

# 38<sup>TH</sup> ANNUAL SCHOOL LAW CONFERENCE



February 9–10, 2023  
AT&T Conference Center ■ Austin, Texas

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 [Live Webcast February 9–10](#)

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Earn up to 12.25 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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**SCHOOL LAW CONFERENCE**

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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

*Times listed are in Central Time*

**THURSDAY MORNING, FEB. 9, 2023**

**Presiding Officer:**

**Andrea Slater Gulley, Walsh Gallegos  
Treviño Russo & Kyle, P.C., Amarillo, 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. .75 hr**

**Continuing Challenges: COVID-19 and the IDEA**

While the pandemic has affected all students and school staff, the impact on students with disabilities and the staff who educate them continues to significantly complicate the educational environment. This presentation addresses special education students and the staffing issues affecting all public schools.

Janet Little Horton, Thompson & Horton LLP,  
Houston, TX  
Portia Talley, Texas State Teachers Association,  
Austin, TX

**10:00 a.m. .50 hr**

**Title IX: Here We Go Again**

A discussion on proposed updates to the Title IX regulations and a shifting definition of "discrimination based on sex" in the educational environment, and how the proposed updates will impact school operations.

Allen M. Keller, Schulman, Lopez Hoffer & Adelstein,  
LLP, San Antonio, TX

**10:30 a.m. 15-Minute Break**

**M  
C  
L  
E**

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 12.25 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).

**10:45 a.m. .50 hr | .25 hr ethics**

**Information Sharing Between School Districts and Law Enforcement for School and Community Safety: A Two-Way Street**

Post-incident reviews of school violence tragedies making the national news often find "dots were not connected" because information in the hands of school officials about a troubled or potentially dangerous student did not make it to law enforcement, or vice versa. This session examines relatively new and likely underutilized provisions of the Texas Code of Criminal Procedure and Texas Family Code that facilitate information sharing for student safety, relevant provisions of FERPA, as well as a lawyer's obligation to disclose otherwise confidential information in certain circumstances under the Texas Disciplinary Rules of Professional Conduct.

Joseph L. Parks, Law Office of Joseph L. Parks, PLLC,  
Plano, TX

**11:15 a.m. .50 hr**

**Statewide Intake and Mandatory Reporting**

A preview of upcoming changes to the Statewide Intake Abuse and Neglect Reporting Guide for Professionals.

Stephen Black, Texas Department of Family and  
Protective Services, Austin, TX  
Amanda Frangu, Texas Department of Family and  
Protective Services, Austin, TX

**11:45 a.m. .75 hr | .25 hr ethics**

**Student Suicide: Mental Health and Legal Response**

The speakers address the timely and important topic of a district's legal obligations when a student makes an outcry of self-harm or displays suicidal ideations, as well as best practices for the district's response to and recovery from a student's suicide. Learn how to navigate the nuanced and often conflicting guidance regarding student privacy and mental health.

Ricardo "Rick" Benavides III, J Cruz & Associates,  
LLC, Laredo, TX  
Heather R. Rutland, Eichelbaum Wardell Hansen  
Powell & Muñoz, PC, Austin, TX

**12:30 p.m. Pick Up Lunch**

Included in registration.

**THURSDAY AFTERNOON**

**Presiding Officer:**

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

**LUNCHEON PRESENTATION**

**1:00 p.m. .50 hr**

**The Bible Tells Me So?**

Do school employees have a religious (or even free speech) right to refuse to refer to a transgender student by the name or pronoun that is consistent with the student's gender identity? The presentation provides an overview of what the courts are telling us about that issue, and how those cases might be incorporated into practice.

Karla Schultz, Walsh Gallegos Treviño Kyle &  
Robinson, P.C., Albuquerque, NM

**1:30 p.m. 15-Minute Break**

**1:45 p.m. .75 hr**

**Bow Your Head and Play: A Discussion on Kennedy v. Bremerton**

Two old coaches square off over employee religious expression in light of the recent Supreme Court decision. Join us for an in depth look into the First Amendment and how it relates to a public school employee's right to pray at school.

Mike Leasor, Leasor Crass, P.C., Mansfield, TX  
Michael A. Vorsino, UEA, Fort Worth, TX

**2:30 p.m. .75 hr**

**Public Employee and Private Citizen**

What can employees do during an election, at a school board meeting, or away from school? And what can districts do to engage employees in getting the vote out and controlling disruptive speech?

**Moderator:**  
Skylar Gallop, Raise Your Hand Texas, Amarillo, TX

**Panelists:**  
Brandon Y. Brim, Brim, Robinett & Brim, P.C., Austin, TX  
Sarah Flournoy, Brackett & Ellis, P.C., Fort Worth, TX

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3:15 p.m. .75 hr | .25 hr ethics

### Title IX Investigations: Getting it Right

The "Do's" and "Don'ts" of a Title IX Investigation from the initial complaint through the final investigative report.

Scott A. Cummings, Adams, Lynch & Loftin, P.C.,  
Grapevine, TX  
Richard E. Hill, Adams, Lynch & Loftin, P.C.,  
Grapevine, TX

4:00 p.m. Adjourn

### NETWORKING RECEPTION

4:00 p.m. – 5:00 p.m.

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

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### FRIDAY MORNING, FEB. 10, 2023

#### Presiding Officer:

Giana Ortiz, The Ortiz Law Firm,  
Arlington, TX

7:30 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .50 hr

### Donated Property: No Good Deed Goes Unpunished

With the plethora of fundraising platforms available and the ease of receiving donations, districts and teachers are able to raise funds and request donations with a few clicks on the computer. The speaker examines the legal implications and issues raised in the crowdsourcing arena.

