



NEW MEXICO SCHOOL BOARDS ASSOCIATION
Thirty-Second Annual School Law Conference
June 9-11, 2011
The Hotel Albuquerque, Albuquerque, New Mexico

School Law Conference Agenda

Thursday, June 9, 2011:

12-2:00 p.m.	Executive Board Meeting	(Fireplace Room)
3 - 5 p.m.	Board of Directors Meeting	(Alvarado A&B)
3 - 5 p.m.	Exhibitor Set-Up	(Atrium - North)
4 - 6 p.m.	Early Registration	(Atrium - North)

Friday, June 10, 2011:

7:00 a.m.-5:00 p.m.	Registration	(Atrium - North)
7:00 - 8:30 a.m.	Continental Breakfast	(Atrium - & Outside Portal)
7:00 a.m.-5:00 p.m.	<i>Exhibit Area Open -</i>	(Atrium – North)
8:30 – 8:45 a.m.	FIRST GENERAL SESSION	(Alvarado Ballrooms A-E)
	Call to Order	Terry Martin, NMSBA President
	Presentation of Colors	Del Norte High School ROTC
	Pledge of Allegiance	Dion W. Sandoval, NMSBA President-Elect
	Salute to the New Mexico Flag	Andrew J. Chavez, NMSBA Vice-President
	Welcome and Introductions Region Attendance Awards Presentations	Terry Martin, NMSBA President
8:45 – 9:15 a.m.	How Will Public Schools Better Serve Students in an Era of Declining Revenues?	Hanna Skandera, Secretary-Designate NM Public Education Dept.
9:15 - 10:00 a.m.	The Open Meetings Act and Rolling Quorums – A Demonstration	C. Emery Cuddy, Jr., Cuddy & McCarthy, LLP, Moderator
10:00 – 10:15 a.m.	Break- <i>Exhibit Area Open</i>	(Atrium – North)

Friday, June 10, 2011 Continued

SECOND GENERAL SESSION

10:15 – 10:45 a.m.	Legislative and Judicial Updates	John F. Kennedy, Cuddy & McCarthy, LLP
10:45 – 11:30 a.m.	Redrawing District Boundaries Following The 2010 Census	Ramon Vigil, Jr. and Patricia Salazar Ives, Cuddy & McCarthy, LLP, and Brian Sanderoff, Research & Polling
12:00 - 1:00 p.m.	LUNCH	<i>Salons D E F G H</i>

BREAKOUT SESSIONS

1:30 - 2:30 p.m.	BREAK-OUT SESSIONS I	(See chart for specific presentations)
2:30 - 2:45 p.m.	Break <i>Exhibit Area Open</i>	<i>(Atrium – North)</i>
2:45 - 3:45 p.m.	BREAK-OUT SESSIONS II	(See chart for specific presentations)
3:45 - 4:00 p.m.	Break <i>Exhibit Area Open</i>	<i>(Atrium – North)</i>
4:00 - 5:00 p.m.	BREAK-OUT SESSIONS III	(See chart for specific presentations)
5:00 - 7:00 p.m.	RECEPTION	<i>(Atrium – North)</i>

Saturday, June 11, 2011

7:00 - 10:00 a.m.	Registration	<i>(Atrium – North)</i>
7:00 - 8:15 a.m.	Continental Breakfast	<i>(Atrium – South)</i>
7:00 - Noon	Exhibit Area Open	<i>(Atrium – North)</i>
8:30 - 9:30 a.m.	BREAK-OUT SESSIONS I	(See chart for specific presentations)
9:30 - 9:45 a.m.	Break <i>Exhibit Area Open</i>	<i>(Atrium – North)</i>
9:45 - 10:45 a.m.	BREAK-OUT SESSIONS II	(See chart for specific presentations)
10:45 - 11:00 a.m.	Break <i>Exhibit Area Open</i>	<i>(Atrium – North)</i>
11:00 - Noon	BREAK-OUT SESSIONS III	(See chart for specific presentations)
12:00 Noon	ADJOURN THE 2011 SCHOOL LAW CONFERENCE	

BREAK-OUT SESSIONS

June 10 – 11, 2011

I. THE EQUAL ACCESS ACT, THE FIRST AMENDMENT AND STUDENT CLUBS AND GROUPS. Why Restrictions Apply; Can You Bar Certain Groups; Can You Close the Forum Entirely?

Salon B&C; Friday, June 10, 2011; 4:00 p.m. – 5:00 p.m.

Presenter: C. Emery Cuddy, Jr., Cuddy & McCarthy, LLP

What are the obligations of school districts to allow student groups to meet at school during the school day and/or before or after the school day; limited open forums vs. closed forums; content-based discrimination; and facilities use policies.

