

29th Annual School Law Conference
February 27-28, 2014 • AT&T Conference Center • Austin, TX

Thursday Morning, Feb. 27, 2014

Presiding Officer:

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

7:30 am	Registration Opens Includes continental breakfast.
8:35 am	Welcoming Remarks
8:45 am 1.00 hr	Commissioner's Decisions Update An update on recent Commissioner of Education decisions with a focus on significant developments related to the non-renewal process. Mark P. Tilley, Texas Association of School Boards - Austin, TX
9:45 am 0.50 hr	Implementation of the New Laws Limiting the Issuance of Class C Citations A brief overview of the changes made by SB 1114 and SB 393, with an examination of how different districts are implementing the changes, how the changes are impacting student discipline, and, how law enforcement views the changes. Forms created by both law enforcement and school administrators used to manage the requirements of the new laws provided. Carrie Rhynehart Galatas, Conroe Independent School District - Conroe, TX
10:15 am	Break
10:30 am 0.75 hr 0.25 hr ethics	Conflicts of Interest Discussion of conflict of interest issues generally applicable to School District Trustees (e.g. nepotism, dual office-holding, disclosure etc.) with a specific look at conflict of interest and related ethical issues unique to attorneys who serve as a Trustee or in an administrative position other than legal counsel. Peter K. Rusek, Sheehy Lovelace & Mayfield - Waco, TX
11:15 am 0.75 hr	Intellectual Property Issues Affecting Schools Intellectual property law (both state and federal) touches on multiple activities regularly occurring in schools. From school mascots to stock curriculum such as CSCOE, to graduation videos, intellectual property issues can pop-up when you least expect them. Learn some common intellectual property dilemmas and best practices to deal with them. Carol A. Simpson, Eichelbaum Wardell Hansen Powell & Mehl, P.C. - Plano, TX
12:00 pm	Lunch On Your Own

Thursday Afternoon, Feb. 27, 2014

Presiding Officer:

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

1:15 pm 0.50 hr	Special Education Case Law Update Review of recent case law interpreting the IDEA and Section 504, and the obligation to provide a FAPE to students with disabilities. Jeffrey L. Rogers, Rogers, Morris & Grover, L.L.P. - Houston, TX
1:45 pm 0.75 hr	School Scandals: Daytime Friends and Nighttime Lovers So you want to be in pictures? A sure way to get your photo in the news is to ignore the warning signs of amoré between employees, students, volunteers and others. Since most people meet their spouses at work, what can a district do when two willing single adult employees are dating? What about the extra-marital affair and its impact on a campus? Our nighttime reporters humor you with real fact situations and how to deal with them so you don't become "newsworthy." Julie A. Leahy, Texas Classroom Teachers Association - Austin, TX Susan G. Morrison, The Fowler Law Firm, P.C. - Austin, TX
2:30 pm 0.50 hr ethics	Attorney as Reporter of Suspected Child Abuse A survey of state reporting laws, attorney's duty to report, failure to report and attorney-client privileges. Cathy Ogle Morris, Child Protection Court of South Texas - Boerne, TX
3:00 pm	Break
3:15 pm 0.75 hr	Federal and State Employment Law Update Analysis of recent developments in state and federal employment law that address various topics of interest to school districts, such as personnel decisions, the Affordable Care Act, employee leave, and employee free speech-related issues, including the use of social media. Ellen H. Spalding, Rogers, Morris & Grover, L.L.P. - Houston, TX
4:00 pm 1.00 hr	Case Study: Public/Private Economic Development Partnerships A case study of how Frisco ISD leveraged its tax dollars through partnering with the City of Frisco and private developers to create professional-grade sports facilities that are used by Frisco ISD at low maintenance and operation costs. Moderator: Richard Wilkinson, Frisco ISD - Frisco, TX Panelists: Richard M. Abernathy, Abernathy, Roeder, Boyd & Joplin - McKinney, TX Sandy D. Hellums-Gomez, Thompson & Horton LLP - Houston, TX Robert H. Roeder, Abernathy, Roeder, Boyd & Joplin, P.C. - McKinney, TX
5:00 pm	Adjourn

Friday Morning, Feb. 28, 2014

Presiding Officer:

