

**23<sup>rd</sup> Annual School Law Conference**  
**February 14-15, 2008 • Hyatt Regency Austin • Austin, TX**

**Thursday Morning, Feb. 14, 2008**

**Presiding Officer:**

**Kevin F. Lungwitz**, Lungwitz & Lungwitz, P.C. - Austin, TX

8:00 am	<b>Registration Opens</b>  Includes continental breakfast.
8:50 am	<b>Welcoming Remarks</b>
9:00 am 0.50 hr	<b>Administrator Issues</b>  What can a professional contract employee expect when his or her contract is renewed (or not-renewed) for the following year? The teacher/administrator's statutory rights as to salary and duty will be examined.  Mark W. Robinett, Brim, Arnett, Robinett, Hanner, Connors & McCormick - Austin, TX
9:30 am 1.00 hr	<b>Religious Expression in the Schoolhouse and the Boardroom</b>  An in-depth analysis of the legal and practical implications of the Religious Viewpoint Antidiscrimination Act (RVAA) and the introduction of bible curriculum in the schools, as well as the present state of school board prayer.  David M. Feldman, Feldman & Rogers, L.L.P. - Houston, TX
10:30 am	<b>Break</b>
10:45 am 0.75 hr	<b>Developments in Deferred and Annualized Compensation and 403(b) Plans</b>  This presentation will address how some long-standing school compensation practices, as well as 403(b) plans, are affected by recent IRS regulations.  Scott C. Sanders, Bracewell & Giuliani LLP - Houston, TX
11:30 am 0.50 hr	<b>Settlement Agreements</b>  Legal requirements, examples of practical issues.  Jeffrey A. Davis, McGinnis, Lochridge, & Kilgore L.L.P. - Houston, TX

**Thursday Afternoon, Feb. 14, 2008**

**Presiding Officer:**

**Kevin F. Lungwitz**, Lungwitz & Lungwitz, P.C. - Austin, TX

12:00 pm	<p><b>Luncheon Presentation</b></p> <p>Pick Up Box Lunch Included in conference registration fee.</p>
12:15 pm 0.75 hr	<p><b>Student Sex in School</b></p> <p>A review of legal and policy considerations regarding student sex acts and student relationships as they impact the educational environment, including such topics as student sex on campus, child abuse committed by students, student dating violence, same-sex relationships, and student sex offenders.</p> <p>Amy Magee, Texas Association of School Boards - Austin, TX</p>
1:00 pm	<p><b>Break</b></p>
1:15 pm 0.50 hr	<p><b>Employee Background Checks: Senate Bill 9 and Other Delights</b></p> <p>A review of legal requirements for criminal history reviews and other laws affecting employee background checks.</p> <p>Holly M. Claghorn, Texas Association of School Boards - Austin, TX</p>
1:45 pm 0.50 hr	<p><b>SBEC</b></p> <p>What does it mean to "solicit a romantic relationship" with a student? The State Board of Educator Certification has recently made sweeping changes to its disciplinary rules that seek to answer this question and more. In this session, we will discuss those changes and their impact on the reporting, investigation and prosecution of complaints that involve allegations of educator misconduct.</p> <p>Julie A. Leahy, Texas Classroom Teachers Association - Austin, TX</p>
2:15 pm 0.50 hr	<p><b>Texas Open Government Laws: Issues and Developments</b></p> <p>Update on open government laws including new legislation, caselaw, and Attorney General opinions related to open meetings and public information requests.</p> <p>Wesley E. Johnson, Escamilla &amp; Poneck, Inc. - San Antonio, TX</p>
2:45 pm	<p><b>Break</b></p>
3:00 pm 0.50 hr	<p><b>Life, Liberty and the Pursuit of Access: The ADA 16 Years Later</b></p> <p>This paper will address current policies and practices by the Office of Civil Rights to bring district facilities and programs into compliance with ADA.</p> <p>Fred A. Stormer III, Underwood Law Firm - Amarillo, TX</p>
3:30 pm 1.00 hr ethics	<p><b>Conflicts of Interest and Other Ethical Issues in School District Representation</b></p> <p>Organizational conflict issues: When does your client relationship begin? If you represent a client, is it a conflict of interest to also represent the board, or another school employee?</p> <p>Ellen H. Spalding, Feldman Rogers Morris &amp; Grover - Houston, TX</p>

