

25<sup>TH</sup> ANNUAL  
**SCHOOL LAW  
CONFERENCE**



*Original photograph by Dean Larry Sager, The University of Texas School of Law*

February 18 – 19, 2010  
Hyatt Regency Austin ▪ Austin, Texas

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25<sup>TH</sup> ANNUAL  
SCHOOL LAW CONFERENCE

February 18 – 19, 2010 • Hyatt Regency Austin • Austin, Texas

**THURSDAY MORNING, FEB. 18, 2010**

**Presiding Officer:**  
Miles T. Bradshaw, Karczewski  
Bradshaw, L.L.P., Nacogdoches, TX

**8:00 a.m. Registration Opens**  
Includes continental breakfast.

**8:50 a.m. Welcoming Remarks**

**9:00 a.m. 1.00 hr**

**Technology, Schools and the Law:  
Update Your Status, but Never Re-tweet**

Technology has become an ever-present and inseparable sidekick to our student and faculty populations. This session explores the collision of technology with well-established constitutional principles in the school law arena, and focuses on a district's authority and parameters in disciplining both students and staff for on- and off-campus activity.

Kelli H. Karczewski, Karczewski Bradshaw, L.L.P.,  
Nacogdoches, TX

**10:00 a.m. .75 hr**

**Big Brother: How Trouble Can Brew  
with Over-monitoring, Overstimulation  
and Over-personification**

An examination of issues related to the interference or interception of electronic data, the potential pitfalls with "sexting" and the effect of online harassment. This session aims to arm school officials and personnel with relevant legal knowledge to help avoid legal exposure or criminal acts.

Andres Gonzalez, Henslee Schwartz LLP, San Antonio, TX

**10:45 a.m. Break**

**11:00 a.m. .75 hr**

**First and Fourth Amendments Update:  
Constitutional Issues Involving Students**

This session covers recent student-issue cases, including strip searches and various First and Fourth Amendment issues, and the practical implications for school lawyers to address with their districts.

Dennis Eichelbaum, Schwartz & Eichelbaum Wardell  
Mehl and Hansen, P.C., Frisco, TX

**11:45 a.m. .75 hr**

**Current Issues on Fingerprinting and  
Criminal History Background Checks**

An examination of issues related to fingerprinting and criminal background checks of individuals who have access to children in public schools. This presentation focuses on background checks of school district volunteers, discusses approaches that school districts and the SBEC have taken in dealing with employees found to have a criminal history, and evaluates the status of the fingerprinting effort.

Julie A. Leahy, Texas Classroom Teachers Association,  
Austin, TX

**THURSDAY AFTERNOON**

**Presiding Officer:**  
Miles T. Bradshaw, Karczewski  
Bradshaw, L.L.P., Nacogdoches, TX

**LUNCHEON PRESENTATION**

**12:30 p.m. Pick up Box Lunch**

Included in conference registration fee.

**12:45 p.m. .75 hr**

**Officer Panel**

An open-panel discussion with TEA Hearing Officers who provide their perspectives on procedural issues and legal tactics that may help (or hurt) your case.

*Attendees are invited to submit questions for the panelists prior to the presentation. Please turn in questions to the conference registration desk by the Thursday 10:45 a.m. break.*

**1:30 p.m. Break**

**1:45 p.m. .50 hr**

**Educating Homeless and Displaced Students**

An overview of the McKinney-Vento Act, with lessons learned from three hurricanes and the Eldorado compound.

David A. Anderson, Texas Education Agency, Austin, TX

**2:15 p.m. .75 hr**

**Current Immigration Law Issues for  
School Districts**

Immigration issues that impact school districts to include the hiring and qualification of foreign national teachers under U.S. immigration laws; legal issues for undocumented students and their parents; and increased enforcement issues, including I-9 employment verification inspections and LCA Labor Certification attestation audits.