Presentation of special interest to: School Board Members, Superintendents, Secondary Administrators, Activities Directors, and Compliance Officers

II. TITLE IX AND THE SCHOOL ATHLETICS EQUITY ACT – PED Reporting

Salon E; Friday, June 10, 2011; 1:30 p.m. – 2:30 p.m.; Salon E; Saturday, June 11, 2011; 8:30 a.m. – 9:30 a.m.

Presenters: Andrew M. Sanchez, Cuddy & McCarthy, LLP, and Gary Tripp, Executive Director, and Sally Marquez, Associate Director, NMAA

This presentation will discuss the upcoming reporting to PED required under the SAEA and the certifications of Title IX compliance required by local superintendents and by school boards. The presentation will also discuss the second year reporting requirements as to financial information and booster clubs required under the SAEA for August of 2012.

Presentation of special interest to: Superintendents, Business Managers, Activities Directors, and Compliance Officers

III. DEVELOPMENTS IN STUDENT DISCIPLINE / ANTI-BULLYING LEGISLATION / BAN ON PADDLING / OFF-CAMPUS CONDUCT / DRUG - TESTING

Salons B&C; Friday, June 10, 2011; 2:45 p.m. – 3:45 p.m.; Salons B&C; Saturday, June 11, 2011; 9:45 a.m. – 10:45 a.m.

Presenters: Ramon Vigil, Jr. and Evelyn A. Peyton, Cuddy & McCarthy, LLP

Participants attending this session will learn the latest developments regarding statutory expectations regarding anti-bullying efforts, the Office of Civil Rights' position regarding bullying and harassment, the change in law regarding the use of corporal punishment in schools, when schools have jurisdiction for off-campus student misconduct and when and how schools can test students for drugs and/or alcohol.

Presentation of special interest to: Superintendents, Secondary Administrators, Safety and Security Directors, and District Hearing Authorities

IV. POLICE AND SCHOOL RESOURCE OFFICERS ON SCHOOL PROPERTY

– Public Defender Pushes for Miranda Rights for Students

Salon E; Friday, June 10, 2011; 2:45 p.m. – 3:45 p.m.; Salon A; Saturday, June 11, 2011; 9:45a.m. – 10:45 a.m.

Presenters: John F. Kennedy, Cuddy & McCarthy, LLP, and Desi Garcia, Director of Safety and Security, Los Lunas Public Schools

All school districts must have a positive and effective working relationship with local law enforcement officials who will be called upon to assist with potentially criminal misconduct occurring on school property. Many districts contract with local police or sheriffs' departments for assignment of commissioned officers to patrol school property as School Resource Officers (SRO's). As police presence increases, so do challenges to criminal charges resulting from investigations of school misconduct. In a case pending in the New Mexico Court of Appeals, the Public Defenders Department seeks to impose the obligation that students receive Miranda warnings if a school investigation could lead to criminal charges. Attend this session to review the important elements of the relationship with police and SRO's, and the implications of the pending appeal on school discipline.

Presentation of special interest to: Site Administrators; Facilities Directors; and School Security/Resource Officers

V. STUDENTS IN SPECIAL EDUCATION – Hot Topics in Disabilities Law

Salon D; Friday, June 10, 2011; 1:30 p.m. – 2:30 p.m.; Salon D; Saturday, June 11, 2011; 8:30 a.m. – 9:30 a.m.

Presenters: Jacquelyn Archuleta-Staehlin, Shana Baker, and Elizabeth J. Church, Cuddy & McCarthy, LLP

This presentation will look at those areas of law including IDEA, Section 504 and ADA, where an increasing number of claims are presented on behalf of school-aged students against school districts, charter schools and school governing organizations. The presentation will focus on the hot topics schools are being asked to address on a daily basis and the potential consequences of each decision. Attendees will be provided with legal guidance on the most efficient and effective means of addressing this ever expanding area of litigation.

Presentation of special interest to: Superintendents, Special Education Directors, School Psychologists or Counseling Managers, IEP/Multidisciplinary Team Chairs, and Site Administrators

VI. STUDENTS IN SPECIAL EDUCATION - Autism: Legal Considerations Today and in the Future

Salon D; Friday, June 10, 2011; 2:45 p.m. – 3:45p.m.; Salon D; Saturday, June 11, 2011; 9:45a.m. – 10:45 a.m.

Presenters: Jacquelyn Archuleta-Staehlin, Shana Baker, and Elizabeth J. Church, Cuddy & McCarthy, LLP

This presentation will look at the recent decisions handed down in New Mexico regarding autistic children and the growing trend of litigation. Attendees will also have an opportunity to review the recent legislation passed by both the senate and the house of representatives but not signed by the governor. The presentation will focus on how to build an appropriate program and document that process.

