

27th Annual School Law Conference
March 1-2, 2012 • AT&T Conference Center • Austin, TX

Thursday Morning, Mar. 1, 2012

Presiding Officer:

Joy S. Baskin, Texas Association of School Boards - Austin, TX

7:30 am	Registration Opens Includes continental breakfast.
8:30 am	Welcoming Remarks
8:45 am 0.75 hr	Electronic Issues Case Update A summary of key cases over the past year. Ellen H. Spalding, Rogers Morris & Grover - Houston, TX
9:30 am 0.50 hr	Qualified Immunity: Protecting Everyone but the Plainly Incompetent As civil rights in our relatively new, constitutional republic continue to evolve, how can a busy public official know the current state of the law and make all of the right decisions? What must a lawyer do to establish qualified immunity for a public employee client? Significant and recent 5th Circuit cases are discussed. Kevin F. Lungwitz, The Lungwitz Law Firm, P.C. - Austin, TX
10:00 am	Break
10:15 am 1.00 hr	Unemployment Issues This session covers the employment compensation claim and appeal process in Texas, with special attention to the issues unique to school employees and the districts that employ them, as well as other employment laws that can have an impact on such claims. Martha P. Owen, Deats, Durst, Owen & Levy , P.L.L.C. - Austin, TX William T. Simmons, Texas Workforce Commission - Austin, TX
11:15 am 0.75 hr	Questions You Always Wanted to Ask the Family Policy Compliance Office (FPCO) When practicing school law, you must always be mindful of Family Educational Rights and Privacy Act (FERPA). Here's your chance to get straight answers to your trickiest FERPA questions directly from the FPCO. Ellen Campbell, U.S. Department of Education - Washington, DC
12:00 pm	Lunch on your Own

Thursday Afternoon, Mar. 1, 2012

Presiding Officer:

Joy S. Baskin, Texas Association of School Boards - Austin, TX

1:15 pm 0.50 hr	<p>Service Animals in the Public Schools: New Rights and Responsibilities</p> <p>Neither the Individuals with Disabilities Education Act (IDEA) nor Section 504 specifically address whether students with disabilities have the right to be accompanied by service animals on school grounds. However, the 2010 amendments to the Title II regulations implemented by the ADA clarify some of the requirements for service animals. This presentation examines those requirements, which took effect on March 15, 2011, and how they affect a student's right to bring an animal to school.</p> <p>Christopher Paul Borreca, Thompson & Horton LLP - Houston, TX</p>
1:45 pm 1.00 hr	<p>Emails, Text Messages and Social Media: Open Records, Open Meetings and Privacy</p> <p>This session looks at two sides of one issue. First, the session covers the latest developments in open record and open meeting law addressing emails, text messages and other issues not in existence when the open government laws were originally drafted. Second, the session examines a school's ability to review and act upon emails, text messages and social media entries created by employees both as public employees and private citizens.</p> <p>Michael J. Golden, Boulette & Golden L.L.P. - Austin, TX Clarence Andrew Weber, Kelly Hart & Hallman LLP - Austin, TX</p>
2:45 pm	<p>Break</p>
3:00 pm 0.75 hr	<p>Purchasing Laws</p> <p>Guidance for purchasing: HB 628 and more.</p> <p>Angela Gaye Bishop, Region 4 Education Service Center - Houston, TX</p>
3:45 pm 0.75 hr	<p>Keeping Students Healthy</p> <p>This session focuses on a myriad of legal issues that arise when dealing with student-related health issues on district campuses. A detailed analysis of new statutory and case law impacting student allergies, confidentiality privacy and concussions, among others, are covered. In addition, an update on any new legal issues affecting school nurses is examined.</p> <p>Stacy C. Ferguson, Escamilla, Poneck & Cruz - San Antonio, TX</p>
4:30 pm 0.75 hr	<p>IDEA, Section 504, the ADA and Section 1983: How Do They All Fit Together?</p> <p>A review of recent cases brought against school districts and school officials under IDEA, Section 504, the ADA and Section 1983. Under what circumstances can school officials face personal liability? Why the increase in cases alleging violations of all of these laws? To what degree do these laws overlap? When is exhaustion of administrative remedies required? These and other issues are explored.</p> <p>Jim Walsh, Walsh, Anderson, Gallegos, Green and Trevino, P.C. - Austin, TX</p>
5:15 pm	<p>Adjourn</p>

