

37<sup>TH</sup> ANNUAL  
**SCHOOL LAW CONFERENCE**



February 17–18, 2022  
AT&T Conference Center ■ Austin, Texas

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 Live Webcast February 17–18

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Earn up to 12.00 Hours of MCLE Credit, Including 1.75 Hours of Ethics Credit

Specialization Credit Approved for: Administrative Law, Civil Appellate Law, Civil Trial Law,  
Labor and Employment Law (hours vary by state)

Texas Education Agency (TEA) Continuing Professional Education (CPE) Credit Available for Texas Educators

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Texas Education Agency (TEA) Continuing Professional Education (CPE) Credit Available for Texas Educators

*Times listed are in Central Time*

**THURSDAY MORNING, FEB. 17, 2022**

**Presiding Officer:**

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

**7:30 a.m. Registration Opens**

Includes continental breakfast.

**8:20 a.m. Welcoming Remarks**

**8:30 a.m. .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 a.m. .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 a.m. .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 a.m. 15-Minute Break**

**10:30 a.m. .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 a.m. .50 hr**

**The Changing Landscape of Contract Abandonment and Resignation from a Chapter 21 Contract**

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.

Julie Leahy, Texas Classroom Teachers Association, Austin, TX

**11:30 a.m. .50 hr**

**Critical Race Theory**

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.

Shavonne Henderson, Assistant Dean for Equity and Inclusion The University of Texas School of Law, Austin, TX

**12:00 p.m. Pick Up Lunch**

Included in registration.

**THURSDAY AFTERNOON**

**Presiding Officer:**

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

**LUNCHEON PRESENTATION**

**12:30 p.m. .75 hr**

**Senate Bill 3 and the Two CRTs**

SB3, passed in the 87<sup>th</sup> 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.

Denise Nance Pierce, Schulman, Lopez Hoffer & Adelstein, LLP, San Antonio, TX  
Jason L. Stuart, United Educators Association, Fort Worth, TX

**1:15 p.m. 15-Minute Break**

**1:30 p.m. .75 hr**

**Laws that May Negatively Impact Mental Health**

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.

Amanda Marie Bigbee, Keller ISD, Keller, TX  
Amy Grosso, Round Rock ISD, Round Rock, TX

**2:15 p.m. .75 hr**

**School District Election Issues**

In the aftermath of the U.S. Supreme Court's 2013 decision in *Shelby Cnty., Ala. v. Holder* 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.

Debbie Moritz Esterak, Rogers, Morris & Grover, L.L.P., Austin, TX  
Leila Sarmecanic, Clear Creek ISD, League City, TX

3:00 p.m. .75 hr ethics

### Managing Generational Differences

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.

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

3:45 p.m. Adjourn to Reception

### NETWORKING RECEPTION

3:45 p.m. – 4:45 p.m.

Join us for drinks and hors d'oeuvres with program faculty and attendees.

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## FRIDAY MORNING, FEB. 18, 2022

### Presiding Officer:

**Andrea Slater Gulley, Walsh Gallegos Treviño Russo & Kyle, P.C., Amarillo, TX**

7:30 a.m. Conference Room Opens

Includes continental breakfast.

8:25 a.m. Morning Announcements

8:30 a.m. .50 hr

### COVID Update: Litigation

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.

Jonathan G. Brush, Rogers, Morris & Grover, L.L.P., Houston, TX

9:00 a.m. .50 hr

### COVID Update: Impact of Funding

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.

Cory Green, Texas Education Agency, Austin, TX

9:30 a.m. .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 a.m. .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 a.m. 15-Minute Break

10:45 a.m. .75 hr

### Online Student Speech and the Impact of the Mahanoy Decision

A school district attorney explores the impact of the U.S. Supreme Court *Mahanoy* 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 *Mahanoy*.

Ellen H. Spalding, Karczewski Bradshaw Spalding, Houston, TX

11:30 a.m. .75 hr | .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 p.m. Pick Up Lunch

Included in registration.

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This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 12.00 hours, of which 1.75 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

## FRIDAY AFTERNOON

### Presiding Officer:

**Andrea Slater Gulley, Walsh Gallegos Treviño Russo & Kyle, P.C., Amarillo, TX**

### LUNCHEON PRESENTATION

12:45 p.m. .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

1:30 p.m. 15-Minute Break

1:45 p.m. .75 hr

### "Oh, What a Tangled Web We Weave": Commissioner Jurisdiction after Davis, With a Little DOI and Charter Thrown In

Rarely does a school law case make it to the Texas Supreme Court and rarely is the topic so significant. This presentation analyzes *Davis v. Morath & Dallas ISD*, 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.

Paul Tapp, Association of Texas Professional Educators, Austin, TX

2:30 p.m. .75 hr ethics

### Practicing Law Remotely: We're Not in Kansas Anymore

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.

John Husted, Fanning Harper Martinson Brandt & Kutchin, P.C., Dallas, TX  
Francisco J. Valenzuela, Fanning Harper Martinson Brandt & Kutchin, P.C., Dallas, TX

3:15 p.m. Adjourn

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### Mail:

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School of Law  
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PO Box 7759  
Austin, TX 78713-7759

### Fax:

512.475.6876

**Questions? 512.475.6700**

If you have dietary requirements or would like to request accommodations under the ADA, please contact Customer Service at 512.475.6700 or [service@utcle.org](mailto:service@utcle.org) at least 10 days prior to the conference.

