



## 68th Annual Conference - Orlando and Online

Hilton Orlando Buena Vista Palace

November 2-5, 2022

### Preconference Day, Wednesday, Nov. 2 (all times EST)

1:30 P - 4:30	<b>PRECONFERENCE: BEST PRACTICES AND NEW IDEAS IN TEACHING EDUCATION LAW</b> <ul style="list-style-type: none"><li>● Jeanne Surface, EdD</li><li>● Gretchen Oltman, JD, PhD</li><li>● Jackie Clark, PhD</li></ul>
1:30 - 4:30	<b>PRECONFERENCE: FREE SPEECH AND INCLUSION ON CAMPUS</b> <ul style="list-style-type: none"><li>● Kristine Bowman, JD</li><li>● Liliana M. Garces, EdD, JD</li><li>● Neal Hutchens, JD, PhD</li><li>● Jeff Sun, JD, PhD, MPhil</li></ul>
4:30 - 5:00	<b>WELCOME MEETING</b>

	<b>FIRST-TIME ATTENDEES NEW MEMBERS STUDENT MEMBERS</b>
<b>4:45 - 5:30</b>	<b>BOARD OF DIRECTORS MEETING</b>
<b>5:00 - 6:30</b>	<b>WELCOME RECEPTION FOR ALL ATTENDEES</b>

---This concludes the Preconference Day--

# Conference, Thursday, Nov 3 -Day 1 (all times EST)

Sessions in conference strand "Title IX at 50" are in red

7:30 - 8:45A	CONTINENTAL BREAKFAST
7:30 - 8:30	PAST PRESIDENTS INFORMATION MEETING W/BREAKFAST
8:45 - 9:00	WELCOME
9:00 - 10:15	<b>PLENARY PANEL: TITLE IX AT 50: PAST, PRESENT, AND FUTURE</b> Matt Ricke, PhD Bill Thro, JD, MA Andrew Rhoden, JD Jackie Gharapour Wernz, JD Charlotte Bingham, MPA, Facilitator and Student Panelist
10:45 - 11:45	<b>PAPER SESSION 1</b> <b>Room 1:</b> <b>Responding to Sexual Violence or Discrimination Without a Formal Title IX Complaint (1 hour)</b> Annie Blankenship Knox, JD, PhD Erica Moore, MA <b>Room 2:</b> <b>Panel: Hot Topics in School Finance Litigation (1 hour)</b> Bill Thro, JD, MA Christine Kiracofe, EdD Craig Wood, EdD Lisa Driscoll, PhD <b>Room 3:</b> <b>(1) Legal Issues Impacting the Provision of Appropriate Mental Health Services to the K-12 Student in Light of Covid-19</b> Cynthia Dieterich, PhD Nicole Snyder, JD <b>(2) Stay Put Right Where You Are! The Many Permutations of Pendency Under IDEA</b> Eileen Hagerty, JD

- Kendra Yoch, JD

**Room 4:**

**(1) Public School Educator Liability in the Wake of Mass Shootings in Schools**

- David Alexander, EdD
- Jennifer Sughrue, PhD

**(2) Mass School Shootings: Are Litigation and Legislation Changing Accountability?**

- Aimee Gibbs, JD, MSW
- Chuck Vergon, JD

**Room 5: Panel: Social Justice and Education Law (1 hour)**

- Steven Nelson, JD, PhD
- Dwayne Wright, JD, PhD
- Tiffany Puckett, JD, PhD
- Matthew Shaw, JD, PhD
- Raquel Muñiz, JD, PhD

**11:45A - 1:15P**

**LUNCH ON YOUR OWN**

**Informational Session on ELA's New Digital Community - 12:15-12:45P**

- Nate Walker, EdD

**1:15 - 2:15**

**PAPER SESSION 2**

**Room 1:**

**Legal Ethics in Education Law (1 hour)**

- Mercy Roberg, JD
- Pat Pauken, JD, PhD

**Room 2:**

**You Can't Say That: Law and Policy Bans on Race Controversies & Gender Identity (1 hour)**

- Jeffrey Sun, JD, PhD
- Philip "T.K." Daniel, JD, EdD

**Room 3:**

**(1) Parental Rights and Control in Special Education**

- Susan Bon, JD, PhD
- Dannette Allen-Bronaugh, PhD

**(2) Why Twice-Exceptional is Twice as Difficult: Identification of and Services for Gifted Students with Disabilities under IDEA and Section 504**

