

25th Annual School Law Conference
February 18-19, 2010 • Hyatt Regency Austin • Austin, TX

Thursday Morning, Feb. 18, 2010

Presiding Officer:

Miles T. Bradshaw, Nacogdoches, TX

8:00 am	Registration Opens Includes continental breakfast.
8:50 am	Welcoming Remarks
9:00 am 0.75 hr	Big Brother: How Trouble Can Brew with Over-monitoring, Overstimulation and Over-personification This session examines 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. <i>This session was previously scheduled for 10:00 am Thursday, February 18.</i> Andres Rene Gonzalez, Henslee Schwartz LLP - San Antonio, TX
9:45 am 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 population. This session explores the collision of technology with well-established constitutional principles in the school law arena and focus on a district's authority and parameters in disciplining both students and staff for on- and off-campus activity. <i>This session was previously scheduled for 9:00 am Thursday, February 18.</i> Coby Lee Wilbanks, Karczewski Bradshaw LLP - Nacogdoches, TX
10:45 am	Break
11:00 am 0.75 hr	First and Fourth Amendment 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. - Plano, TX
11:45 am 0.75 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 State Board for Educator Certification (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, Feb. 18, 2010

Presiding Officer:

Miles T. Bradshaw, Nacogdoches, TX

12:30 pm	Pick up Box Lunch Included in conference registration fee.
12:45 pm 0.75 hr	Hearing Officer Panel An open panel discussion with TEA Hearing Officers discussing their perspective of procedural issues and lawyer tactics that may help (or hurt) your case. <i>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 morning break.</i> Panelists: Luecretia Dillard, Dillard, McElvaney & Kovach, L.L.P. - Houston, TX Panelists: Kyle Allen Frazier, Frazier & Frazier - Houston, TX Panelists: Hon. Christopher Maska, Texas Education Agency - Austin, TX
1:30 pm	Break
1:45 pm 0.50 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 pm 0.75 hr	Current Immigration Law Issues for School Districts Immigration issues that impact school districts: 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 pm	Break
3:15 pm 0.75 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 Equal Employment Opportunity Commission (EEOC) regulations. Jim Walsh, Walsh, Anderson, Brown, Aldridge & Gallegos P.C. - Austin, TX

4:00 pm 0.75 hr	<p>Blowing the Whistle: A Time-Out to Discuss the False Claims Act</p> <p>Judicial decisions and legislation impacting public schools receiving American Recovery and Reinvestment Act (ARRA) grants and other federal funds.</p> <p>Joseph E. Hoffer, Feldman Rogers Morris & Grover, L.L.P. - San Antonio, TX</p>
4:45 pm	Adjourn

Friday Morning, Feb. 19, 2010

Presiding Officer:

Joy S. Baskin, Austin, TX

8:00 am	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
8:30 am 0.75 hr	<p>Procurement and Purchasing: Loopholes and Brainteasers</p> <p>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.</p> <p><i>This session has moved to 2:00 p.m.</i></p> <p>S. Anthony Safi, Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C. - El Paso, TX</p>
9:15 am 0.50 hr	<p>The Top Ten Changes for Schools to the AIA Construction Documents</p> <p>Presented by members from the Council of School Attorneys Construction Law Group consisting of Thomas E. Myers, Lynn Rossi Scott, Robert E. Luna, Lee M. Simpson, Wayne D. Haglund, and Paul Taylor.</p> <p>Wayne D. Haglund, Haglund Law Firm, P.C. - Lufkin, TX Lynn Rossi Scott, Brackett & Ellis - Fort Worth, TX Lee M. Simpson, Dallas ISD - Dallas, TX Paul Taylor, Texas Association of School Boards - Austin, TX</p>
9:45 am 0.50 hr	<p>Drug Testing School District Employees</p> <p>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.</p> <p>Elizabeth Poole, Texas State Teachers Association - Austin, TX</p>
10:15 am	Break
10:30 am 0.75 hr	<p>Hot Topics and Survey of Recent Commissioner Decisions and Attorney General Opinions</p> <p>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.</p> <p>Amy Magee, Texas Association of School Boards - Austin, TX</p>

11:15 am
0.75 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

Panelists:

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

Friday Afternoon, Feb. 19, 2010

Presiding Officer:

Joy S. Baskin, Austin, TX

12:00 pm

Lunch on Your Own

1:15 pm
0.75 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 pm
0.75 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.

This session has moved to 8:30 a.m.

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

2:45 pm
1.00 hr ethics

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

On September 19, 2008, the President 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 Paul Borreca, Thompson & Horton LLP - Houston, TX

3:45 pm

Adjourn