## REGISTRATION BENEFITS

**Comprehensive Course Materials:** Access course materials in "Your Briefcase" approximately 48 hours before the program, and enjoy unlimited access to the final, complete course materials – downloadable PDFs of papers and slides.

**Accredited eConference:** Complimentary access to the eConference – with papers, slides, and video – accredited for one year in both TX and CA are available in "Your Briefcase" 4–6 weeks after the program.

**TX MCLE Credit Reporting:** UT Law CLE can report credit on your behalf directly to the State Bar of Texas. Track the Texas MCLE credit reported on your behalf at "Your Account" after you've logged in at [www.utcle.org](http://www.utcle.org).

## TROUBLE LOGGING IN?

A UT Law CLE account is created for conference attendees and product customers with information provided on the order form. An email address will serve as the User Name.

**Forget Your Password or Need it Reset?** Just select "Forgot Password" under "Sign In or Join" at [www.utcle.org](http://www.utcle.org).

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SL22

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Registrant's Email (required) \_\_\_\_\_

Assistant's Email (optional) \_\_\_\_\_  
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### EVENT REGISTRATION

*Includes Electronic Course Binder Download (PDF) in "Your Briefcase." Special group registration rates available. Call 512.475.6700.*

- Live, In-person Event Registration . . . . . \$550 | \$600 after February 9
- School District Employees Live, In-person Event Registration . . . . . \$475 | \$525 after February 9
- Live Webcast Registration . . . . . \$550
- School District Employees Live Webcast Registration . . . . . \$475

**Printed and Shipped Binder with Registration (Shipping Included)** – Available for order through February 18, 2022

*Please Note: Printed binder will arrive 2-3 weeks after the conclusion of the live conference. Delivery to P.O. boxes is not permitted. Binders will not be distributed on-site.*

- Printed and Shipped Course Binder . . . . . \$70.36 (\$65\*)

### Webcast Add-on

*Register for the in-person conference and add on the webcast format for attendance flexibility.*

- Webcast Add-on . . . . . \$75

**TOTAL EVENT REGISTRATION \$ \_\_\_\_\_**

**FIRST AND SECOND YEAR ATTORNEYS MAY ATTEND FOR JUST \$150! CALL 512.475.6700 TO REGISTER.**

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*Comprehensive binder with papers and slides, available for delivery 4–6 weeks after live event.*

- Electronic Post-Course Download (PDF) . . . . . \$265.21 (\$245\*)
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**TOTAL POST-CONFERENCE PRODUCTS \$ \_\_\_\_\_**

### METHOD OF PAYMENT

- Check (make check payable to The University of Texas at Austin)
- VISA  MasterCard  American Express  P.O. (include a copy of the purchase order upon submission)
- Card / P.O. # \_\_\_\_\_ CVW # \_\_\_\_\_ Exp. Date \_\_\_\_\_ / \_\_\_\_\_  
(mm/yy)
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**SCAN TO VIEW OUR COVID-19 PROTOCOLS**

See what we're doing differently this year to address the safety concerns of our staff and attendees at in-person events.



SL22

**AUSTIN**

February 17–18, 2022

**CONFERENCE LOCATION**



**AT&T Conference Center**  
The University of Texas at Austin  
1900 University Avenue  
Austin, TX 78705  
877.744.8822 (reservations)

**Special Room Rate: \$189**

Conference registration is required to book a hotel block room. Instructions and booking code will be included in registration confirmation email. (subject to availability)

**Parking:**

Free daily self-parking at UT garages. Separate fees apply for valet and overnight parking.

**KEY DATES**

**February 9, 2022**

*Last day for early registration rates*

**February 11, 2022**

*Last day for full refund cancellation*

**February 14, 2022**

*Last day for partial refund cancellation*

\$50 processing fee applied

**February 17, 8:20 a.m., CT**

*Conference begins*

**February 18, 2022**

*Last day to order a printed and shipped course binder with in-person or webcast conference registration.*

Please review our current COVID-19 Protocols for in-person attendance to this conference.

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UT Law CLE is committed to helping attorneys meet their annual Texas MCLE requirements. Following the event, attendees will receive a free, on-demand eSupplement that will bring their total available hours to 15.00, including 3.00 hours of ethics.



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While nothing can replace the experience of the live event, you can still catch up on all the latest developments in School Law with the eConference.

The online eConference includes papers, slides, and video – and CLE credit (TX and CA) – from this year's live conference. Available in "Your Briefcase" through the user's account at [www.utcle.org](http://www.utcle.org) 4-6 weeks after the live event.

**UT Law CLE is committed to Practice Excellence.**

We are here to support our community while we navigate the coronavirus pandemic together. Information and updates regarding our in-person conferences and live webcasts will be posted at [www.utcle.org](http://www.utcle.org).

In addition, we continue to offer multiple educational opportunities online—both live and on-demand—by bringing practitioners together virtually. We are fortunate to serve so many of you who strive for excellence in the practice of law.



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