4:30 pm 0.50 hr	<p><b>Changing Issues of §1983</b></p> <p>Catch up on the latest legal developments in state-created danger theory, and the always important law surrounding Section 1983, standard of care, and qualified immunity.</p> <p>Dorcas A. Green, Walsh Anderson Brown Schulze &amp; Aldridge - Austin, TX</p>
5:00 pm	<p><b>Adjourn</b></p>

## Friday Morning, Feb. 15, 2008

### Presiding Officer:

**Shellie Hoffman Crow**, Walsh Anderson Brown Schulze & Aldridge PC - Austin, TX

8:30 am 0.75 hr	<p><b>Timing is Everything: A Review of Timing and Other Issues Surrounding FMLA and USERRA</b></p> <p>When does an employee's FMLA begin and end? How long do you have to hold a position for an employee who is on active duty? This session will answer these questions and others related to calculating FMLA time and complying with USERRA.</p> <p>Molly Leder Hepkin, Texas State Teachers Association - Austin, TX Joey W. Moore, Texas State Teachers Association - Austin, TX</p>
9:15 am 0.50 hr	<p><b>Protecting Parents' Rights During the Special Education Referral Process</b></p> <p>This presentation will discuss:</p> <ul style="list-style-type: none"> <li>• Appropriate and inappropriate uses of the Response To Intervention (RTI) method;</li> <li>• Progress reporting to parents during the RTI process;</li> <li>• The interface between RTI and the Special Education Referral process;</li> <li>• Proper and timely notices to parents; and</li> <li>• Informed consent.</li> </ul> <p>Steven P. Elliot, Advocacy, Incorporated - Austin, TX</p>
9:45 am	<p><b>Break</b></p>
10:00 am 0.50 hr	<p><b>Immunity Issues in Special Education</b></p> <p>It is important to know under what circumstances to employ restraints, seclusion and time-outs. This session is designed to help you understand the implications for a district when these techniques are used (or misused) on special education students.</p> <p>Amanda Marie Bigbee, Keller Isd - Keller, TX</p>
10:30 am 0.75 hr	<p><b>Copyrights</b></p> <p>A discussion of copyright issues facing schools and educators today, including issues arising in distance education programs, and electronic reserves in school libraries, cybersquatting, copycat web sites, and PowerPoint usage.</p> <p>Christopher B. Gilbert, Thompson &amp; Horton LLP - Houston, TX</p>

11:15 am 0.50 hr	<p><b>FERPA in the Electronic Age</b></p> <p>A review of the student records confidentiality issues related to digital cameras, camera cell phones, school and bus surveillance videos, and district web sites.</p> <p>Bret Jimerson, Grand Prairie ISD - Grand Prairie, TX</p>
11:45 am	<p><b>Lunch on your Own</b></p>

## Friday Afternoon, Feb. 15, 2008

### Presiding Officer:

**Shellie Hoffman Crow**, Walsh Anderson Brown Schulge & Aldridge PC - Austin, TX

12:55 pm 0.50 hr	<p><b>Technology and Electronics in School</b></p> <p>A review of how the use of camera and video cell phones, laptops, MP3 players, social and entertainment web sites, and other technological advances have affected student discipline issues, including copyright, plagiarism, identity theft, computer crimes, cybersmearing, cyberbullying, and access to sexually inappropriate web sites.</p> <p>Lynn Rossi Scott, Brackett &amp; Ellis, P.C. - Fort Worth, TX</p>
1:25 pm 0.75 hr	<p><b>Politics in School</b></p> <p>What we need to know about advertising, mailboxes, email, electioneering, et al.</p> <p>Sandra D. Carpenter, Walsh, Anderson, Brown, Aldridge &amp; Gallegos P.C. - Irving, TX</p>
2:10 pm 1.00 hr ethics	<p><b>Legal Ethics in the 21st Century</b></p> <p>A discussion of ethical issues for attorneys related to technology, including e-discovery issues, emailing privileged and confidential documents, providing legal advice online, and the use of blogs and listservs.</p> <p>Craig Ball, Attorney and Technologist, Certified Computer Forensic Examiner - Austin, TX  Richel "Rikky" Rivers, Brown McCarroll, L.L.P. - Austin, TX</p>
3:10 pm	<p><b>Adjourn</b></p>