Sarah W. Langlois, Spalding | Nichols | Lamp |  
Langlois, Houston, TX

9:00 a.m. .50 hr

### Can't Touch This: How Statutory Immunity Protection Passed in 2003 Shields Educators Who Use Force Against Students

Sweeping tort reform in Texas in 2003 and the ultimate passage of Texas Education Code §22.0512 significantly increased immunity protection of Texas educators who use force to deal with students. This presentation describes situations in which this statutory immunity has shielded educators from the consequences of using such force.

Melissa Kates, Grand Prairie ISD, Grand Prairie, TX

9:30 a.m. .50 hr

### Culture Wars in the School District: Censure

A look at the availability of, and limitations on, censure as a tool of governance in the schools.

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

10:00 a.m. .50 hr

### Culture Wars in the School District: Employees

Whether it's about books, CRT, religion, sexual identity policies, or other controversial issues, principals, librarians, teachers and other school employees can be easy targets for the culture wars. What defenses do they have when grievances are aired out on social and mainstream media, or before the school board? What will be the school employee's response when they find themselves in a battle they did not choose?

Kevin F. Lungwitz, The Lungwitz Law Firm, P.C.,  
Austin, TX

10:30 a.m. 15-Minute Break

10:45 a.m. .75 hr | .25 hr ethics

### Hot Button Boards: Representing School Districts Addressing Controversial Political Issues

School boards are increasingly addressing hot-button political topics such as critical race theory, transgender student rights, and library book disputes. Trustees often disagree with one another on these issues, and may even disagree with key district administrators. This presentation examines the attorney's role in these situations, including when to consider hiring independent counsel, how to address conflicting views on litigation strategy, and how to answer the question: Who is the client?

Lucas Henry, Abernathy, Roeder, Boyd & Hullett, P.C.,  
McKinney, TX

11:30 a.m. .50 hr

### War of the Words: Public Comment at Open Meetings

An overview of current law, a few practical considerations, and real-life reflections on the mandatory agenda item behind the Stifle-Your-Laugh School Board Challenge.

John M. Hardy, Hardy Cook & Hardy, Tyler, TX

12:00 p.m. .50 hr

### Workers' Comp 101: The Basics of the Workers' Compensation in Texas

An overview of the Workers' Compensation System outlining the responsibilities of insurance carriers, employers, and self-insureds in the administration of work injuries in Texas.

Dan Price, Shanley Price, LLP, Austin, TX

12:30 p.m. Pick Up Lunch

Included in registration.

### FRIDAY AFTERNOON

#### Presiding Officer:

Giana Ortiz, The Ortiz Law Firm,  
Arlington, TX

### LUNCHEON PRESENTATION

1:00 p.m. .50 hr

### Employee Mental Health: What Response is Required

In the aftermath of COVID and with increased visibility of mental health issues, districts must consider a more holistic plan for addressing the concerns related to employee well-being. This session combines a discussion of the legal requirements of dealing with employee mental health challenges along with best practices in prevention and intervention.

Amy Grosso, Round Rock ISD, Round Rock, TX  
Cindy Hill, Round Rock ISD, Round Rock, TX

1:30 p.m. 15-Minute Break

1:45 p.m. .75 hr

### Teacher Morale: How Far is Too Far?

Explore the issues of teacher resignations, contract abandonment recent rule changes, unexcused absences/remote work and related ADA issues, and divisive issues that are causing staff morale problems in a post-COVID world.

Valerie Ann Carrillo, Escamilla & Poneck, LLP,  
San Antonio/Dallas, TX  
Cynthia Rincón, Fort Worth ISD, Fort Worth, TX

2:30 p.m. .75 hr ethics

### State Bar Grievances

This presentation includes an overview of the grievance system in Texas, an overview of common reasons for grievances, and guidance on how to avoid grievances.

Kennon L. Wooten, Scott Douglass & McConnico  
LLP, Austin, TX

3:15 p.m. Adjourn

## CONFERENCE FACULTY AND PLANNING COMMITTEE

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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 at least 10 days prior to the conference.

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**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" 6–8 weeks after the event.

**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.

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SL23

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*Invoices, confirmations, and receipts are emailed to these addresses.*

### EVENT REGISTRATION

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

#### Please select location type

- Live, In-Person at AT&T Conference Center  
 Live Webcast

#### Please select registration type

- Individual Registration . . . . . \$550 | \$600 after February 1  
 School District Employee Registration . . . . . \$475 | \$525 after February 1

**Printed and Shipped Binder with Registration (Shipping Included)** – Available for order through Friday, February 10, 2023

*Please note that the printed binder will arrive 2–3 weeks after the scheduled webcast. 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 \$ \_\_\_\_\_**

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**TOTAL POST-CONFERENCE PRODUCTS \$ \_\_\_\_\_**

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## AUSTIN

February 9–10, 2023

### CONFERENCE LOCATION



#### AT&T Conference Center

The University of Texas at Austin  
1900 University Avenue  
Austin, TX 78705  
877.744.8822 (reservations)

#### Parking:

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

### KEY DATES

**February 1, 2023**

*Last day for early registration rates*

**February 3, 2023**

*Last day for full refund cancellation*

**February 6, 2023**

*Last day for partial refund cancellation*  
\$50 processing fee applied

**February 9, 2023, 8:20 a.m., CT**

*Conference begins*

**February 10, 2023**

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

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