

28<sup>TH</sup> ANNUAL

# SCHOOL LAW CONFERENCE



February 21–22, 2013

AT&T Conference Center ▪ Austin, Texas

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Earn up to 13.00 Hours of Credit Including 1.75 Hours of Ethics Credit  
Specialization Credit Approved for Administrative Law, and Labor and Employment Law

Approved for Continuing Education for School Board Members

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## THURSDAY MORNING, FEB. 21, 2013

### Presiding Officer:

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

### 8:00 a.m. Registration Opens

Includes continental breakfast.

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

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

#### Commissioner Decisions and Legal Update

An update on Commissioner of Education decisions, AG opinions and school finance litigation.

Mark P. Tilley, Austin, TX

### 10:00 a.m. .50 hr

#### SBEC Update: A Review of the Investigative Process and Recent Decisions

A review of the current processes used by SBEC staff to conduct investigations into allegations of educator misconduct with an examination of recent SBEC decisions, policies and rules to discern the standards applied to determine whether sanctions should be imposed for certain types of misconduct, and if so, what those sanctions should be.

Julie A. Leahy, Austin, TX

### 10:30 a.m. Break

### 10:45 a.m. .75 hr

#### Chapter 21 Labor Code Recent Developments

This presentation compares and contrasts Chapter 21 of the Texas Labor Code with Title VII of the Civil Rights Act of 1964, and touches on substantive and procedural aspects of the two statutes in order to determine whether plaintiffs and defendants prefer one to the other. The extent to which these supposedly parallel remedies actually diverge is also considered.

Ellen Sprovach, Houston, TX  
Thomas P. Brandt, Dallas, TX

### 11:30 a.m. .75 hr

#### Do-Gooders or Troublemakers? Recent Developments under the Texas Whistleblower Act

Attorneys from both sides of the bar provide their perspectives on judicial developments under the Whistleblower Act, including a review of recent Texas Supreme Court cases that impose new pleading requirements on plaintiffs.

Lisa A. Brown, Houston, TX  
John W. Judge, Austin, TX

### 12:15 p.m. Lunch on Your Own

## THURSDAY AFTERNOON

### 1:30 p.m. .75 hr

#### When OCR Comes Knocking at the School House Door

OCR investigates students' claims of discrimination under a variety of federal laws such as Title IX, Title VI, Section 504 and the ADA. This presentation describes the standards OCR applies to school district actions when investigating these various claims as well as the OCR investigation process, OCR sanctions and voluntary resolution.

Janet Ann Little Horton, Houston, TX

### 2:15 p.m. .50 hr

#### Procurement for School District Construction Contracts under Chapter 2267 of the Texas Government Code

You mean we need an architect AND a lawyer to build it?

Wayne D. Haglund, Lufkin, TX

### 2:45 p.m. .50 hr including .25 hr ethics

#### The Role of the Internal Auditor

The statutory guidance of the role of the internal auditor is limited. Discussed are the legal and ethical issues a school law practitioner needs to examine when dealing with audits, reports and communication between the internal auditor and Board members or administrative staff. Additional issues covered are the evaluation process, suggested Board policies and troubling issues affecting internal auditors.

Juan J. Cruz, Escamilla, Laredo, TX

### 3:15 p.m. Break

### 3:30 p.m. .50 hr

#### Vouchers: Coming Soon to a School Near You (?!?!)

Examination of the current debate over vouchers in the public school system, including pros and cons of common voucher systems, constitutional and other legal issues, pending legislation and how vouchers have been treated in other parts of the country.

Christopher B. Gilbert, Houston, TX

### 4:00 p.m. 1.00 hr including .50 hr ethics

#### Mental Health Issues in the Workplace

Individual mental health issues in the workplace are complex and challenging for workers and management alike. Hear from two veteran school lawyers how employers and employees can/should work together to accommodate these concerns for the good of all.

Jefferson K. Brim III, Austin, TX  
Dorcas A. Green, Austin, TX

### 5:00 p.m. Adjourn

## FRIDAY MORNING, FEB. 22, 2013

### Presiding Officer:

Michael J. Currie, Texas Classroom  
Teachers Association, Austin, TX

### 8:00 a.m. Conference Room Opens

Includes continental breakfast.

