

24th ANNUAL

SCHOOL LAW CONFERENCE

Earn up to 12.25 Hours of Credit Including 2.00 Hours of Ethics Credit

Specialization Credit Approved for Administrative Law
Approved for Continuing Education for School Board Members



February 26-27, 2009
Renaissance Hotel
Austin, Texas

24TH ANNUAL SCHOOL LAW CONFERENCE

February 26-27, 2009 • Renaissance Hotel • Austin, Texas

THURSDAY MORNING, FEB. 26, 2009

Presiding Officer:

Shellie Hoffman Crow, Austin, TX

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. .50 hr

Legal and Policy Developments in Employee Grievances

This session includes a review of key grievance policy changes and rulings, an outline of defensible local procedures, a description of what grievance records should include, and a review of issues that in recent years have become the subject of grievances.

Chris G. Elizalde, Austin, TX

9:30 a.m. .50 hr

Responding to Criminal History Information

A discussion of how to develop a framework to guide district leadership and promote consistent evaluation of all reported criminal history information when making employment eligibility determinations.

Janet Sobey Bubert, Fort Worth, TX

10:00 a.m. .50 hr

"Safe" Schools: Perceptions, Reality and Practical Suggestions

Are our schools safe? What can be done to make them safer? Should teachers be armed? Hear a current survey on school safety issues.

Thomas E. (Tom) Myers, Fort Worth, TX

10:30 a.m. Break

10:45 a.m. .50 hr

Rollback Tax Elections: Law and Politics

This session provides a primer on the nuts and bolts of rollback tax elections, including a description of strategies for generating voter support, and traps for the unwary.

Lisa R. McBride, Houston, TX

11:15 a.m. .50 hr

Student Transfers: It's Simple Local Control Unless You Missed AYP, Are on PEG, Haven't Input STS for 5281, Use Constitutionally-Suspect Criteria, or Just Need Some Extra WADA to Reach the EWL

A review of the many things to consider in allowing, denying or regulating intra- and inter-district student transfers under state and federal law.

David A. Anderson, Austin, TX

11:45 a.m. .50 hr including .25 hr ethics

Managing the Troubled Employee: A Practical Approach to Dealing with Employee Mental Health Issues

An overview of both the professional and ethical obligations involved when dealing with an employee with mental health problems. When can you intervene? What to do when the employee is not your client? What can you disclose?

Richard A. Morris, Houston, TX

THURSDAY AFTERNOON

Presiding Officer:

Shellie Hoffman Crow, Austin, TX

LUNCHEON PRESENTATION

12:15 p.m. Pick up Box Lunch

Included in conference registration fee.

12:30 p.m. .75 hr

Point/Counterpoint:

Managing the Absent Employee

Two speakers represent the employee and employer perspective on various types of leave. Topics include selected issues arising under the FMLA, state temporary disability, workers compensation, assault leave, subpoena and court-related absences, and military leave.

Michael J. Currie, Austin, TX
Cheryl T. Mehl, Austin, TX

1:15 p.m. Break

1:30 p.m. .33 hr

Charter Schools: Compare and Contrast

A review of differences, commonalities and roles of charter schools and school districts as parts of the Texas Public School System.

Robert A. Schulman, San Antonio, TX

1:50 p.m. .50 hr

Special Issues: The High School Student on the Community College Campus

This session examines some of the issues related to bridge programs that allow high school students to enroll in community college classes: How are they supervised? How to manage dual credit? Who might be in class with them who would represent a safety risk?

Elneita Hutchins-Taylor, Houston, TX

2:20 p.m. .50 hr

Current Developments: An Update on Commissioner's Decisions and Attorney General Opinions

Leslie Story, Austin, TX

2:50 p.m. Break

3:05 p.m. .50 hr

Employment Law Update: Another Busy Year in the Courts

This presentation highlights the developments in employment law in the federal and Texas courts over the past year, including: retaliation, discrimination, whistleblower claims, First Amendment rights, Equal Protection claims, arbitration agreements, and covenants not to compete.

Edward M. (Ted) Smith, Austin, TX

3:35 p.m. .33 hr

Blackberry Preserves: E-mail Retention Issues for Schools

What schools need to know about sorting and saving electronic records.

Paul Taylor, Austin, TX

3:55 p.m. .50 hr

Legal Issues Involving School Nurses, Counselors and Other Employees Providing Medical and Mental Health Care on Campus

This session addresses medical issues that have the potential to create legal issues for a public school district. Medical assessments in the school setting, individual health care plans, and the authority granted by law to the school nurse are addressed.

Stacy C. Ferguson, San Antonio, TX

4:25 p.m. .75 hr

Sexual Harassment in a School Setting: Beyond the Basics

This session examines difficult issues that arise during harassment investigations, and includes the peer harassment case currently pending in the U.S. Supreme Court.

Lisa A. Brown, Houston, TX

5:10 p.m. Adjourn

FRIDAY MORNING, FEB. 27, 2009

Presiding Officer:

Miles T. Bradshaw, Nacogdoches, TX

8:00 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .50 hr

Sharing Documents Among Agencies

Rules, laws and strategies governing requests for student records from governmental agencies such as SBEC, CPS or the police.