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

7:30 am	Conference Room Opens Includes continental breakfast.
8:30 am 0.50 hr	Oh, What a Tangled Web They Weave: Employment Status, Independent Contractor and Teacher Retirement System Surcharge Changes The law and regulations on Teacher Retirement System (TRS) retirees returning to work appear to be ever-changing. An in-depth look at the important distinctions between employee and independent contractor status, with reviews of the latest changes to TRS regulations concerning the employment of TRS retirees returning to work, including the circumstances which can trigger surcharges for school districts and adversely impact a retirees's receipt of benefits. Laura Rodriguez McLean, Walsh, Anderson, Gallegos, Green and Trevino, P.C. - Irving, TX
9:00 am 0.50 hr	Use of Criminal History to Make Personnel Decisions School districts, charter schools and community colleges are authorized to obtain criminal history records of many of its employees. Analyze the laws pertaining to the use of and access to criminal history information, as well as recent EEOC guidance regarding the use of this information, and gain practical advice concerning criminal history policies and practices. Merri Schneider-Vogel, Thompson & Horton LLP - Houston, TX
9:30 am 0.75 hr	Americans with Disabilities Act and the Family Medical Leave Act A guide to providing employees with the "equal benefits and privileges of employment" and other useful tips for complying with ADA and FMLA. Paige Williams, Texas Classroom Teachers Association - Austin, TX Catosha L. Woods, Houston Independent School District - Houston, TX
10:15 am	Break
10:30 am 0.50 hr	Security and Law Enforcement in Schools in a Post-Sandy Hook World Discussion of the various security measures and options to consider for school safety and security, with a close consideration of security personnel, law enforcement, student searches, constitutional issues and immunity of school officials. Joseph L. Parks, Plano ISD - Plano, TX
11:00 am 0.75 hr	Silencing Silent Speech: First Amendment Technology Issues Involving Students and Employees In the wake of ubiquitous use of technology for communication, school districts increasingly face issues involving student and employee First Amendment concerns regarding "speech" in the form of tweets, posts, printed materials and even a retro-return of the most primitive form of communication—silence itself. Learn when and how discipline of students and employees for such speech is appropriate. Wesley E. Johnson, Escamilla & Poneck, LLP - San Antonio, TX

11:45 am	Pick Up Lunch Included in registration.
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Friday Afternoon, Feb. 28, 2014

Presiding Officer:

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

12:05 pm 0.50 hr	Update from the Commissioner of Education Michael L. Williams, Commissioner of Education, Texas Education Agency - Austin, TX
12:35 pm	Break
12:45 pm 0.75 hr	Legal Issues Regarding Transgender Students and Employees Both the EEOC and OCR are breaking new ground on the legal rights of transgender students and employees under Title VII and Title IX respectively. An overview of the case law and legal issues related to "gender identity" and "gender-based" discrimination, as well as discussion of the practical challenges of implementing this evolving area of law. Karla Anne Schultz, Walsh, Anderson, Gallegos, Green and Trevino, P.C. - Austin, TX
1:30 pm 0.75 hr	The Latest on Settlement Agreements Two pros do point-counterpoint on the necessary provisions in settlement agreements by addressing the thornier issues in settlement agreements including withholding clauses, TRS implications and the new statute requiring public hearings for some lump sum payments. Jefferson K. Brim III, Brim, Arnett, Robinett, & Conners, P.C. - Austin, TX Shellie Hoffman Crow, Walsh, Anderson, Gallegos, Green and Trevino, P.C. - Austin, TX
2:15 pm	Break
2:25 pm 0.50 hr	Teacher Down! Now What? The legal issues arising out of an employee's on-the-job injury can be a pain in the neck for all parties. Review of recent cases and relevant statutes, such as FMLA, assault leave, and workers' compensation that address how a school district and employee should proceed when an employee is injured at work. Elizabeth Poole, Texas State Teachers Association - Austin, TX

2:55 pm
1.00 hr ethics

A View From the Inside: The Ethics of Being, Working With, or Opposed by In-House Counsel

Many school districts have hired in-house counsel in the last decade and they will tell you, in-house counsel wear many different hats. Oftentimes, your in-house counsel is the most knowledgeable employee about any given situation, but that raises many questions. Can they be a witness for the school district? If you are outside counsel for a school administrator or school district, should you be cautious about using the in-house attorney as an investigator, for fear they can't be a witness, without violating the attorney-client privilege? If you are an employee's attorney, can you call the in-house counsel as a witness—and when? A look at the ethical rules governing the role of in-house counsel, including Rule 3.08 ("the Lawyer as Witness") from all perspectives—inside, outside and across the aisle.

Christopher B. Gilbert, Thompson & Horton LLP - Houston, TX
Marney Collins Sims, Cypress-Fairbanks ISD - Houston, TX

3:55 pm

Adjourn