



SCHOOL LAW CONFERENCE

AUGUST 28-29, 2021

AGENDA

4 - 7 p.m. **Registration** *Hotel lobby*

Saturday, August 28

7:45 - 8:30 a.m. **Registration and breakfast break** *Foyer*
Co-sponsored by Halligan Mahoney & Williams, P.A.

8:30 - 9:45 a.m. **First general session** *Crystal ballrooms A-F*

Welcome and purpose

Cheryl Burgess, *SCSBA President, Lexington School District Three*

The Supreme Court, the Administration and beyond!

Join NSBA Chief Legal Officer Francisco M. Negrón, Jr., for a dynamic survey of cases and federal regulations affecting public schools across the country through NSBA's school law docket. From the latest on student speech to upcoming federal guidance on contemporary issues such as race and gender identity, this session will shed light on the national legal landscape and trends impacting public school boards, districts and students today.

Francisco M. Negrón, Jr., *Chief Legal Officer, National School Boards Association*

9:45 - 10:45 a.m. **What's next?** *Crystal ballrooms A-F*

You don't want to miss this review and update regarding federal and state guidance and caselaw that resulted from challenges related to the last school year during the great COVID-19 pandemic. We will review the impact of school closures, social distancing and distance learning and the next steps for dealing with issues related to child find, evaluations, re-evaluations, behavioral intervention services, disciplinary removals, academic recovery services, extended school year services and compensatory services.

Barbara A. Drayton, *Deputy General Counsel, Office of General Counsel, S.C.*
Department of Education

10:45 - 11 a.m. **Beverage break** *Foyer*
Co-sponsored by Duff Freeman Lyon, L.L.C.

11 a.m. – 12 p.m. **I can't talk about that ... employee** *Crystal ballrooms A-F*

School board members will leave this session with a clear understanding of their legal roles in employment matters, regarding certified and classified employees. We'll discuss informal complaints and concerns, grievances and non-renewals/terminations. Bring your questions!

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

12 - 1:30 p.m. **Lunch** (included in registration).....*Yellow & Blue Topaz Room*
Pick up your box lunch in Topaz Room.
Limited seating will be available in Topaz Room and in Courtyard.

1:30 - 2:30 p.m. **Breakout sessions** (choose one of three)

❖ **Dynamic board members – How to unite a divided board and bring the team together – Crystal ballrooms E-F**

Join us for an interesting and interactive discussion as we engage with participants to uncover strategies and methods to work harmoniously with fellow board members, even in the event of dissention or division among the ranks. Find solutions to these questions: How do we bring unity to a divided board? How can a board effectively move the district forward when one or more of its members challenges the status quo? What are the board's options to resolve disputes that divide the district?

Andrea E. White, Esquire, *White & Story, LLC*
Ashley Story, Esquire, *White & Story, LLC*

❖ **Freedom of Information Act update: Protecting employee privacy– Crystal ballrooms C-D**

This panel presentation will review legal developments regarding the FOIA and sources of privacy law protecting school district employees' records from public disclosure.

R. Douglas Webb, *General Counsel, Greenville County School District*
John M. Reagle, Esquire, *Halligan Mahoney & Williams, P.A.*

❖ **First Amendment free speech - Beyond the school house gates– Crystal ballrooms A-B**

In the landmark decision, *Tinker v. Des Moines Independent Community School District*, the United States Supreme Court held that public school students do not “shed their constitutional rights” to freedom of speech “at the school house gates,” as long as that speech does not materially and substantially disrupt the work and discipline of the school. But what about disruptive off-campus speech? Fifty years after *Tinker*, the Supreme Court has weighed in on the right of schools to regulate off-campus student speech in *Mahanoy Area School District v. B.L.*, which has been referred to as the “cursing cheerleader” case. During this presentation, we will review the law on student speech at school, report on the Court's decision in *B.L.* and recommend best practices to protect student speech while also protecting the important work of public schools.

Tiffany Butler Holt, Esquire, *Duff Freeman Lyon, L.L.C.*
David N. Lyon, Esquire, *Duff Freeman Lyon, L.L.C.*

2:30 - 2:45 p.m. **Beverage break***Foyer*
Co-sponsored by White & Story, LLC

2:45 - 3:45 p.m. **Breakout sessions** (*choose one of three*)

❖ **Effectively evaluating the Superintendent’s leadership using leading and lagging indicators** – *Crystal ballrooms E-F*

During this session, board member will learn about an effective superintendent evaluation tool focused on growth indicators. Specifically, we will focus on examining and reviewing leadership through lagging and leading indicators that produce small steps toward major outcomes. This discussion will include developing constructive language and dialogue during the evaluation process. One goal of the session will be understanding how the superintendent evaluation can strengthen relationships between board members and develop a productive relationship between the superintendent and board.

Charles J. Boykin, Esquire, *Boykin & Davis, LLC*

❖ **ESSER funds and construction dollars being allocated** – *Crystal ballrooms A-B*

Come hear how Elementary and Secondary School Emergency Relief (ESSER) funds can benefit your school district. During this session, we’ll cover funding timelines, allowable uses and necessary documentation and reporting of such funds.

Francenia B. Heizer, Esquire, *Burr Forman McNair*

❖ **Avoiding the \$10,000 fine: What you need to know about South Carolina Ethics** – *Crystal ballrooms C-D*

In this session, you will get an overview of the Ethics Reform Act with an emphasis on the rules of conduct for school board members.

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

4 - 5 p.m. **SC Caucus of Black School Board Members meeting**..*Yellow and Blue Topaz Room*
This meeting is open to all participants.

Sunday, August 29

8 – 8:30 a.m. **Registration and breakfast break***Foyer*

8:30 – 9:30 a.m. **Second general session***Crystal ballrooms A-F*

Opening remarks

Cheryl Burgess, *SCSBA President, Lexington School District Three*

Dissolving school boards is now a reality

Get an overview of recently enacted legislation revising the state’s education accountability law that includes the dissolution of duly-elected school boards in school districts taken over by the state declared to be a state-of-education emergency. Learn about the criteria being used to determine underperforming schools and school

districts, the criteria that can be used to declare a state-of-education emergency and the process in place to transition schools and districts back to local control.

Debbie Elmore, *SCSBA Director of Governmental Relations and Advocacy*
Scott Price, *SCSBA Executive Director*

9:30 – 9:45 a.m. **Beverage break***Foyer*
Co-sponsored by Boykin & Davis, LLC

9:45 – 10:45 a.m. **Closing general session**.....*Crystal ballrooms, A-F*

Is the new school board dissolution law a game changer?

A new law authorizing the dissolution of duly-elected school boards in underperforming school districts or in school districts with certain financial issues establishes a standard that does not exist for any other state or locally-elected official. Is this a game changer for school boards? What could it mean for how school boards must govern local districts? How should school boards function? Hear from a panel of current and former school board members and a superintendent about how this new law could change the board’s role, and how it can effectively govern under this enhanced state oversight and accountability.

Vince Ford, *Former School Board Member, Prisma Health Senior Vice President of Community Affairs*

Dr. J.R. Green, *Superintendent, Fairfield County School District*

Travis Sloan, *SCSBA Region 14 Director, Spartanburg One Board Chair*

Lisa Wells, *SCSBA Region 15 Director, Greenville County School Board*

Moderator: Scott Price, *SCSBA Executive Director*

11 a.m. **Closing remarks**.....*Crystal ballrooms, A-F*
Cheryl Burgess, *SCSBA President, Lexington School District Three*