

**38<sup>th</sup> Annual School Law Conference**  
**February 9-10, 2023 • AT&T Conference Center • Austin, TX**  
**February 9-10, 2023 • Live Webcast**

**Thursday Morning, Feb. 9, 2023**

**Presiding Officer:**

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

|                                       |  |
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| 7:30 am<br>In Austin Only             | <p><b>Registration Opens</b></p> <p>Includes continental breakfast.</p>  |
| 8:20 am                               | <p><b>Welcoming Remarks</b></p>  |
| 8:30 am<br>0.75 hr                    | <p><b>Commissioner Decisions Update</b></p> <p>Hear an update on Commissioner of Education decisions from the past year.</p> <p>Mark P. Tilley, Texas Association of School Boards - Austin, TX</p>  |
| 9:15 am<br>0.75 hr                    | <p><b>Continuing Challenges: COVID-19 and the IDEA</b></p> <p>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.</p> <p>Janet Little Horton, Thompson &amp; Horton LLP - Houston, TX<br/>         Portia Talley, Texas State Teachers Association - Austin, TX</p>   |
| 10:00 am<br>0.50 hr                   | <p><b>Title IX: Here We Go Again</b></p> <p>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.</p> <p>Allen M. Keller, Schulman, Lopez Hoffer &amp; Adelstein, LLP - San Antonio, TX</p>  |
| 10:30 am                              | <p><b>15-Minute Break</b></p>  |
| 10:45 am<br>0.50 hr<br>0.25 hr ethics | <p><b>Information Sharing Between School Districts and Law Enforcement for School and Community Safety: A Two-Way Street</b></p> <p>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.</p> <p>Joseph L. Parks, Law Office of Joseph L. Parks, PLLC - Plano, TX</p> |

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| <p>11:15 am<br/>0.50 hr</p>                    | <p><b>Statewide Intake and Mandatory Reporting</b></p> <p>A preview of upcoming changes to the Statewide Intake Abuse and Neglect Reporting Guide for Professionals.</p> <p>Stephen Black, Texas Department of Family and Protective Services - Austin, TX<br/>Amanda Frangu, Texas Department of Family and Protective Services - Austin, TX</p>   |
| <p>11:45 am<br/>0.75 hr<br/>0.25 hr ethics</p> | <p><b>Student Suicide: Mental Health and Legal Response</b></p> <p>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.</p> <p>Ricardo "Rick" Benavides III, J Cruz &amp; Associates, LLC - Laredo, TX<br/>Heather R. Rutland, Eichelbaum Wardell Hansen Powell &amp; Muñoz, PC - Austin, TX</p> |
| <p>12:30 pm<br/>In Austin Only</p>             | <p><b>Pick Up Lunch (in Austin)</b></p> <p>Included in registration.</p>  |

## Thursday Afternoon, Feb. 9, 2023

### Presiding Officer:

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

### LUNCHEON PRESENTATION

|                            |  |
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| <p>1:00 pm<br/>0.50 hr</p> | <p><b>The Bible Tells Me So?</b></p> <p>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.</p> <p>Karla Schultz, Walsh Gallegos Treviño Kyle &amp; Robinson, P.C. - Albuquerque, NM</p> |
| <p>1:30 pm</p>             | <p><b>15-Minute Break</b></p>  |
| <p>1:45 pm<br/>0.75 hr</p> | <p><b>Bow Your Head and Play: A Discussion on <i>Kennedy v. Bremerton</i></b></p> <p>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.</p> <p>Mike Leasor, Leasor Crass, P.C. - Mansfield, TX<br/>Michael A. Vorsino, UEA - Fort Worth, TX</p>  |