- Kelly Sherrill Linkous, JD, PhD

	<p><b>Room 4:</b></p> <p>(1) “You Ruined Our School”: An Empirical Study of a School in the Midst of Legal Crisis</p> <ul style="list-style-type: none"> <li>• Tammy Harel Ben-Shahar, PhD</li> </ul> <p>(2) Compromise is the Best and Cheapest Lawyer: ADR as an Essential Legal Strategy in the Renewed Battles Over Religion and Values in Public Schools</p> <ul style="list-style-type: none"> <li>• David Doty, JD, PhD</li> </ul> <p><b>Room 5: Title IX and Athletics (1 hour)</b></p> <ul style="list-style-type: none"> <li>• Andrew Rhoden, JD</li> </ul>
2:30 - 3:30	<p><b>PAPER SESSION 3</b></p> <p><b>Room 1:</b></p> <p><b>Title IX and Gender Identity in Higher Education (1 hour)</b></p> <ul style="list-style-type: none"> <li>• Charlotte Bingham, PhD student</li> </ul> <p><b>Room 2:</b></p> <p>(1) The Right to a Basic Education: Is South Africa Failing in the Attempt to Provide Quality Education?</p> <ul style="list-style-type: none"> <li>• Pierre Du Plessis</li> <li>• Raj Mestry</li> </ul> <p>(2) The Education-Democracy Nexus</p> <ul style="list-style-type: none"> <li>• Caitlin Millat, JD</li> </ul> <p><b>Room 3:</b></p> <p>(1) Disrupting the Racialized Status Quo in Exam Schools?: Racial Equity and White Backlash in <i>Boston Parent Coalition for Academic Excellence v. The School Committee of the City of Boston</i></p> <ul style="list-style-type: none"> <li>• Sergio Barragán, MEd student</li> <li>• Raquel Muñoz, JD, PhD</li> </ul> <p>(2) The Toll of School: Fines and Fees for School-Related Conduct</p> <ul style="list-style-type: none"> <li>• Tiffany Puckett, JD, PhD</li> <li>• Miranda Johnson, JD</li> </ul> <p><b>Room 4:</b></p> <p>(1) Indignant Pupils: Responding to Student Activism Through the Lens of First Amendment Theory</p> <ul style="list-style-type: none"> <li>• Christopher Thomas, JD, PhD</li> </ul> <p>(2) Pico Plinko: The Supreme Court, Circuit Courts, and School Libraries</p> <ol style="list-style-type: none"> <li>a. Sarah Flournoy, JD, EdD</li> </ol> <p><b>Room 5: Panel: Hot Topics in Special Education (1 hour)</b></p> <ul style="list-style-type: none"> <li>• Janet Decker, JD, PhD</li> </ul>

- Cynthia Dietrich, PhD
- Kevin Brady, PhD
- Allison Fetter-Harrott, JD, PhD
- Regina Biggs, PhD
- Tajharjha Gibson, MS, EdD Student
- Hannah Gahimer, JD

3:45 - 4:45

**PAPER SESSION 4**

**Room 1:**

**Sexual Harrassment and Sexual Assault in K-12 and Higher Education, Title IX Compliance and Response to New Proposed Regulations (1 hour)**

- John Borkowski, JD
- Amanda Clapp, JD
- Mackenzie Conway, JD

**Room 2:**

**Higher Education Accreditation: The Other Higher Education Realignment (1 hour)**

- Tim Letzring, JD, EdD
- Heidi Watt, MS; Hank Lewis PhD
- Lauren Maroon, Ph.D.

**-Room 3:**

**(1) Fair Use or Fair Game: The (Distance) Educator's Dilemma**

- Barbara Hickman, EdD

**(2) Us Too!: Public Virtual Education Providers and the Challenges of COVID-19**

- Luis Guzman, JD
- David D'Agata, JD, PhD

**-Room 4:**

**(1) Promoting Civic Engagement: Exploring Ways Federal Laws Can Increase Voter Participation of Students with Disabilities Through Transition Services**

- Mark Paige, JD, PhD
- Bruce Meredith, JD

**(2) Concerns Regarding Stagnant Protections and Increasing Risks of FERPA's Student Directory Exemption in the Digital Age**

