

Closing remarks

Wesley Hightower, *SCSBA President, Aiken County Public School District*

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August 25-26, 2018

Marriott at Grande Dunes, Myrtle Beach

SCSBA • 111 Research Drive • Columbia, SC 29203

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