### 8:30 a.m. .50 hr

#### Off-Duty Educator (Mis)Conduct

A legal analysis of when a school district may discipline an educator for off-duty conduct.

Joey W. Moore, Austin, TX

### 9:00 a.m. .75 hr

#### First Amendment, Free Speech: Jurisdiction

Discussion regarding recent developments in the law governing off-campus student speech and technology usage, cell phone searches, e-issues and limits on the school district's ability to regulate or control off-campus student conduct or speech.

Jonathan Griffin Brush, Houston, TX

### 9:45 a.m. Break

### 10:00 a.m. 1.00 hr

#### The Straight and Narrow: Walking the Fine Line of Religious Expression in Public Schools

School districts increasingly are becoming battlegrounds for shaping the First Amendment rights of students, employees and community members. Whether it is a group seeking a last-minute injunction to prohibit prayer at graduation or cheerleaders seeking injunctive relief to permit the display of "Christian" messages on team banners, school districts face significant challenges in balancing the rights of all parties. This presentation provides a view of the developments in student religious speech at schools.

Stacy Tuer Castillo, San Antonio, TX  
D. Craig Wood, San Antonio, TX

### 11:00 a.m. .50 hr

#### Open Meetings Act

Review of the latest decisions related to the Open Meetings Act.

Angela Eads Tekell, Belton, TX

## ABOUT THE COVER

*Turn of the Century*, 10.75" x 9.25", paint on steel and wood, is by Randall Reid. For more information, visit [randallreid.com](http://randallreid.com).

11:30 a.m. .75 hr

**Employee Leave Management and Policies**

Practical issues that arise with the application of employee leave policy including federal, state and local law considerations, neutral absence control policies and leave accrual.

Mia M. Martin, Richardson, TX

12:15 p.m. Pick Up Lunch

Included in conference registration.

**FRIDAY AFTERNOON**

**LUNCHEON PRESENTATION**

12:30 p.m. .75 hr

**Federal Education Law and Policy: The Post-Election Outlook**

Implications for federal education initiatives resulting from the 2012 elections, including ESEA, funding, special education, civil rights enforcement and more.

Tom Hutton, Honolulu, HI

1:15 p.m. Break

1:30 p.m. .75 hr

**TRS and Employment Practices**

How compensation and contract practices impact TRS benefits, including the contract period, retire-rehire surcharge, lump-sum payments and related issues.

Holly E. Murphy, Austin, TX  
Rebecca M. Smith, Austin, TX

2:15 p.m. .75 hr

**Administrator Evaluations and Reassignments**

An update on recent decisions related to the thorny issue of administrator transfers, plus an analysis of the requirements for administrator and superintendent evaluations. Finally, borne of the frustration of many a school board, proposed new forms for administrator and superintendent evaluations.

Lynn Rossi Scott, Fort Worth, TX

3:00 p.m. 1.00 hr ethics

**Professionalism for the 99%: Dealing with Difficult People**

It seems as if one percent of lawyers we encounter are unaware of the Texas Lawyer's Creed. How do the rest of us maintain this mandate for professionalism in difficult situations? This session presents extreme examples and practical tips on maintaining professionalism and ethics in trying situations with counsel, clients and judges.

Mark Christopher Goulet, Austin, TX  
David Lunningham, Fort Worth, TX

4:00 p.m. Adjourn

**REGISTRATION FORM**

SL13

Mail this registration form to:  
The University of Texas School of Law, Attn. Registration  
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**REGISTRATION**

Includes Course Materials and Friday Luncheon Presentation

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**AUSTIN**

**February 21–22, 2013**

**CONFERENCE LOCATION**



**AT&T Conference Center – Hotel at UT**

1900 University Avenue  
Austin, TX 78705  
512.404.3600

**Special Room Rate: \$174**  
good through January 25, 2013  
(subject to availability)

**Parking:**

Free daily self-parking at UT garages.  
Separate fees apply for valet  
and overnight parking.

**KEY DATES**

**February 13, 2013**

*last day for early registration*

Add \$50 for registrations received after this time

**February 15, 2013**

*last day for full refund*

**February 18, 2013**

*last day for partial refunds*

\$50 processing fee applied

**February 21, 2013, 8:50 a.m.**

*Conference begins*

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