

## CCSA Annual Workshop Agenda

### Thursday, December 2, 2021

**All events will take place in San Diego B Room unless otherwise noted.**

8:00 am – 8:30 am	<b>Registration and Continental Breakfast</b>
8:30 am – 8:45 am (.25 MCLE)	<b>Opening Remarks and Introduction</b> <i>Presenter: Bill Schuetz, CCSA President and Shareholder, Dannis Woliver Kelley</i>
8:45 am – 10:00 am (1.25 MCLE)	<b>“I QUIT!!!” What to do when an entire school board resigns at once:</b> In this session, we will review a case study of the resignation of the Oakley School Board in 2021, following a “hot mic” incident that went viral, worldwide. Against this backdrop, we will be discussing and analyzing the legal requirements, practical limitations and political realities associated with handling governing board vacancies. Deciding when to resign and how to appoint (or elect) a replacement or replacements can get complicated! This session will examine the deadline-intensive provisions of Education Code section 5091 and discuss the different options for filling vacant seats on the board and handling petitions for special election following appointment. <i>Presenter: David Soldani, Partner, Atkinson, Andelson, Loya, Ruud &amp; Romo</i>
10:15 am – 11:15 am (1.0 MCLE)	<b>Mahanoy Area School District v. B.L. – The Supreme Court Finally “Tinkers” with Regulation of Student Off-Campus Expression:</b> In its first student free-speech case since 2007, <i>Mahanoy Area School District v. B.L.</i> , the United States Supreme Court ruled in favor of a student whose off-campus and off-color social media posts resulted in her suspension from the school’s junior varsity cheerleading team. While setting aside the student’s suspension from cheer, the Court more importantly confirmed that schools may still regulate student expression occurring off-campus on a case-by-case basis under the standard set forth in the preeminent 1969 student speech opinion, <i>Tinker v. Des Moines Independent Community School District</i> . In reaching that conclusion, the Court clarified some of the limits of school authority in that regard and the reasons for it. This presentation will cover a detailed discussion regarding important considerations for school officials faced with off-campus student speech issues, and how <i>B.L.</i> does or does not impact what has been California school law practitioners’ advice on this subject. <i>Presenter: Sloan Simmons, Partner, Lozano Smith</i>
11:30 am – 12:30 pm (1.0 Ethics MCLE)	<b>How to Avoid a State Bar Complaint:</b> In this session you will learn about ethical issues education lawyers may face in their day-to-day practice. Topics will include a review of ethics rules, new State Bar opinions, and a summary of the process that comes into play when a State Bar complaint is made against an attorney. This presentation will include time for question and answers. <i>Presenter: Anthony Radogna, Law Offices of Anthony Radogna</i>
12:30 pm – 1:30 pm San Diego A Room  (.75 MCLE)	<b>Lunch</b>  12:45 pm – 1:30 pm <b>Federal Update:</b> NSBA’s Council of School Attorneys (COSA) Director, Cheryl Richardson, will provide an update on federal agency activities, and COSA Chair, Joy Baskin, Director of Legal Services for the Texas Association of School Boards, will provide an update on NSBA’s recent amicus curiae efforts. <i>Presenters: Cheryl Richardson, Director of COSA; Joy Baskin, COSA Chair and Director of Legal Services for the Texas Association of School Boards</i>
1:40 pm – 2:40 pm  (1.0 MCLE)  San Diego B Room	<b>Concurrent Sessions:</b>  <b>Main Room:</b> 1. <b>Defending Demands for Residential Placements:</b> This panel will provide a comprehensive review of decisions rendered by the Office of Administrative Hearings through the Supreme Court. The panel will also cover complaints filed with the California Department of Education, legislation passed in California, Utah, Oregon and other states to tighten regulations governing the practices of wilderness and residential programs. Links will be provided for research and data banks with information pertaining to hundreds of programs throughout the country. <i>Presenters: Lenore Silverman, Partner, Fagen Friedman &amp; Fulfroost; Dee Anna Hassanpour, Partner, Fagen Friedman &amp; Fulfroost; Jennifer Nix, Assistant General Counsel, School and College Legal Services; Sterling Elmore, In-House Counsel, Oakland Unified School District</i>
San Diego C Room	<b>Breakout Room:</b> 2. <b>Strategies for High Functioning Dual Enrollment Agreements:</b> This presentation will address legally compliant dual enrollment agreements that facilitate positive working relationship between local school districts and California community colleges, as well as review of some of the trickier situations that can emerge and how to address them. The presentation will also touch on how to handle employment issues when faculty become limited instructors at the community college, strategies for developing a smooth enrollment process, safety and security issues like open campus rules and mandated reporting, and much more. <i>Presenters: Eileen O’Hare-Anderson, Partner, Liebert, Cassidy Whitmore; Amy Brandt, Associate, Liebert Cassidy Whitmore</i>

2:50 pm – 3:50 pm  
(1.0 MCLE)

**COVID-19 Litigation Summary and Takeaways:** Throughout the COVID-19 pandemic, school districts have struggled to develop educational programs and mitigation measures which ensure the health and safety of their schools and communities while continuing to provide students with quality educational instruction—an all but impossible task under an endless series of guidelines and requirements from national, state, and local health officials that are constantly changing, often conflicting, and sometimes entirely missing. Rightly or wrongly, but widely, there have been no shortage of critics and a wave of lawsuits resulted. This presentation will examine these cases, holdings, and key takeaways to help school districts continue to navigate these uncertain times.