- Zachary Hyder, PhD

**Room 5: Panel: Hot Topics in the Law of School Safety**

	<ul style="list-style-type: none"><li>● Jennifer Sughrue, PhD</li><li>● Lynn Moscoso, CAP-OM</li><li>● Debra Hixon</li></ul>
<b>5:00 - 6:30</b>	<b>WELCOME RECEPTION</b>  <b>POSTER RECEPTION</b>
<b>6:30 ONWARD</b>	<b>DINE-AROUNDS</b>

--This concludes Conference Day 1--

# Conference, Friday, Nov. 4 - Day 2 (all times EST)

Sessions in conference strand "Title IX at 50" are in red

8:00 - 9:00A

## CONTINENTAL BREAKFAST

### ROUNDTABLES:

#### **Invasion of School Children's Privacy: Teachers Need To Be Put in Timeout**

- Joseph Hanks, MA

#### **A Conversation with the Education Finance Expert Witnesses: Bringing Clarity to the Issues**

- Craig Wood, EdD
- Lisa Driscoll, PhD

#### **Legal and Ethical Implications of Virtual School Counseling**

- Stephen Seedorf, EdD

#### **Virtual Education and Free Speech: Where does *Mahanoy v. B.L.* Leave Us?**

- David D'Agata, JD, PhD
- Karen Chastain, JD

#### **Legal Updates and Analysis of Censorship and Recent Book Banning Efforts**

- Elisabeth Krimbill, EdD
- Nate Walker, EdD
- Pam Callahan, PhD
- Amelia King-Kostelac, PhD

#### **Beyond Compliance: Leveraging Special Education Data for District-level Progress Monitoring**

- Sarah Hurwitz, PhD

#### **The Legal Ramifications of Requiring Students to Use a Web Camera During Remote Learning**

- Herbert Midgley, MFA
- Jennifer Goddard, MAE
- Claire Murphy, MM

#### **The Missing Piece for Educational Equity: Multilingual/English Learner Legal Literacy**

- Emma Emerson, PhD

#### **Antithetical Education Laws: A Discussion of Potential Responses for Scholars, School Leaders, and Attorneys**

- Chris Thomas, JD, PhD
- Steven Carlo, MS



	<p><b>A Kneel for Religious Expression: A Football Coach’s Fight to Protect His Fifty-Yard Line Prayer</b></p> <ul style="list-style-type: none"> <li>● Sarah Downey, AA</li> </ul> <p><b>Exploratory Case Study of Teacher Experiences in Providing FAPE to Students with Autism During COVID-19</b></p> <ul style="list-style-type: none"> <li>● Ray Wilson, MEd</li> <li>● Jennifer Sughrue, PhD</li> </ul> <p><b>The Legal Demise of In Loco Parentis and its Clandestine Resurgence in Higher Education</b></p> <ul style="list-style-type: none"> <li>● Gabriel Dunbar, MA</li> <li>● Pat Pauken, JD, PhD</li> </ul> <p><b>Is Academic Freedom Becoming a "Rusty" Ideal?: Legislative Speech-Based Funding Restrictions on Curriculum</b></p> <ul style="list-style-type: none"> <li>● Joy Blanchard, PhD</li> </ul> <p><b>From <i>Tinker</i> to <i>Mahanoy</i>: The Evolution of Student Speech</b></p> <ul style="list-style-type: none"> <li>● Corbin Lee</li> </ul> <p><b>A Settlement Is Not Enough</b></p> <ul style="list-style-type: none"> <li>● Monda Kindle, MA</li> </ul>
<p>9:15 - 10:15</p>	<p><b>PAPER SESSION 5</b></p> <p><b>Room 1:</b></p> <p><b>Exploring the Intersections Between Housing and Education Law and Policy (1 hour)</b></p> <ul style="list-style-type: none"> <li>● Stephanie Klupinski, JD</li> <li>● Bryan Grady, PhD</li> <li>● Carlie Boos, JD</li> </ul> <p><b>Room 2:</b></p> <p><b>(1) Matters of Public Concern: Recent Developments in Constitutional Law Governing Public Employee Expression</b></p> <ul style="list-style-type: none"> <li>● Alli Fetter-Harrott, JD, PhD</li> <li>● Amy Steketee Fox, JD</li> </ul> <p><b>(2) One Year After: How Courts are Applying the Decision in Mahanoy Area School District vs. B.L</b></p> <ul style="list-style-type: none"> <li>● Bob Hachiya, EdD</li> </ul> <p><b>Room 3:</b></p> <p><b>(1) Faith-Based Instruction in Public Schools: An Examination of Release-Time Case Law and Exploration of Current Practices</b></p> <ul style="list-style-type: none"> <li>● Brady Stimpson</li> <li>● Spence Weiler, PhD</li> <li>● Isaac Calvert, PhD</li> </ul> <p><b>(2) Church-State Conflicts in Public Educational Institutions</b></p>

