

**24<sup>th</sup> Annual School Law Conference**  
**February 26-27, 2009 • Renaissance Hotel • Austin, TX**

**Thursday Morning, Feb. 26, 2009**

**Presiding Officer:**

**Shellie Hoffman Crow**, Walsh Anderson Brown Schulze & Aldridge, 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>Legal and Policy Developments in Employee Grievances</b>  Employee grievance procedures have evolved over the years as a result of court cases, Commissioner of Education decisions, and changes in standard school district policies. This session will include 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, Walsh Anderson Brown Schulze & Aldridge, P.C. - Austin, TX
9:30 am 0.50 hr	<b>Responding to Criminal History Information</b>  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, Brackett & Ellis, P.C. - Fort Worth, TX
10:00 am 0.50 hr	<b>"Safe" Schools: Perceptions, Reality and Practical Suggestions</b>  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, Brackett & Ellis, P.C. - Fort Worth, TX
10:30 am	<b>Break</b>
10:45 am 0.50 hr	<b>Rollback Tax Elections: Law and Politics</b>  This session will provide 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, Thompson & Horton LLP - Houston, TX

11:15 am 0.50 hr	<p><b>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</b></p> <p>A review of the many things to consider in allowing, denying or regulating inter and intra-district student transfers under state and federal law.</p> <p><i>This session has moved to 1:50pm.</i></p> <p>David A. Anderson, Texas Education Agency - Austin, TX</p>
11:45 am 0.50 hr 0.25 hr ethics	<p><b>Managing the Troubled Employee: A Practical Approach to Dealing with Employee Mental Health Issues</b></p> <p>A practical discussion 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?</p> <p>Richard Alan Morris, Feldman, Rogers, Morris &amp; Grover, LLP - Houston, TX</p>

## Thursday Afternoon, Feb. 26, 2009

### Presiding Officer:

**Shellie Hoffman Crow**, Walsh Anderson Brown Schulze & Aldridge, P.C. - Austin, TX

	<b>LUNCHEON PRESENTATION</b>
12:15 pm	<p><b>Pick up Box Lunch</b></p> <p>Included in conference registration fee.</p>
12:30 pm 0.75 hr	<p><b>Point/Counterpoint: Managing the Absent Employee</b></p> <p>Two speakers will represent the employee and employer perspective on various types of leave. Topics to be covered include selected issues arising under the FMLA, state temporary disability, workers compensation, assault leave, subpoena and court-related absences, and military leave.</p> <p>Michael J. Currie, Texas Classroom Teachers Association - Austin, TX Cheryl T. Mehl, Schwartz &amp; Eichelbaum Wardell Mehl and Hansen, P.C. - Austin, TX</p>
1:15 pm	<b>Break</b>
1:30 pm 0.33 hr	<p><b>Charter Schools: Compare and Contrast</b></p> <p>A review of differences, commonalties and roles of charter schools and school districts as parts of the Texas Public School System.</p> <p>Robert A. Schulman, Feldman, Rogers, Morris &amp; Grover, LLP - San Antonio, TX</p>

1:50 pm 0.50 hr	<p><b>Special Issues: The High School Student on the Community College Campus</b></p> <p>This session will examine 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 that would represent a safety risk? The recent Attorney General opinion on calculating Grade Point Averages (GPA) will also be covered.</p> <p><i>This session has moved to 11:15am.</i></p> <p>Elneita Hutchins-Taylor, Houston Independent School District - Houston, TX</p>
2:20 pm 0.50 hr	<p><b>Current Developments: An Update on Commissioner's Decisions and Attorney General Opinions</b></p> <p>A survey of recent decisions of the Commissioner of Education and recent Attorney General Opinions.</p> <p>Leslie Story, Texas Association of School Boards - Austin, TX</p>
2:50 pm	<b>Break</b>
3:05 pm 0.50 hr	<p><b>Employment Law Update: Another Busy Year in the Courts</b></p> <p>This presentation will highlight the important developments in employment law over the past year in the federal and Texas courts, including: retaliation, discrimination, whistleblower claims, First Amendment rights, Equal Protection claims, arbitration agreements, and covenants not to compete.</p> <p>Edward M. (Ted) Smith, Cornell Smith &amp; Mierl, LLP - Austin, TX</p>
3:35 pm 0.33 hr	<p><b>Blackberry Preserves: E-mail Retention Issues for Schools</b></p> <p>What schools need to know about sorting and saving electronic records.</p> <p>Paul Taylor, Texas Association of School Boards - Austin, TX</p>
3:55 pm 0.50 hr	<p><b>Legal Issues Involving School Nurses, Counselors and Other Employees Providing Medical and Mental Health Care on Campus</b></p> <p>This session will address 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 will all be addressed as well as potentially litigious situations involving the medical and mental health care on school campus.</p> <p>Stacy C. Ferguson, Escamilla &amp; Poneck, Inc. - San Antonio, TX</p>
4:25 pm 0.75 hr	<p><b>Sexual Harassment in a School Setting: Beyond the Basics</b></p> <p>This session will explore recent developments in sexual harassment law, including the peer harassment case currently pending in the U.S. Supreme Court. This session also will examine difficult issues that arise during harassment investigations.</p> <p>Lisa A. Brown, Thompson &amp; Horton LLP - Houston, TX</p>
5:10 pm	<b>Adjourn</b>