**Presenter:** *Keith Yeomans, Special Counsel, Dannis Woliver Kelly*

(6.25 total MCLE)

## CCSA Annual Workshop Agenda Friday, December 3, 2021

**All events will take place in San Diego B Room unless otherwise noted.**

8:00 am – 8:20 am	<b>Registration and Continental Breakfast</b>
8:20 am – 8:35 am (.25 MCLE)	<b>Opening Remarks and Introduction</b> <i>Presenter: Bill Schuetz, CCSA President and Shareholder, Dannis Woliver Kelley</i>
8:35 am – 9:50 am (1.25 MCLE)	<b>Student Privacy &amp; Technology:</b> The COVID-era has accelerated the age of technology in education. As school districts return to in-person learning, technology is still a core feature of how some students learn. Lost in the shuffle are various laws that protect student privacy. This presentation will discuss how to balance student privacy with the latest technology. <i>Presenter: Manuel Martinez, Partner, Lozano Smith</i>
9:55 am – 10:55 am (1.0 MCLE)	<b>Legislative Update:</b> CSBA representatives will present a summary of pending and recently passed legislation that affects public education and public-school districts. This presentation is intended to provide school district and county office of education attorneys with an understanding of new laws and pending legislation and the resulting requirements. <i>Presenters: Kristin Lindgren, Deputy General Counsel, CSBA; Mike Ambrose, Associate General Counsel, CSBA</i>
11:00 am – 12:00 pm (1.0 MCLE)	<b>Let's Talk Trash - SB 1383 &amp; Organic Waste Reduction:</b> CA schools and universities generate over 500,000 tons of waste each year. SB 1383, enacted in 2016, aims to reduce organic waste statewide, including at schools, but many districts are unsure how or why to comply. By January 1, 2022, LEAs will be required to prevent, reduce the generation of, and recycle organic waste. And by January 1, 2024, LEAs with an on-site food facility will be required to recover edible food. What does this mean for districts? We'll also discuss collective bargaining implications, best practices, and opportunities for staff training. <i>Presenters: Meghan Covert Russell, Associate, Parker &amp; Covert; Mike Travis, Partner, Parker &amp; Covert</i>
12:00 pm – 1:00 pm Marriott Grand Ballroom 3-4  (.50 MCLE)	<b>Lunch</b>  12:10 pm – 12:40 pm <b>Certificated Layoff Summaries Update</b> <i>Presenter: Abigale Auffant, Counsel, Schools Legal Service</i>  12:45 pm – 1:00 pm <b>2022 CCSA Bord of Directors Election Results</b> <i>Presenter: Bill Schuetz, CCSA President and Shareholder, Dannis Woliver Kelley</i>
1:10 pm – 2:10 pm (1.0 MCLE)	<b>Concurrent Sessions:</b>
San Diego B Room	<b>Main Room:</b> 1. <b>Layoffs – If You Need Them, Are You Ready?:</b> The COVID-19 pandemic has had a significant impact on school districts in too many ways to count. In many cases, the pandemic has likely affected your clients'/districts' budgets, and this may result in the difficult decision to layoff certificated positions. This presentation will review the basics for getting your clients ready for teacher layoffs (timelines, seniority lists, tie breaking procedures, rules and processes for skipping & bumping etc.). This session will cover it all! <i>Presenters: Laura Schulkind, Partner, Liebert Cassidy Whitmore; Amy Brandt, Associate, Liebert Cassidy Whitmore</i>
Rancho Santa Fe Room	<b>Breakout Room:</b> 2. <b>What Are the "Extra" Requirements When Using Federal Funds?:</b> This presentation will discuss requirements for procuring contracts using federal funds, such as the Elementary and Secondary School Emergency Relief Fund, established as part of the Education Stabilization Fund in the Coronavirus Aid, Relief, and Economic Security Act. It will also include discussion of the contract provisions required by use of federal funds. <i>Presenters: Deidree Sakai, Shareholder, Dannis Woliver Kelly; Karina Samaniego, Shareholder, Dannis Woliver Kelly</i>
2:20 pm – 3:20 pm (1.0 Elimination of Bias MCLE)	<b>Ethnic Studies and Critical Race Theory – Where National Discussions Meet Local Decisions:</b> This presentation discusses awareness and prevention of bias through the lens of developing issues in education surrounding Critical Race Theory and Ethnic Studies curriculum, with special focus on: the most recent iteration of proposed Ethnic Studies curriculum for California public schools; the Ethnic Studies Model Curriculum in California Assembly Bill 101; the significant reactions to Critical Race Theory in some school communities; other relevant pending legislation; and upcoming likely legal challenges to Critical Race Theory and/or Ethnic Studies curriculum in schools. <i>Presenters: Douglas Freifeld, Partner, Fagen Friedman &amp; Fulfroost; Mary Breffle, Associate, Fagen Friedman &amp; Fulfroost</i>

(6.0 total MCLE)