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| 2:30 pm<br>0.75 hr                   | <p><b>Public Employee and Private Citizen</b></p> <p>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?</p> <p>Moderator:<br/>Skylar Gallop, Raise Your Hand Texas - Amarillo, TX</p> <p>Panelists:<br/>Brandon Y. Brim, Brim, Robinett &amp; Brim, P.C. - Austin, TX<br/>Sarah Flournoy, Brackett &amp; Ellis, P.C. - Fort Worth, TX</p> |
| 3:15 pm<br>0.75 hr<br>0.25 hr ethics | <p><b>Title IX Investigations: Getting it Right</b></p> <p>The “Do’s” and “Don’ts” of a Title IX Investigation from the initial complaint through the final investigative report.</p> <p>Scott A. Cummings, Adams, Lynch &amp; Loftin, P.C. - Grapevine, TX<br/>Richard E. Hill, Adams, Lynch &amp; Loftin, P.C. - Grapevine, TX</p>  |
| 4:00 pm                              | <p><b>Adjourn</b></p>   |
| In Austin Only                       | <p><b>Networking Reception (in Austin from 4:00 p.m. - 5:00 p.m.)</b></p> <p>Join us for drinks and hors d'oeuvres with program faculty and attendees.</p>  |

## Friday Morning, Feb. 10, 2023

### Presiding Officer:

**Giana Ortiz**, The Ortiz Law Firm - Arlington, TX

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|---------------------------|--|
| 7:30 am<br>In Austin Only | <p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p>   |
| 8:30 am<br>0.50 hr        | <p><b>Donated Property: No Good Deed Goes Unpunished</b></p> <p>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.</p> <p>Sarah W. Langlois, Spalding   Nichols   Lamp   Langlois - Houston, TX</p>   |
| 9:00 am<br>0.50 hr        | <p><b>Can’t Touch This: How Statutory Immunity Protection Passed in 2003 Shields Educators Who Use Force Against Students</b></p> <p>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.</p> <p>Melissa Kates, Grand Prairie ISD - Grand Prairie, TX</p> |

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| <p>9:30 am<br/>0.50 hr</p>                     | <p><b>Culture Wars in the School District: Censure</b></p> <p>A look at the availability of, and limitations on, censure as a tool of governance in the schools.</p> <p>Jonathan G. Brush, Rogers, Morris &amp; Grover, L.L.P. - Houston, TX</p>   |
| <p>10:00 am<br/>0.50 hr</p>                    | <p><b>Culture Wars in the School District: Employees</b></p> <p>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?</p> <p>Kevin F. Lungwitz, The Lungwitz Law Firm, P.C. - Austin, TX</p>   |
| <p>10:30 am</p>                                | <p><b>15-Minute Break</b></p>  |
| <p>10:45 am<br/>0.75 hr<br/>0.25 hr ethics</p> | <p><b>Hot Button Boards: Representing School Districts Addressing Controversial Political Issues</b></p> <p>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?</p> <p>Lucas Henry, Abernathy, Roeder, Boyd &amp; Hullett, P.C. - McKinney, TX</p> |
| <p>11:30 am<br/>0.50 hr</p>                    | <p><b>War of the Words: Public Comment at Open Meetings</b></p> <p>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.</p> <p>John M. Hardy, Hardy Cook &amp; Hardy - Tyler, TX</p>  |
| <p>12:00 pm<br/>0.50 hr</p>                    | <p><b>Workers' Comp 101: The Basics of the Workers' Compensation in Texas</b></p> <p>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.</p> <p>Dan Price, Shanley Price, LLP - Austin, TX</p>   |
| <p>12:30 pm<br/>In Austin Only</p>             | <p><b>Pick Up Lunch (in Austin)</b></p> <p>Included in registration.</p>   |

## Friday Afternoon, Feb. 10, 2023

### Presiding Officer:

**Giana Ortiz**, The Ortiz Law Firm - Arlington, TX

### LUNCHEON PRESENTATION

1:00 pm  
0.50 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 pm

**15-Minute Break**

1:45 pm  
0.75 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 pm  
0.75 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 pm

**Adjourn**