SUMMARY: Most attorneys were captivated by the study of constitutional law in school, but education attorneys are fortunate enough to practice it on a day-to-day basis. In the midst of social unrest, political uncertainty and viral forms of expression, understanding the parameters of the First Amendment is a vital skill for education law practitioners.

This program explores the various ways that First Amendment law governs the relationship between the school or university and its students, faculty, staff and boards. Topics of interest for both the junior education law attorney and the more seasoned practitioner are included.
2017 Education Law Section Annual Meeting
#443EDM and #443LWC | April 21, 2017

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VIDEO REPLAY LOCATIONS | For details updates, see www.tinyurl.com/CLE443EDM
| Cary | #443BAR | August 10
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Program Agenda

Friday, April 21, 2017, 8:30a–4:30p

8:30a  Registration

8:55  Welcome and Introductions

9:00  Brickyards, Board Meetings and Blogs: Developing Appropriate Speech Guidelines Based on the Forum

Allison C. Tomberlin and Shawn C. Troxler

The past year is rife with examples of social and political demonstrations taking place on school campuses, in board rooms and online. In this discussion, we revisit public forum analysis and other free speech principles that inform what proactive guidelines and reactive responses campus counsel should consider.

10:00  Break

10:15  First Amendment Religion Issues in Public Education: A Fundamental Balancing Act

Jill R. Wilson

Religion has been in the forefront of recent debate and political commentary. Our speaker is a frequent presenter on the First Amendment and discusses the delicate balancing act of issues related to the Free Exercise Clause versus the Establishment Clause in the educational environment.

11:00  The Intersection of Free Speech and Special Education

Gretchen N. Cleevely

The question of freedom of speech is not commonly raised when it comes to students with disabilities and accommodations. In this discussion, the speaker addresses special scenarios in the field of education where freedom of speech intersects—and sometimes collides—with special education and related issues.

12:00p  Networking Lunch (included at Live program only)

Education Law Section Annual Meeting

Benita Jones, Office of Legal Affairs, North Carolina Central University, Durham, 2016-2017 Education Law Section Chair, Presiding

1:00  Placing a Value on Academic Freedom

Gene R. Nichol

The topic of academic freedom migrated from the op-ed section to the newspaper’s front page in 2016. Through the years Professor Nichol, a long-time champion for the academic freedom that allows faculty to conduct its work free from the threat of censorship and coercion, has been a contributor in both spaces and shares his dynamic perspective with our section.
Placing a Price on Academic Freedom
Shea Browning and Chad R. Donnahoo

These speakers discuss how stakeholders, whether invested financially or in student welfare, can affect academic freedom and what counsel can do to alleviate concerns. In the higher education setting, major donors have begun to provide support for specific academic disciplines or initiatives. In primary and secondary schools, teachers have come under fire for curriculum decisions even where the pedagogical value is apparent.

Who is the Client and Who Speaks for the Client? Working with Boards and with Individual Board Members and District Employees
Christopher B. “Chris” McLaughlin

School board attorneys hope to maintain strong working relationships with individual board members and school district employees while also satisfying ethical obligations of loyalty and confidentiality to the client—meaning the school district acting through the board as a whole. What happens when those goals conflict? How should attorneys advise boards when individual board members or employees speak for or contrary to the board? This professional responsibility discussion focuses on rules of professional conduct 1.6, 1.13 and others that affect organizational attorneys working in the public sector as well as the First Amendment rules that govern public employees.

Case Law/Legislative Update
Brian C. Shaw

Brian Shaw returns for his popular update on case law and legislation relevant to education law practitioners.

Adjourn

* Indicates portion providing Ethics/Professional Responsibility credit

We extend our sincere gratitude to the NCBA Education Law Section and the planners and speakers who volunteer their time and expertise toward the goal of presenting an educational program of the very highest quality.
Program Information

Planners
- W. Joseph Austin Jr., Ward and Smith PA, Raleigh
- Sarah O. Edwards, University of North Carolina at Charlotte, Charlotte
- Dionne T. Jenkins, Winston-Salem/Forsyth County Schools, Winston-Salem

Speakers
- Shea Browning, Western Carolina University, Cullowhee
- Gretchen N. Cleevely, Thrarrington Smith LLP, Raleigh
- Chad R. Donnahoo, Campbell Shatley PLLC, Asheville
- Christopher B. “Chris” McLaughlin, School of Government, University of North Carolina at Chapel Hill, Chapel Hill
- Gene R. Nichol, School of Law, University of North Carolina at Chapel Hill, Chapel Hill
- Brian C. Shaw, Schwartz & Shaw PLLC, Raleigh
- Allison C. Tomberlin, Beecher Tomberlin PLLC, Winston-Salem
- Shawn C. Troxler, North Carolina State University, Raleigh
- Jill R. Wilson, Brooks Pierce McLendon Humphrey & Leonard LLP, Greensboro

Hotel Information
Contact hotels directly for reservations at the special NCBA room rate. Rates are based on availability and may sell out.

- **Embassy Suites, 201 Harrison Oaks Boulevard, Cary**
  
  Rate: $169 Single/Double. Rate includes a full cooked-to-order breakfast and the manager's evening reception.
  
  Reservations: 919.677.1840  |  Reference Corporate ID: NCB or NC Bar Rate

- **TownePlace Suites by Marriott, 120 Sage Commons Way, Cary**
  
  Rate: $114 studio queen with sleeper sofa (Sunday–Thursday). Rate includes a complimentary hot breakfast. All rooms come with a fully equipped kitchen.
  
  Reservations: 919.678.0005  |  Ask for the NC Bar Association corporate rate.

IN OUR BOOKSTORE NOW!

Guide to Student Advocacy in North Carolina
Managing Editors: Christine Bischoff, Barbara Fedders and Jason Langberg

Large percentages of North Carolina’s K–12 public school students regularly experience denial of enrollment, academic failure, overly harsh discipline, unaddressed bullying and discrimination. Now more than ever, they need advocates who are knowledgeable in education-related state and federal statutes, regulations and case law, and who are equipped with casework tools and proven litigation strategies. This comprehensive volume provides essential resources to attorneys advocating for student success, including juvenile defenders, guardians ad litem, grassroots organizers and educators.

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2017 Education Law Section Annual Meeting

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"Great, up-to-date information."
"Knowledgeable presenters."
—Attendees of previous Education Law Section Annual Meetings

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