



SOUTH CAROLINA SCHOOL BOARDS ASSOCIATION

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# SCHOOL LAW

C O N F E R E N C E

AUGUST 26-27 • GREENVILLE, SOUTH CAROLINA

# 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 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.*

# BOARDMANSHIP INSTITUTE

5 points • 8 hours

# REGISTRATION

The registration fee, which includes lunch on Saturday, is \$250 per person for SCSBA members. Special dietary requests can be made when registering online. The deadline for cancellations is August 3, 2023. The conference registration fee is non-refundable but is transferrable to anyone in the attendee's district or organization.

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.

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

# DRESS CODE

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

# HOTEL

The Hyatt Regency is located at 220 North Main Street in Greenville. A nightly room rate of \$159 for single/double occupancy, plus tax and fees, is available through August 3, 2023, or until the room block is full, whichever comes first. Hotel information is available at [scsba.org](https://scsba.org) and reservations are made using an online link. A one night's guarantee is required and may be refundable only if the reservation is canceled by August 3, 2023.

# UPCOMING EVENTS

## **Beyond the Basics Workshop**

October 12, 2023 - Columbia, SCSBA Training Center

## **Risky Business Seminar – SCSBIT's Workers' Compensation and Property & Casualty Insurance Trust Seminar**

October 4-6, 2023 – Sonesta Resort, Hilton Head

## **Legislative Advocacy Conference & Delegate Assembly**

December 2-3, 2023 - Charleston, Charleston Marriott

## **Annual Convention, New Board Orientation, Board Chair Workshop**

February 15-18, 2024 - Hilton Head Island, Hilton Head Marriott



# AGENDA

## FRIDAY, 8/25

4 - 7 p.m.

**Registration** – Atrium

## SATURDAY, 8/26

7:45 - 8:30 a.m.

**Registration and breakfast break** – Foyer

● **Co-sponsored by White & Story, LLC**

8:30 - 9:45 a.m.

**First general session** – Regency ballrooms C-H

**Welcome and purpose**

**Gail Hughes**, SCSBA President, Dorchester Two

### **Cases and controversies: a review of the national school landscape**

Learn more about key court rulings, pending cases and federal regulations affecting public schools across the country and how the national legal landscape and current trends are impacting public school boards, districts, and their students.

**Sara Clark**, Chief Legal Counsel, Ohio School Boards Association

9:45 - 10:45 a.m.

### **IDEA 2023: news, updates, and information you need to know!**

An overview of the most recent requirements, guidance, and challenges related to the implementation of the Individuals with Disabilities Education Act (IDEA) and programs for students with disabilities.

**Barbara Drayton**, Deputy General Counsel, South Carolina State Department of Education

10:45 - 11 a.m.

**Beverage break** - Foyer

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

11 a.m. - 12 p.m.

**Breakout sessions** (choose one of three)

**Order in the boardroom: Robert's Rules of Order for school boards – Regency ballroom C**

Learn how to handle common Robert's Rules of Order issues and procedures from the perspective of the board chairman and board member. Gain insights, tips and more for running effective, efficient and productive meetings.

**West Cox, Esq.** Cox & Cole, Attorneys at Law

**Litigation 101: what school board members need to know – Regency ballrooms D-E**

School districts and sometimes board members, superintendents and employees are sued. While attorneys handle the primary work of defending the district's interests, school board members should have a basic understanding of lawsuits, litigation and related legal concepts. For new board members and seasoned pros who want a refresher, get an overview of the legal process, the fundamental terminology involved, and an idea of what to expect to help you make informed decisions and communicate effectively with your legal counsel and protect the interests of your district.

**Dave Duff**, Attorney/Partner, Duff Freeman Lyon, LLC

**William Freeman**, Attorney/Partner, Duff Freeman Lyon, LLC

**Board member liability – Regency ballrooms F-H**

This interactive session will help board members to effectively make decisions without exposing members or the board to unnecessary liability.

**Charles Boykin**, Senior Partner, Boykin & Davis, LLC

Noon - 1:30 p.m.

**Lunch** (included in registration) – Regency ballroom (Seating is available in the Crepe Myrtle ballroom.)

1:30 - 2:30 p.m.

**Breakout sessions** (choose one of three)

**Student discipline hearings: a board member's role – Regency ballroom C**  
Learn the basics of a board member's role in handling student discipline appeals, understanding the legal and evidentiary standards when reviewing school suspension and expulsion appeals, and drafting discipline policies that comply with state and federal laws to avoid litigation that can often arise out of student discipline matters.

**Vernie Williams, Esq.**, Halligan Mahoney & Williams, P.A.

**Jasmine Rogers Drain, Esq.**, Halligan Mahoney & Williams, P.A.

**Policy in practice: board policies and why they matter – Regency ballrooms D-E** Learn what school board members need to know to better understand their role in policy development. Gain a deeper understanding of the policymaking process, the critical elements of a policy, and the best practices for reviewing board policies.

**Rasheeda Cleveland, Esq.**, SCSBA Staff Attorney

**The parental rights movement: what school board members need to know – Regency ballrooms F-H**

The "parental bill of rights" movement is an emerging issue sweeping the U.S. While this issue can take many forms, it generally involves parents seeking more control and influence over their children's education. As of mid-March, proposed parental rights legislation has emerged in at least 32 states, up from 18 states in 2022, according to the National Conference of State Legislatures. Hear a discussion of the legal foundations of parental rights, the emerging issues based on notions of parental rights, and how the legislature and courts are considering these issues.