Friday Morning, Mar. 2, 2012

Presiding Officer:

Joey W. Moore, Texas State Teachers Association - Austin, TX

8:00 am	Meeting Room Opens Includes continental breakfast.
8:30 am 1.00 hr	The DAEP at 17: Recent Developments in Student Discipline A school district attorney and a school employee attorney discuss recent developments in student discipline, including the increasing attacks on the viability of Discipline Alternative Education Placements (DAEP) and the appropriate role of student removal in the disciplinary process. Julie A. Leahy, Texas Classroom Teachers Association - Austin, TX Merri Schneider-Vogel, Thompson & Horton LLP - Houston, TX
9:30 am 0.75 hr	Commissioner Decision Update An update on recent Commissioner of Education decisions. Mark P. Tilley, Texas Association of School Boards - Austin, TX
10:15 am	Break
10:30 am 1.00 hr	Federal Laws You Didn't Know You Were Breaking Is it illegal to ask your secretary about her mother's cancer treatments? Is identity theft training mandatory? Are you breaking the law by paying your superintendent's health insurance premiums? And what about all of that toxic mold? Panelists discuss the Genetic Information Nondiscrimination Act (GINA), Fair and Accurate Credit Transactions Act (FACTA), health care reform, and, time permitting, environmental issues (federal and state) for school districts. Holly M. Claghorn, Texas Association of School Boards - Austin, TX Susan G. Morrison, The Fowler Law Firm, P.C. - Austin, TX Fred A. Stormer III, Underwood Law Firm - Amarillo, TX
11:30 am 1.00 hr	Avoiding Liability under the Fair Labor Standards Act (FLSA) This session reviews recent developments in wage and hour issues under the Fair Labor Standards Act. What are the most common mistakes and how do you avoid them? Practical tips for resolving Department of Labor wage and hour payroll investigations and disputes also are discussed. Chris G. Elizalde, Walsh, Anderson, Gallegos, Green and Trevino, P.C. - Austin, TX Leticia D. McGowan, Dallas Independent School District Office of Legal Services - Dallas, TX
12:30 pm	Break to Pick up Box Lunch Included in conference registration.

Friday Afternoon, Mar. 2, 2012

Presiding Officer:

Joey W. Moore, Texas State Teachers Association - Austin, TX

	LUNCHEON PRESENTATION
12:45 pm 0.75 hr	Intellectual Property Conundrums in Schools Take a tour of key intellectual property issues affecting schools, including ownership of copyrights, fair use in its many variants, district logos/trademarks, and preventive steps districts can take to protect themselves from intellectual property issues in an online environment. Carol Ann Pirrung Simpson, Eichelbaum Wardell Hansen Powell & Mehl, P.C. - Plano, TX
1:30 pm	Break
1:45 pm 0.75 hr	The DA's Office and the School District: An Effective Partnership This session examines juvenile law issues and the interplay between the school district and the DA's office. Carrie Rhynehart Galatas, Conroe Independent School District - Conroe, TX Philip A. Grant, Montgomery County D.A. Office - Conroe, TX
2:30 pm 1.50 hrs ethics	Reel Ethics! From Screens Big and Small Two seasoned school law practitioners use clips from movies and television to illustrate ethical dilemmas commonly faced by school attorneys. Jefferson K. Brim III, Brim, Arnett, Robinett, Connors & McCormick, P.C. - Austin, TX Lisa A. Brown, Thompson & Horton LLP - Houston, TX
4:00 pm	Adjourn