- John Dayton, JD, EdD

**Room 4:**

**(1) The Power Of Research Evidence Use In Times Of Crisis: How The Klaassen v. Indiana University Court Used Extra-Legal Sources To Ground Litigants In Social Realities**

- Nate Hutcherson, MA, PhD student
- Raquel Muñiz, JD, PhD

**(2) This is Not What I Paid For: Student Contract Litigation and Tuition During the Pandemic**

- K.B. Melear, PhD, MAC

**Room 5: Hot Topics in K-12 (1 hour)**

- Suzanne Eckes, JD, PhD
- Gina Umpstead, JD, PhD
- Beth Godett, JD, EdD
- Jeff Sun, JD, PhD, MBA, MPhil

10:30 - 11:30

**PAPER SESSION 6**

**Room 1:**

**(1) An Examination of Legislation, Litigation, and Policies that Implicate Racial Equity in Schools**

- Maria Lewis, JD, PhD
- Gabriella Achampong, B.S. student

**(2) When the Governed Do Not Consent**

- Barbara Qualls, PhD
- Wayne Haglund, JD
- Candice D. McKinley, Esq.
- Jennifer Goddard, MAE
- Herbert Midgley, MFA
- Claire Murphy, MM

**Room 2: Charter School and School Choice Legal Update 2022 (1 hour)**

- Kevin McKenna, JD

**Room 3: Hot Topics in Higher Ed (1 hour)**

- Neal Hutchens, JD, PhD
- Melissa Carleton, JD
- Tim Letzring, JD, EdD
- Vanessa Miller, JD, PhD
- Jeff Sun, JD, PhD, MBA, MPhil

	<p><b>Room 4:</b></p> <p>(1) <b>The Arc of Student Special Education Supports and Services from Andrew F. through the COVID-19 Pandemic and Beyond</b></p> <ul style="list-style-type: none"> <li>● Lis Krimbill, EdD</li> <li>● Maureen Fox, JD</li> <li>● Kevin Brady, PhD</li> </ul> <p>(2) <b>FAPE and COVID: Legal Challenges Under IDEA and ADA</b></p> <ul style="list-style-type: none"> <li>● Noelle Balsamo, PhD</li> <li>● Krista Bixler, EdD</li> <li>● Jennifer Sughrue, PhD</li> </ul>
11:45A - 12:15P	LUNCH (OVERLAPS WITH START OF BUSINESS MEETING)
12:15 - 1:00	BUSINESS MEETING, INCLUDING ELECTIONS
1:00 - 2:15	<p><b>PLENARY PANEL: RELIGION AND EDUCATION, WITH ADDITIONAL REFLECTIONS BY RICHARD KATSKEE</b></p> <ul style="list-style-type: none"> <li>● Richard Katskee, JD</li> <li>● Charlie Russo, JD, EdD, Facilitator and Panelist</li> <li>● Jyllian Bradshaw, JD</li> <li>● Ed Darden, JD</li> <li>● Martha M. McCarthy, PhD</li> </ul>
2:45 - 3:45	<p><b>PAPER SESSION 7</b></p> <p><b>Room 1: Fourth Amendment and School Policing Update (1 hour)</b></p> <ul style="list-style-type: none"> <li>● Jennifer Sughrue, PhD</li> <li>● David Alexander, EdD</li> <li>● Traci Ballard, PhD</li> <li>● Kevin Brady, PhD</li> </ul> <p><b>Room 2:</b></p> <p>(1) <b>Let's Get Critical: The Rights and Obligations of Teachers and School Districts under State Laws Limiting Discussion of Critical Race Theory in K-12 Classrooms</b></p> <ul style="list-style-type: none"> <li>● John Rumel, JD</li> </ul> <p>(2) <b>Indiana's Failure to Pass a CRT-Ban With HB1134 and SB167: Where Did This Republican-Controlled State Go Wrong and What Lies Ahead?</b></p> <ul style="list-style-type: none"> <li>● Ronald Cunningham, MEd, MJ Candidate, PhD Candidate</li> </ul>