## Friday Morning, Feb. 27, 2009

### Presiding Officer:

**Miles T. Bradshaw**, Feldman, Rogers, Morris & Grover, LLP - Nacogdoches, TX

8:00 am	<b>Conference Room Opens</b>  Includes continental breakfast.
8:30 am 0.50 hr	<b>Sharing Documents Among Agencies</b>  This topic will discuss rules, laws and strategies governing requests for student records from governmental agencies such as SBEC, CPS or the police.  Roger D. Hepworth, Henslee Schwartz LLP - Austin, TX
9:00 am 1.50 hrs ethics	<b>Ethics and Professional Responsibility Issues and Opportunities for School Lawyers</b>  This session opens with an overview of the state of the legal profession, including a proposed agenda to increase professionalism and public regard. The session continues with a discussion on special ethics issues particularly relevant to school lawyers, including such issues as 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, Brim Arnett Robinett Hanner Connors & McCormick - Austin, TX William J. Chriss, Texas Center for Legal Ethics and Professionalism - Austin, TX
10:30 am	<b>Break</b>
10:45 am 0.50 hr	<b>Teacher Evaluation and Growth Plans: Can they do that?</b>  A review of the statutory and administrative requirements of teacher evaluations and growth plans and grounds for challenging both.  Joey W. Moore, Texas State Teachers Association - Austin, TX
11:15 am 0.50 hr 0.25 hr ethics	<b>Torn This Way and That: The Conundrum on Using Physical Force with Students</b>  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 will explore the reaches of the Education Code's limitations on disciplining educators for the use of physical force with students. Beyond a quick review of the evolving case law on the subject, this session will explore new arguments and strategies to make the best case you can—regardless of side. The presentation will also examine the question of "timing" for making a report of child abuse.  Judson Clayton Gibson, ATPE - Austin, TX Marquette M. Maresh, Walsh Anderson Brown Schulze & Aldridge, P.C. - Austin, TX
11:45 am	<b>Lunch on your Own</b>

## Friday Afternoon, Feb. 27, 2009

### Presiding Officer:

**Miles T. Bradshaw**, Feldman, Rogers, Morris & Grover, LLP - Nacogdoches, TX

1:00 pm 0.50 hr	<p><b>Developing Issues for Election of Remedies in Educational Cases</b></p> <p>In this session we will discuss 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.</p> <p>David Peter Hansen, Schwartz &amp; Eichelbaum Wardell Mehl and Hansen, P.C. - Austin, TX</p>
1:30 pm 0.50 hr	<p><b>The Other Disability Laws—An Update of the New Requirements under the Americans with Disabilities Act (ADA) and Section 504 (Rehabilitation Act)</b></p> <p>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. This presentation is an update of the ADA, Section 504 and their requirements for school programs and facilities.</p> <p>James C. Harrington, Texas Civil Rights Project - Austin, TX</p>
2:00 pm 0.75 hr	<p><b>Practical Pointers for Handling Public Information Act Requests</b></p> <p>How do you manage 1500 Public Information Act requests in one year or 200 in one day? Attorneys will 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.</p> <p>Susan K. Bohn, Lake Travis Independent School District - Austin, TX Stephanie Skasko Rosenberg, Humble Independent School District - Humble, TX</p>
2:45 pm 0.33 hr	<p><b>Keeping Out of Trouble While Keeping Students Safe</b></p> <p>A critical review of selected liability and immunity issues in the school safety context, including claims under Section 1983, immunities available to school employees under state and federal law, the student strip search case pending before the U.S. Supreme Court, and more.</p> <p>S. Anthony Safi, Mounce, Green, Myers, Safi, Paxson &amp; Galatzan, P.C. - El Paso, TX</p>
3:05 pm	<p><b>Adjourn</b></p>