

31st Annual School Law Conference
February 25-26, 2016 • AT&T Conference Center • Austin, TX

Thursday Morning, Feb. 25, 2016

Presiding Officer:

Juan J. Cruz, J. Cruz & Associates, LLC - Laredo, TX

7:30 am	Registration Opens Includes continental breakfast.
8:35 am	Welcoming Remarks
8:45 am 1.00 hr	Student Data Privacy: The National Conversation Join the Director of NSBA's Council of School Attorneys for an update on the current state of federal law and guidance on student data privacy. Look at proposed (or passed) legislation amending key education statutes, including the Family Education Rights and Privacy Act, as well as stand-alone bills addressing vendor conduct. Learn how Texas initiatives, including SB 507 on video cameras in the classroom, fit into national trends, and what you might expect from federal policy-makers in the near future. Sonja Trainor, Director, Council of School Attorneys, National School Boards Association - Alexandria, VA
9:45 am 0.50 hr	Guns in Schools and Chapter 37 Changes A look at the challenging state and federal regulations related to firearms on school district property, prohibited weapons, and other changes to student discipline. Do gun-free school zones truly exist with the advent of open carry? What is the impact for K-12 students attending classes on college campuses? Is a pocketknife a prohibited weapon? Pam Kaminsky, Rogers, Morris & Grover, L.L.P. - Houston, TX
10:15 am	Break
10:30 am 0.75 hr	From the Classroom to the Cloud: Responsibilities of the District When Students Are Bullied Bullying, whether at school or in cyberspace, continues to be a major concern of students, parents, and school officials. Explore what is expected of the school district by OCR and the current legal standards imposed by the courts in cases where students are bullied. Richard M. Abernathy, Abernathy, Roeder, Boyd & Hullett, P.C. - McKinney, TX Janet L. Horton, Thompson & Horton LLP - Houston, TX

11:15 am 1.00 hr	<p>The Other <i>Tinker</i> Test: Analyzing the Conflict between Student Free Speech Rights and a School's Obligation to Maintain a Safe and Secure Environment</p> <p>Schools trying to deal with twenty-first century mandates to adopt anti-discrimination and anti-bullying measures, accommodate the surge of LGBTQ students, and roll with the ever-changing Establishment Clause landscape are increasingly finding themselves the targets of student free speech "I can say what I wanna say" lawsuits. Explore the legal framework for analyzing the dichotomy between private student speech and school government speech to determine when schools seeking to promote the greater good can say, "No, you can't."</p> <p>Christopher B. Gilbert, Thompson & Horton LLP - Houston, TX</p>
12:15 pm	Lunch On Your Own

Thursday Afternoon, Feb. 25, 2016

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Juan J. Cruz, J. Cruz & Associates, LLC - Laredo, TX

1:30 pm 1.00 hr	<p>Keeping Up with SBEC Laws, Regulations, and Procedures</p> <p>Gain an understanding of different perspectives of the laws, rules, and procedures when complaints are filed against educators and examine the new reporting requirements to SBEC that districts must adhere to, including the likelihood of sanctions against a district superintendent that fails to report in a timely manner.</p> <p>Brandon Y. Brim, Brim, Arnett, & Robinett, P.C. - Austin, TX Mike Harper, Killeen Independent School District - Killeen, TX Karla A. Schultz, Walsh Gallegos Treviño Russo & Kyle, P.C. - Austin, TX</p>
2:30 pm 0.50 hr	<p>Office for Civil Rights: Facility Accessibility</p> <p>Gain insight into handling an OCR investigation regarding campus accessibility as well as practical advice for schools when facing an OCR complaint.</p> <p>Wayne D. Haglund, Haglund Law Firm, P.C. - Lufkin, TX</p>
3:00 pm	Break
3:15 pm 0.50 hr	<p>Board Hearings: What the FNG?</p> <p>An analysis of recent legal developments regarding local school board hearings pertaining to student, employee, and public complaints.</p> <p>Deron T. Robinson, Walsh Gallegos Treviño Russo & Kyle, P.C. - Irving, TX</p>
3:45 pm 0.75 hr	<p>The Superintendent's Employment Contract: A Tool for Avoiding Catalysts to Conflict</p> <p>A discussion of how particular contract provisions can operate as a method of effective communication between the superintendent and the board of trustees to avoid common areas of conflict in the board-superintendent relationship.</p> <p>Allan S. Graves, Adams, Lynch & Loftin, P.C. - Grapevine, TX Cory S. Hartsfield, Adams, Lynch & Loftin, P.C. - Grapevine, TX</p>