**David Lyon**, Attorney/Partner, Duff Freeman Lyon, LLC

**Meredith L. Seibert, Esq.**, Duff Freeman Lyon, LLC

2:30 - 2:45 p.m.

**Beverage break – Foyer**

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

2:45 - 3:45 p.m.

**Breakout sessions** (choose one of three)

**Closing the deal and getting real - superintendent contract negotiations and evaluations** – Regency ballroom C

Review sample contract language and learn some of the recent developments that are trending regarding superintendent contract negotiations. After the deal is closed and the contract is signed, learn how boards can focus on maximizing performance and being real and honest during the performance evaluation cycle.

**Ashley Story**, Partner, White & Story, LLC

**Knowing what you don't know: important questions board members should ask about school law** – Regency ballrooms F-H

School law can encompass a wide range of legal concepts. School board members should have a working knowledge of the basic principles of those laws. Learn what questions to ask administrators in key areas of special education, personnel (certified and non-certified), First Amendment, student discipline, social media, and that state's Freedom of Information Act.

**Lindsay Anne Thompson, Esq.** (In-House Counsel), Georgetown County School District

**Can't touch this!** – Regency ballrooms D-E

This interactive session will focus on factors board members should consider when deciding whether recusal or abstention on a matter is necessary. Learn how to establish procedures for identifying potential conflicts of interest and how to address a conflict of interest in a manner that prioritizes the interest of the school district. The session will include an in-depth discussion on state ethics laws and conflicts of interest.

**Tierney F. Goodwyn, Esq.**, Boykin & Davis, LLC

4 - 5 p.m.

**S.C. Caucus of Black School Board Members meeting** – Regency ballrooms F-H

This meeting is open to all participants.

# SUNDAY, 8/27

7:30 - 8 a.m.

**Registration and breakfast break** – Foyer

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

8 - 9 a.m.

**Second general session** – Regency ballrooms C-H

**Opening remarks**

**Gail Hughes**, SCSBA President, Dorchester Two

**Addressing constitutional law issues at the schoolhouse gates**

School board members should develop a cognizant legal foundation to avoid unintentionally infringing on any constitutional rights. Using a constitutional framework from the new University of South Carolina Constitutional Law Center, learn how school board members can identify constitutional concerns in schools, including due process, search and seizure, and free speech. The USC center is one of four law centers in the nation funded by Congress to research and produce materials on constitutional law for legal academics, school districts, and the public.

**Derek Black**, Professor of Law, Ernest F. Hollings Chair in Constitutional Law, Director of the Constitutional Law Center

**Taylor Callahan**, Assistant Director of the Constitutional Law Center

9 - 9:15 a.m.

**Beverage break** – Foyer

○ **Co-sponsored by Duff Freeman Lyon, LLC**



9:15 – 10:15 a.m.

**Closing general session – Regency ballrooms C-H**

**Navigating the challenges of student discipline issues**

As a school board member, it is important to understand your quasi-judicial role in matters of student discipline. In this session, panelists will discuss common student discipline issues and best practices when reviewing suspension appeals or examining expulsion recommendations. Attendees will also explore special considerations for disciplining students with disabilities and litigation potential for due process violations.

**John Emerson**, *Emerson Law, LLC*

**Kenneth Generette**, *Chief Officer, Staff Attorney, Horry County Schools*

**Vernie Williams, Esq.**, *Halligan Mahoney & Williams, P.A.*

10:15 - 11:15 a.m.

**What happened in the State House this year?**

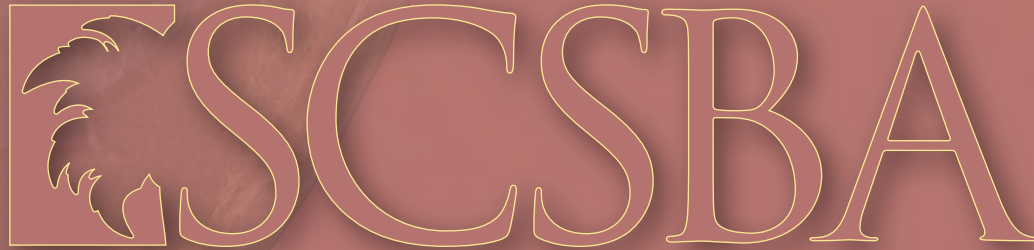
The 2023 session proved to be a busy one for K12 education. With record new members in the House and new leadership, lawmakers in both chambers were nonstop, debating and passing voucher legislation, paid family leave for district staff, sunscreen use in schools and more. Hear a summary of K12 bills that crossed the legislative finish line and will impact your school districts.

**Debbie Elmore**, *SCSBA Director of Governmental Relations*

11:30 a.m.

**Closing remarks**

**Gail Hughes**, *SCSBA President, Dorchester Two*



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[SCSBA.ORG](https://SCSBA.ORG)

The background of the entire page is a photograph of a statue, likely the 'The Spirit of Liberty' statue in Columbia, South Carolina. The statue is a large, dark-colored figure, possibly bronze, with a chain draped over its arm. The image is split vertically into two main color sections: a greenish-yellow on the left and a reddish-brown on the right. The text is overlaid on these sections.

# SOUTH CAROLINA SCHOOL BOARDS ASSOCIATION

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