Charles C. Foster, Foster Quan, LLP, Houston, TX

**3:00 p.m. Break**

**3:15 p.m. .75 hr**

**The ADA Amendments Act of 2008:  
Personnel Issues for School Districts**

A review of key issues for school districts in personnel administration in light of the changes to the ADA. The session focuses on hiring practices, the process of reasonably accommodating a qualified employee and the current status of EEOC regulations.

Jim Walsh, Walsh, Anderson, Brown, Aldridge &  
Gallegos P.C., Austin, TX

**4:00 p.m. .75 hr**

**Blowing the Whistle: A Time-Out to  
Discuss the False Claims Act**

Judicial decisions and legislation impacting public schools receiving American Recovery and Reinvestment Act (ARRA) grants and other federal funds.

Joseph E. Hoffer, Feldman Rogers Morris & Grover,  
L.L.P., San Antonio, TX

**4:45 p.m. Adjourn**

**FRIDAY MORNING, FEB. 19, 2010**

**Presiding Officer:**  
Elneita Hutchins-Taylor, Houston  
Independent School District, Houston, TX

**8:00 a.m. Conference Room Opens**  
Includes continental breakfast.

**8:30 a.m. .75 hr**

**Procurement and Purchasing: Loopholes  
and Braitneasers**

A critical review of selected procurement and purchasing issues faced by school districts, including recent legislation, "sole source" purchasing, procurement of "professional services," and key differences between State and Federal procurement rules.

S. Anthony Safi, Mounce, Green, Myers, Safi, Paxson  
& Galatzan, P.C., El Paso, TX

**9:15 a.m. .50 hr**

**The Top Ten Changes for Schools to the AIA  
Construction Documents**

Presented by members from the Council of School Attorneys Construction Law Group: Thomas E. Myers, Lynn Rossi Scott, Robert E. Luna, Lee M. Simpson, Wayne D. Haglund, and Paul Taylor

**9:45 a.m. .50 hr**

**Drug Testing School District Employees**

A discussion of the constitutionality of suspicionless and suspicion-based drug testing of school district employees. Is suspicionless drug testing an unconstitutional invasion of the privacy rights of employees? Do educators hold safety-sensitive positions? A review of current trends.

Elizabeth Poole, Texas State Teachers Association,  
Austin, TX

**10:15 a.m. Break**

**10:30 a.m. .75 hr**

**Hot Topics and Survey of Recent Commissioner  
Decisions and Attorney General Opinions**

A discussion of hot topics from the past year, including important cases, Attorney General opinions and an update on recent decisions by the Commissioner of Education.

Amy Magee, Texas Association of School Boards,  
Austin, TX

11:15 a.m. .75 hr

### Gender Identity Issues

Transgender students and faculty are no longer appearing just on college campuses; they are coming out in the public schools as well. Who are they, and how should they be accommodated—especially with respect to (1) not being bullied, (2) how they dress, and (3) the gendered areas such as restrooms, sports teams and locker rooms?

#### Moderator:

Sandra D. Carpenter, Walsh, Anderson, Brown, Aldridge & Gallegos P.C., Irving, TX

#### Panelists:

Phyllis Randolph Frye, Frye & Associates, PLLC, Law Firm, Houston, TX

Christopher B. Gilbert, Thompson & Horton LLP, Houston, TX

12:00 p.m. Lunch on Your Own

## FRIDAY AFTERNOON

### Presiding Officer:

Elneita Hutchins-Taylor, Houston  
Independent School District, Houston, TX

1:15 p.m. .75 hr

### FMLA: New Regulations One Year Later

New regulations issued by the Department of Labor for the Family Medical Leave Act became effective January 16, 2009. One year later, this session provides a case law review that explores how courts have interpreted relevant provisions of these new regulations and a discussion of what may be coming in the future.

