



National Council of
State Education Attorneys

2020 Annual Conference
ZOOM University!

AGENDA

All sessions listed by Eastern Time Zone

WEDNESDAY, OCTOBER 21st

1:00 – 1:30	Welcome and Introductions from each NCOSEA member. Tiffany Lucas, NCOSEA Chair.
1:30 – 3:00	Litigating Educational Adequacy. John Munich & Nicci Warr, Stinson LLP. Almost every State has seen litigation seeking greater school funding to meet the minimum requirements imposed by state constitutions and, in some cases, federal law. John Munich (a veteran of <i>Missouri v. Jenkins</i>) and Nicci Warr will present on recent trends in “right to education” and “educational adequacy” litigation across the country, including recent developments in the testimony of expert witnesses.
3:00 – 3:30	<i>Coffee/Water Break</i>
3:30 – 4:30	Suing USDE. Toni Harris & Neil Giovanatti, Michigan Office of Attorney General; Paul Crisalli, Washington Attorney General’s Office. The last few years (months, even) have seen an increase in the number of suits filed against the U.S. Department of Education by States and SEAs. Attorneys who led successful challenges to the Secretary’s CARES Act rulemaking and participated in a still-pending challenge to the Secretary’s Title IX rulemaking will present on the mechanics of such suits and the unique challenges presented by high-profile litigation.
4:30 – 5:30	State Roundtable Discussion. Todd Allen, NCOSEA Immediate Past Chair. Each member is given an opportunity to identify a legal issue of concern in his or her state for group discussion. Identification of issues to the group may lead to discussions with members throughout the remainder of the conference.
5:30	Happy Hour (Optional)

THURSDAY, OCTOBER 22nd

1:00 – 2:00	Espinoza & The Religion Clauses. Grant Sullivan, Colorado Department of Law & Bryan Cleveland, Oklahoma Attorney General’s Office. Grant Sullivan and Bryan Cleveland each helped author a multistate amicus brief in <i>Espinoza v. Montana Department of Revenue</i> —Mr. Sullivan in support of respondents and Mr. Cleveland in support of petitioners. They will share their perspectives on the case and its implications for First Amendment doctrine, including its application to SEAs and LEAs.
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2:00 – 3:00	<i>U.S. Supreme Court Update.</i> Sarah Forster, Maine Department of Law & Dan Schweitzer, National Association of Attorneys General. This session will highlight the U. S. Supreme Court’s 2019-20 term, with an emphasis on updating attendees about significant decisions related to government, public policy, and education law.
3:00 – 3:30	<i>Coffee/Water Break</i>
3:30 – 4:30	<i>Survey of State Takeover Litigation.</i> Isabel Broer, Colorado Department of Law. The era of federal- and state-mandated accountability includes state intervention in “failing” school districts—interventions that routinely end up challenged in court. This talk will survey the field, presenting the various federal and state legal theories underlying these challenges.
4:30 – 5:30	<i>Coping with COVID: SEAs and the Flexibility of the IDEA.</i> Julie Weatherly, Resolutions in Special Education (RISE, Inc.). Families and schools have scrambled to meet the needs of students with disabilities in these unprecedented times. What can SEAs do to lighten the load? This talk will explore the flexibilities available to SEAs under the IDEA.
5:30	<i>Happy Hour (Optional)</i>

FRIDAY, OCTOBER 23rd

1:00 – 2:00	<i>Federal Update.</i> Reg Leichty, Foresight Law + Policy. What’s happening at the U.S. Dept of Education and in Congress that will impact SEAs and public education? This session will provide an update about developments on the federal level that may impact the work of NCOSEA members and their SEAs.
2:00 – 3:00	<i>The New Title IX Rules.</i> William Trachman, U.S. Department of Education, Office of Civil Rights. In May 2020, the U.S. Department of Education released long-awaited rules reforming Title IX, and it followed in August 2020 with a new website and a series of resources to assist in implementation. A senior counsel from OCR will present the rules and related resources, with a specific focus on SEAs.
3:00 – 3:30	<i>Coffee/Water Break</i>
3:30 – 4:00	<i>NCOSEA Business Meeting</i>
4:00 – 5:00	<i>Ethics: Communicating with Represented Agencies.</i> Joe Peters, Colorado Department of Law. Attorneys who practice with or for the government must balance the First Amendment right to petition the government with the ethical rules on communicating with represented parties. As a result, state bar associations have developed a consistent framework for when and where government attorneys should invoke Model Rule 4.2 to limit communications with their client agencies.