4:30 pm 1.00 hr ethics	<p>Wheel of Clients: Which One Is Yours?</p> <p>A round-table discussion of school lawyers' ethical responsibilities. Whom do the lawyers represent, and how can they avoid potential ethical landmines?</p> <p>Amanda Moore, Texas State Teachers Association - Austin, TX Leila Sarmecanic, Rogers, Morris & Grover, L.L.P. - Houston, TX Catosha L. Woods, Houston Independent School District - Houston, TX</p>
5:30 pm	Adjourn

Friday Morning, Feb. 26, 2016

Presiding Officer:

Ellen H. Spalding, Rogers, Morris & Grover, L.L.P. - Houston, TX

7:30 am	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
8:30 am 1.00 hr	<p>Commissioner Decisions and Legal Update</p> <p>An update on Commissioner of Education decisions and significant AG opinions from the past year.</p> <p>Mark P. Tilley, Texas Association of School Boards - Austin, TX</p>
9:30 am 0.75 hr	<p>Procurement and Purchasing: Recent Developments in State and Federal Laws and Regulations</p> <p>A critical overview of new federal procurement regulations (EDGAR), the new State conflict of interest disclosure requirements, and their respective impacts on school district procurement and purchasing practices, including a comparison of the federal and state law requirements.</p> <p>S. Anthony Safi, Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C. - El Paso, TX</p>
10:15 am	Break
10:30 am 0.50 hr	<p>Using Student Performance to Measure Teacher Effectiveness: PDAS, T-Tess, and Beyond</p> <p>To what extent is student performance a valid measure of teacher effectiveness? Examine the role that student performance plays in the evaluative process and to what extent that data can be used to support implementation of growth plans, recommendations for nonrenewal, and other employment decisions.</p> <p>Julie Leahy, Texas Classroom Teachers Association - Austin, TX</p>
11:00 am 0.75 hr	<p>Wage and Hour: Are School Districts under Attack?</p> <p>An update on the current landscape of the Fair Labor Standards Act and its implications for employers.</p> <p>Lisa Royee Ray, Dallas Independent School District - Dallas, TX</p>
11:45 am	<p>Pick Up Lunch</p> <p>Included in registration.</p>

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LUNCHEON PRESENTATION

12:05 pm 0.50 hr	<p>What Schools Can Do, Aside from the Obvious, to Protect Themselves from Retaliation Claims</p> <p>Texas takes a shotgun approach to prohibiting retaliation in the workplace, with several different statutes giving rise to distinct causes of action based on the nature of the protected activity. There are also several federal laws prohibiting retaliation of various sorts. Review the various types of protected activity and prohibited retaliation and explore how these claims proceed through the various administrative systems, like the EEOC, that are often a first stop before a lawsuit is filed. Most importantly, learn best employment practices that every school should use and that will help establish a defense to these claims before you even know you need one.</p> <p>Bryan P. Dahlberg, Schulman Lopez & Hoffer LLP - San Antonio, TX</p>
12:35 pm	<p>Break</p>
12:50 pm 0.50 hr	<p>The Intersection of Family Law and School Law</p> <p>Does Grandpa have any rights to the child? Can Mom's new girlfriend attend the parent-teacher conference? Can Dad eat lunch with the child on his non-possession days? Who gets to make the educational decisions for the child? How do you advise your administrators when the parents don't agree to any of this? What is your reaction as a lawyer when your administrators are subpoenaed to a family law hearing? Learn responses to these and other gray-area questions where family law and school law collide.</p> <p>Kevin F. Lungwitz, The Lungwitz Law Firm, P.C. - Austin, TX</p>
1:20 pm 0.50 hr	<p>Overview of the New Truancy Law</p> <p>New laws decriminalize truancy, but continue to hold students accountable through a new system of truancy courts. Review the new law and discover a wealth of resources aimed at implementing the new system.</p> <p>David Slayton, Office of Court Administration - Austin, TX</p>
1:50 pm 1.00 hr ethics	<p>Practicing Law in a Tech-Driven World</p> <p>Technology presents a host of new and complex ethical issues for lawyers to navigate. Managing client communications via text and email, 24/7 accessibility to clients, maintaining confidentiality in the age of hackers, having an online presence as a lawyer, and using social media and electronic advertising to augment your practice are just some of the issues to consider.</p> <p>D. Craig Wood, Walsh Gallegos Treviño Russo & Kyle, P.C. - San Antonio, TX</p>
2:50 pm	<p>Adjourn</p>