Philip Marzec, Escamilla & Poneck, Inc., San Antonio, TX

2:00 p.m. .75 hr

### Booster Clubs and School Districts: Playing on the Same Team

Booster clubs can be very effective in how they support school districts and can contribute significant resources to school organizations. Although booster clubs and school districts "play on the same team," they are different legal entities. Booster clubs have different duties, responsibilities and goals that may not always align with those of the school districts they support. This presentation identifies how booster clubs may inadvertently harm a school district, and addresses related issues such as fund-raising, gifts and volunteers.

Fred A. Stormer III, Underwood Law Firm, Amarillo, TX

2:45 p.m. 1.00 hr ethics

### The Attorney-Client Privilege and the Disciplinary Rules of Professional Conduct: Important Changes

On September 19, 2008, President Bush signed into law S. 2450, creating FRE 502, a new rule of evidence entitled: "Attorney-client privilege and work-product doctrine; limitations on waiver." This presentation highlights the changes, their background and practical effect in the school law context. The presentation also reviews proposed changes to the Texas Disciplinary Rules of Professional Conduct.

Christopher P. Borreca, Thompson & Horton LLP, Houston, TX

3:45 p.m. Adjourn

## REGISTRATION FOR SL10

Mail this registration form to:

The University of Texas School of Law, Attn. CLE—SL10

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

### PLEASE PRINT CLEARLY

Bar Card# \_\_\_\_\_ ☐ TX ☐ Other State: \_\_\_\_\_ ☐ N/A

Name [ Mr. / Ms. ] \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Registrant's Email (required) \_\_\_\_\_

Assistant's Email (optional) \_\_\_\_\_

*Invoices, confirmations and receipts are emailed to these addresses.*

### REGISTRATION:

Includes Course Binder and Thursday Luncheon Presentation

#### STANDARD REGISTRATION

☐ Early Registration Fee due by Wednesday, February 10, 2010.....\$450.00

☐ Registration Fee after Wednesday, February 10, 2010.....\$500.00

#### CURRENT MEMBERS OF THE SCHOOL LAW SECTION

☐ Early Registration Fee due by Wednesday, February 10, 2010.....\$425.00

☐ Registration Fee after Wednesday, February 10, 2010.....\$475.00

### CONFERENCE PUBLICATIONS AND MEDIA

*Allow 3–5 weeks from the conference date for delivery.*

☐ Course Binder **without** Conference Registration.....\$225.00  
Note: Conference registration includes Course Binder.

☐ Audio CD Set.....\$200.00

☐ Audio MP3 Speeches on CD.....\$130.00

☐ eBinder on CD (PDF format).....\$225.00/\$50.00  
(\$225 purchased alone, \$50 with registration or purchase of Course Binder or Audio CD Set or Audio MP3 Speeches on CD)

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

*Allow 3–5 weeks from the conference date for delivery.*

☐ In-House CLE for 2—Includes Audio CD Set and Course Binder.....\$825.00

\_\_\_\_\_ Add participants (includes Course Binder) for \$225 each.....\$ \_\_\_\_\_

TOTAL ENCLOSED .....\$ \_\_\_\_\_

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☐ Check (make checks payable to: The University of Texas at Austin)

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or call us at  
**512-475-6700**  
for more information

### AUSTIN

February 18–19, 2010

#### CONFERENCE LOCATION



**Hyatt Regency Austin**  
208 Barton Spings Road  
Austin, TX 78704  
512-477-1234

**Special Room Rate: \$169**  
good through January 14, 2010  
(subject to availability)

**Self-Parking:**  
\$5/day (subject to change)

#### KEY DATES

**February 10, 2010, 5 p.m.**  
*last day for early registration*  
add \$50 for registrations received after this time

**February 12, 2010, 5 p.m.**  
*last day for full refund*

**February 15, 2010, 5 p.m.**  
*last day for partial refunds*  
\$50 processing fee applied

**February 18, 2010, 9 a.m.**  
*Conference begins*

#### CONFERENCE FACULTY

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**M  
C  
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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 12.50 hours, of which 1.00 credit hour 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).