Roger D. Hepworth, Austin, TX

9:00 a.m. 1.50 hrs ethics

Ethics and Professional Responsibility Issues and Opportunities for School Lawyers

This session opens with an overview of the state of the legal profession, and continues with a discussion on special ethics issues particularly relevant to school lawyers, including handling unreasonable demands of clients, interactions with unrepresented persons, professional duty to report abuse, and not letting partisan discussions get in the way of the big picture.

Jefferson K. Brim III, Austin, TX
William J. Chriss, Austin, TX

10:30 a.m. Break

10:45 a.m. .50 hr

Teacher Evaluation and Growth Plans: Can They Do That?

A review of the statutory and administrative requirements of teacher evaluations and growth plans and grounds for challenging both.

Joey W. Moore, Austin, TX

11:15 a.m. .50 hr including .25 hr ethics

Torn This Way and That: The Conundrum on Using Physical Force with Students

They say there are two sides to every story, and this point/counterpoint presentation is no exception. Two attorneys on opposite sides of the bar explore the reaches of the Education Code's limitations on disciplining educators for the use of physical force with students, and new arguments and strategies to make the best case you can—regardless of side. Also examined: the question of "timing" for making a report of child abuse.

Judson Clayton Gibson, Austin, TX
Marquette M. Maresh, Austin, TX

11:45 a.m. Lunch on Your Own

FRIDAY AFTERNOON

Presiding Officer:

Miles T. Bradshaw, Nacogdoches, TX

1:00 p.m. .50 hr

Developing Issues for Election of Remedies in Educational Cases

A discussion of the rapidly evolving Texas Tort Claims Act as it pertains to choosing who to sue, the effect of that choice, and some remaining issues to be resolved in light of recent decisions concerning the application of Texas Civil Practice and Remedies Code Section 101.106.

David Peter Hansen, Austin, TX

1:30 p.m. .50 hr

The Other Disability Laws—An Update of the New Requirements under the ADA and Section 504

Schools are familiar with IDEA and similar legal requirements, but sometimes not so familiar with the requirements of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act for school programs and facilities.

James C. Harrington, Austin, TX

2:00 p.m. .75 hr

Practical Pointers for Handling Public Information Act Requests

How do you manage 1,500 Public Information Act requests in one year or 200 in one day? Attorneys share strategies for processing and responding to voluminous Public Information Act requests and pursuing favorable Attorney General determinations, including tips for clarifying meanings of requests, meeting statutory time limits, briefing to avoid waiver of exceptions, and effective packaging and marking of documents.

Susan K. Bohn, Austin, TX
Stephanie Skasko Rosenberg, Humble, TX

2:45 p.m. .33 hr

Procurement and Purchasing: Loopholes and Brain-Teasers

A critical review of selected procurement and purchasing issues under Chapter 44 of the Education Code and U.S. Department of Education rules, including "sole source," interlocal contract purchasing, selection criteria, and delegation of purchasing authority.

S. Anthony Safi, El Paso, TX

3:05 p.m. Adjourn

REGISTRATION FOR SL09

Mail this registration form to:

The University of Texas School of Law, Attn. SL09

P.O. Box 7759, Austin, TX 78713-7759 **or fax a copy to: (512) 475-6876**

Online registration available at www.utcle.org

PLEASE PRINT CLEARLY

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Invoices, confirmations and receipts are emailed to these addresses.

REGISTRATION

Registration includes Course Binder and Thursday Box Lunch Presentation

☐ Early Registration Fee due by Wed. February 18, 2009..... \$450.00

☐ Registration Fee after Wed. February 18, 2009 \$500.00

☐ Special \$25 discount for School Law Section members..... -\$25.00

CONFERENCE PUBLICATIONS AND MEDIA

Allow 2-4 weeks from conference date for delivery.

☐ Course Binder WITHOUT Conference Registration \$225.00

☐ Audio CD Set \$175.00

☐ eBinder on CD (PDF format) \$225.00/\$50.00

(\$225 purchased alone, \$50 with registration or purchase of Course Binder or Audio CD Set)

IN-HOUSE CLE: Bring the conference in-house and learn at your convenience.

Allow 2-4 weeks from conference date for delivery.

☐ In-House CLE for 2—Includes Audio CD Set and 2 Course Binders \$750.00

_____ Add participants (includes Course Binders) for \$225 each \$ _____

TOTAL ENCLOSED \$ _____

METHOD OF PAYMENT

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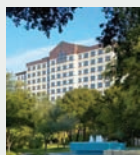
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AUSTIN

February 26-27, 2009

CONFERENCE LOCATION



Renaissance Hotel

9721 Arboretum Boulevard
Austin, TX 78759
1-800-468-3571

Ask for rate code: UTL

Special room rate: \$159
good through February 21, 2009
(subject to availability)

Parking: Self-Parking
Complimentary; Valet \$14
(subject to change)

KEY DATES

Registration & Cancellation

February 18, 2009–5 p.m.
last day for early registration
add \$50 for registrations
received after this time

February 20, 2009–5 p.m.
last day for full refund

February 23, 2009–5 p.m.
last day for partial refunds
\$50 processing fee applied

February 26, 2009–9 a.m.
conference begins

ABOUT THE COVER



"Rocket Launch",
collage on board,
12 5/8" x 9 1/2", is by
Lance Letscher. For more
information, visit
www.dbermangallery.com

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This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 12.25 hours, of which 2.00 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944).

E-mail us at

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