

SOUTH CAROLINA SCHOOL BOARDS ASSOCIATION



SCHOOL LAW

C O N F E R E N C E

AUGUST 28-29, 2021

OVERVIEW

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 will not 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.

Boardmanship Institute: 15 points, 7 hours

REGISTRATION

The registration fee for SCSBA members is \$195 per person, which includes a box lunch on Saturday. The deadline for cancellations is July 29, 2021. No refunds will be made after this date. Due to limited hotel space, the School Law Conference will be limited to 300 attendees.

School board members and district administrators must register through their board secretary. Registrations by individual members are not accepted to prevent duplicate registrations, invoicing and credit card charges. Each district will be allowed to register up to three members for the in-person School Law Conference (board members or superintendent). Due to limited hotel space, SCSBA will not be accepting any on-site registrations.

SCSBA is also offering a recorded version of the School Law Conference online. Online registration information will be available after the in-person School Law Conference.

HOTEL

The Charleston Marriott is located at 170 Lockwood Blvd. in Charleston. A nightly room rate of \$141 for single/double occupancy, plus taxes and fees, is available through August 12, 2021, or until the room block is full, whichever comes first. Hotel reservations will only be accepted by using the online link provided to your district administrator. All hotel reservations will require a one night's guarantee that will be refundable only if the reservation is canceled by August 12, 2021.

DRESS CODE

The dress code throughout the conference is casual. Dressing in layers is recommended, as temperatures may vary in the meeting rooms. Face masks will be required at all times in the hotel and conference areas.

UPCOMING EVENTS

- **Beyond the Basics Workshop**
October 7, 2021
Columbia, SCSBA Training Center
- **Risky Business Seminar: SCSBIT's Workers' Compensation and Property and Casualty Insurance Trust Seminar**
October 20-22, 2021
Myrtle Beach, Marriott at Grande Dunes
- **Legislative Advocacy Conference and Delegate Assembly**
December 4-5, 2021
Charleston, Charleston Marriott
- **Annual Convention, New Board Orientation, Board Chair Workshop**
February 17-20, 2022
Hilton Head, Hilton Head Marriott

AGENDA

FRIDAY, AUGUST 27

4 - 7 p.m.

Registration

SATURDAY, AUGUST 28

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

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?

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

○ *Co-sponsored by Duff Freeman Lyon, L.L.C.*

11 a.m. - 12 p.m.

I can't talk about that ... employee

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)

Pick up your box lunch in the Topaz Room

Limited seating will be available in the Topaz Room and 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**

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 dissent 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**

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**

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

○ 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**

During this session, board members 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**

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**

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

This meeting is open to all participants.

SUNDAY, AUGUST 29

8 - 8:30 a.m.

Registration and breakfast break

8:30 - 9:30 a.m.

Second general session

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 and declared to be in 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

9:45 - 10:45 a.m.

Closing general session

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

Cheryl Burgess, SCSBA President, Lexington School District Three

SCSBA

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