

Session Titles and Descriptions
AASPA Virtual Legal Summit
February 16-17, 2023

ADA Accommodations

Presented by Eli Enger, Partner, Udall & Shumway, Mesa, AZ

This presentation will discuss the ADA accommodations process. The presentation will also discuss common issues that arise for employers at each stage of the accommodations process and potential solutions.

Employee Handbooks: Practical and Legal

Presented by Scott Macdonald, Managing Director, Macdonald & Associates, Middletown, CT

Attendees will learn the purposes of employee handbooks, how to create and revise handbooks, what to include and not include (a checklist will be provided), how to organize and customize the handbooks, practical and legal implications, tips and common mistakes.

Employee social media and free speech – use caution before clicking “POST”!!!

Presented by Adam Konstas, Associate, PK Law, Towson, MD

With the start of each school year, and the rise in popularity of new social media platforms, there is no shortage of avenues to post your version of the latest dance trend, comment on the polarizing political issues of the day, or share pictures of the wild weekend you had. While participating in both the good and bad aspects of social media has become the norm, educators must use caution given their unique position of authority over students as role models, mentors, disciplinarians, and coaches. Equally important, HR personnel must exercise caution as well to avoid infringing upon educators' First Amendment rights. This session will explore the boundaries of First Amendment protected speech in the context of social media and offer HR personnel a framework through which to view their employees' online speech, assess its impact on the school, and make personnel decisions accordingly.

FLSA Update: Navigating Wage and Hour Issues in 2023

Presented by Richard Versteegen, Attorney, Boardman Clark, LLP, Madison, WI

Wage and hour issues continue to present challenges within school districts. The pandemic raised many questions related to compliance with wage and hour issues, including questions related to overtime, hours worked and exemptions. The Department of Labor issued guidance on these issues, including challenges with remote working by employees. With the Biden Administration, there have been changes in interpretations of the law and considerations of changes to the minimum wage and overtime exemptions. This presentation will provide an overview of the law, scenario discussions and an update on many of the changes to ensure that your district stays legally compliant with the FLSA and wage and hour laws.

From Trump to Biden: What is Changing about Title IX?

Presented by Will Trachman, General Counsel, Mountain States Legal Foundation, Lakewood, CO

President Biden has withdrawn some Trump-era guidance, released new Title IX guidance that has been partially enjoined, and promulgated a proposed rule that drew hundreds of thousands of comments. What should schools do to comply with Title IX?

Investigations of Alleged Employee Misconduct

Presented by Richard Versteegen, Attorney, Boardman Clark, LLP, Madison, WI

Allegations of employee misconduct trigger investigation processes. Human resources administrators often play an important role in guiding the process and assuring that all political, procedural, and legal principles are taken into account. This role can be challenging, especially considering the various policies that may be triggered depending on the type of misconduct involved. This presentation will provide an overview of the investigation process, scenario discussions, and related considerations such as law enforcement involvement, child abuse reporting, records creation, and other issues.

I Thought School was a Local Issue?

Presented by Robert Schindler, Attorney, Miller Johnson, Detroit, MI

In this presentation attorney Robert Schindler will do a survey of important issues surrounding the myriad federal laws impacting school HR. The presentation will provide information on the whole alphabet soup of federal statutes - ADA, FLSA, ADEA, PDA, Title VII, Title IX, and FLSA. While all of these federal statutes will be discussed, there will be special emphasis on the Americans with Disabilities Act.

My Employee Did What? Responding Effectively When an Employee "Breaks Bad"

Presented by Jackie Gharapour Wernz, Partner, Thompson & Horton LLP, Dallas, TX

What do you do when someone claims an employee "breaks bad"? Whether it's an allegation of inappropriate social media conduct outside of school, breaking the rules for speech or curriculum in the school building, or sexual harassment against a student, this session will help you handle these issues sensitively and in a way that minimizes risk for your district. Topics covered will include First Amendment speech and religion protections, Title IX and Title VII sexual harassment, and general employee discipline principles.

The ABC's of Proper Documentation and Record-Keeping

Presented by Denise Lowell-Britt, Equity Partner, Udall & Shumway, Mesa, AZ

Proper documentation and record-keeping is not intuitive or taught in college! In this session, we will discuss how HR professionals and all administrators can help their school districts by ensuring that HR events are properly documented and that lawfully required documents are properly maintained.

"The Culture Wars have Truly Hit our Public Schools: Book Banning, CRT, 'Don't Say Gay,' and Other Challenges"

Presented by Leslie Stellman, Attorney, Leslie R. Stellman ADR Services, LLC, Tucson, AZ

This presentation will address some of the front-page issues in today's "culture wars" which have impacted public schools, which has a direct effect on the recruitment and retention of teachers. Subjects I will address include:

- * The evolution of school censorship of student work since the Supreme Court's 1988 decision in *Hazelwood School District v. Kuhlmeier* in light of social media.
- * Book banning in school libraries -- are school boards ignoring the Supreme Court's 1982 decision in *Island Trees School District v. Pico*?
- * Title IX and gay/transgender rights, including the impact of the Supreme Court's 2020 landmark employment decision in *Bostock v. Clayton County* and recent federal court cases involving transgender students (bathrooms, locker rooms, sports).
- * Anti-CRT laws like Florida's "Anti-WOKE Act" as it impacts school curriculum and teachers' academic freedom.

The Top 10 FMLA Pitfalls to Avoid

Presented by Mari McGowan, Director/Shareholder and Rebecca Bradley, Senior Associate, Abernathy, Roeder, Boyd & Hullett, McKinney, TX

This session will address the Top 10 issues encountered with FMLA both through recent cases and guidance from the Department of Labor. The goal of the session is to provide a solid foundation for many of the complex challenges faced with employee FMLA leave.

Use of Race Conscious Measures to Achieve Diversity, Equity and Inclusion in the Workplace: Current and Future Legal Challenges

Presented by Frank Garrett III, Partner, Robbins Schwartz, Chicago, IL

Diversity, Equity and Inclusion (DEI) initiatives are being challenged in courts more frequently as being an unlawful type of discrimination. This presentation will provide guidance to employers who have or plan to engage in DEI plans to increase diversity and equity in the workplace. Attendees will learn about relevant court decisions addressing DEI initiatives and plans. The presentation will analyze relevant and future cases to understand which DEI initiatives are best able to withstand legal challenges while others are likely to be found discriminatory. Finally, attendees will be provided helpful guidance and tips for reviewing and updating their organization's DEI plans and programs consistent with the law.