**Room 3: Should Title VII Preempt Title IX in Sex-Based Employment Discrimination Claims? (1 hour)**

- Clarissa Bruton, JD
- Jeff Sun, JD, PhD, MPhil

**Room 4: Potential Impact of the ADA On the IDEA LRE Obligation (1 hour)**

- Alexa Ross, JD
- Perry Zirkel, PhD, LLM

**Room 5: NextGen Education Rights in the Choice & Anti-Choice Era (1 hour)**

- Joshua Weishart, JD
- Derek Black, JD
- James Osamudia, JD
- Caitlin Millat, JD

4:00 - 5:00

**PAPER SESSION 8**

**Room 1:**

**Exploring Rose's Root's: Documenting Historical Facts Surrounding the School Funding Case that Ushered in the Third Wave of School Finance Litigation (1 hour)**

- Spence Weiler, PhD
- Christine Kiracofe, EdD

**Room 2:**

**(1) Long-Term Implications of Florida's House Bill 7 on English and U.S. History Advanced Placement Standards**

- Ronald Cunningham, BA, MSED

**(2) Academic Freedom in Florida: Litigation and Legislation**

- Elizabeth Strogoff, BBA
- Luke Cornelius, PhD, JD

**Room 3:**

**(1) State Regulation of For-Profit Higher Education**

- Neal Hutchens, JD, PhD
- Frank Fernandez, PhD
- Macey Edmondson, JD, PhD

**(2) State of Emergency: A Strategic Attack on Contemporary School District Secession Methods**

- Troy Ballard, JD, MsEd

**Room 4:**

**(1) Don't Forget Me!: The Legal Intersection of English Language Learner Students Who Require Special Education Services**

- Brett Geier, EdD

	<p><b>(2) Linguistic Equity: The Effect of Translator Use in California Due Process Hearing Decisions</b></p> <ul style="list-style-type: none"> <li>● Tiina Itkonen, PhD</li> <li>● Bryan Tomlin, PhD</li> <li>● Manuel Correa, PhD</li> </ul> <p><b>Room 5: Title IX's Constitutionalist Integrity (1 hour)</b></p> <ul style="list-style-type: none"> <li>● Bill Thro, JD</li> <li>● Elizabeth Busch, PhD</li> </ul>
<b>5:30 - 6:30</b>	<b>PAST PRESIDENTS RECEPTION</b>
<b>6:30 ONWARD</b>	<b>DINE-AROUNDS</b>

--This concludes Conference Day 2--

# Conference, Saturday, Nov. 5 - Day 3 (all times EST)

8:00 - 9:00A	<b>BREAKFAST ROLE-ALIKES (3 rooms) – Attendees welcome to attend any group</b> <ul style="list-style-type: none"><li>• Professors</li><li>• Attorneys</li><li>• Administrators &amp; Others (Attendees of Florida administrators postconference invited too)</li></ul>
9:00 - 10:00	<b>AWARDS CEREMONY (Attendees of Florida administrators postconference invited)</b> <ul style="list-style-type: none"><li>• Best Legal Research Student Poster Session</li><li>• ELA Members' Choice Student Poster Session</li><li>• George Jay Joseph Award for Education Law Writing</li><li>• August Steinhilber Award for Outstanding Appellate Brief in Education Law</li><li>• Steven S. Goldberg Award for Distinguished Scholarship in Education Law</li><li>• M.A. McGhehey Award for Distinguished Service to ELA and the Field of Education Law</li></ul>
10:00 - 11:00	<b>SUPREME COURT UPDATE (Attendees of Florida administrators postconference invited)</b> <ul style="list-style-type: none"><li>• Mark Walsh</li></ul>
11:00 - 11:30	<b>CONCLUSION</b> <ul style="list-style-type: none"><li>• Acknowledgements</li><li>• Upcoming events</li></ul>
11:45 A - 1:00 P	<b>BOARD OF DIRECTORS MEETING</b>
12:00 - 4:30P	<b>SCHOOL LAW WORKSHOP FOR FLORIDA ADMINISTRATORS</b> <ul style="list-style-type: none"><li>• Glen Stewart, JD, facilitator</li><li>• Melissa Carleton, JD</li><li>• David Delaney, JD</li><li>• Lis Krimbill, EdD</li><li>• Maureen Fox, JD, MS</li><li>• Dustin Robinson, PhD</li></ul>