Presentation of special interest to: Superintendents, Special Education Directors, School

Psychologists or Counseling Managers, IEP/Multidisciplinary Team Chairs, and Site Administrators

VII. STRENGTHENING OUR SCHOOL COMMUNITY – A Collaborative Approach to Counter the High Rate of Suicide Among Native American Youth

Salon Franciscan; Friday, June 10, 2011; 1:30p.m. –2:30p.m.

Presenters: Cheryl D. Fairbanks, Matthew L. Campbell, Melanie P. Fritzsche, and Ramon Vigil, Jr., Cuddy & McCarthy, LLP; Jeremiah Simmons, MPH, Program Coordinator, Mescalero Apache Schools, Honor Your Life Program, A SAMHSA Funded Initiative; and The Honorable Linda Lovejoy, NM State Senator

This breakout session will discuss the suicide prevention efforts needed to counter the high rate of suicide among Native American youth and its devastating impact on family, friends, schools, and the Native American community. Panel members will outline the issues and identify potential suicide prevention strategies. New laws that address this problem will also be discussed, such as New Mexico SB 417.

Presentation of special interest to: School Board Members, School Psychologists or Counseling Managers, and Superintendents and Administrators in Districts with Significant Native American Students Population

VIII. PUBLIC RECORDS ISSUES / STUDENT RECORDS ISSUES FOR THE RECORDS CUSTODIAN – What Must You Disclose; When; What Should be Maintained in a Student Cumulative Folder?

Salon A; Friday, June 10, 2011; 1:30 p.m. –2:30 p.m.; Salons F&G; Saturday, June 11, 2011; 8:30 a.m. – 9:30 a.m.

Presenters: C. Emery Cuddy, Jr. and Ramon Vigil, Jr., Cuddy & McCarthy, LLP

Come to this session to learn about how schools should respond to public records requests pursuant to the inspection of Public Records Act (IPRA), how students records should be handled pursuant to the Family Rights and Privacy Act (FERPA), and what records must be maintained in a student's cumulative or permanent file.

Presentation of special interest to: Superintendents, Custodians of Records, Administrative Assistants, and Site Administrators

IX. THE OPEN MEETINGS ACT AND THE FIRST AMENDMENT - Can You Legally Restrict Public Comment?

Salon Franciscan; Friday, June 10, 2011; 2:45 p.m. – 3:45 p.m.; Salon E; Saturday, June 11, 2011; 9:45 a.m. – 10:45 a.m.

Presenters: C. Emery Cuddy, Jr. and Andrew M. Sanchez, Cuddy & McCarthy, LLP

This presentation will provide an update of the law regarding the First Amendment and the recent case in the U.S. Court of Appeals for the 5th Circuit which permits school districts to change the character of the forum at public meetings to limit public comment to only those topics listed in the agenda for the public meeting.

Presentation of special interest to: School Board Presidents and Board Members, Superintendents, Administrative Assistants, and Public Information Officers

X. ADA ISSUES – A Practitioner’s Guide for the Human Resources Office on Reasonable Accommodations for Employee Medical Conditions.

Salon Franciscan; Friday, June 10, 2011; 4:00 p.m. – 5:00 p.m.; Salons F&G; Saturday, June 11, 2011; 9:45 a.m. – 10:45 a.m.

Presenters: M. Karen Kilgore, Evelyn A. Peyton, and Y. Jun Roh, Cuddy & McCarthy, LLP

Do You have an employee who says he cannot work unless you provide him: a) an ergonomic desk; b) an assistant; c) a flexible schedule; d) time off for a nap; or e) all of the above? Navigating the ADA – Find out which of the accommodations are reasonable and under what circumstances, get a road map to the interactive process and more.

Presentation of special interest to: Superintendents, Human Resources Directors, Employee Benefits Officers, and Site Administrators

XI. LOCAL SCHOOL BOARD MEMBER RECALL ACT – How Does it Happen; What Should You Expect, and What Will it Cost the School District?

Salons B&C; Friday, June 10, 2011; 1:30 p.m. – 2:30 p.m.; Salons B&C; Saturday, June 11, 2011; 8:30 a.m. – 9:30 a.m.

Presenter: John F. Kennedy, Cuddy & McCarthy, LLP

Once elected, local board members are public officials, and become targets for criticism when controversial issues arise. Unpopular decisions frequently result in an effort to recall some or all members of the board who supported the action taken. This session will discuss and analyze the legal bases for recall, the procedure followed and the typical defenses board members have to respond to this costly and burdensome process.

Presentation of special interest to: School Board Members, Superintendents, and Public Information Officers

XII. DISPOSITION OF SCHOOL PROPERTY – How Do You Properly Sell or Lease School Property and Who Must Approve the Transaction?

Salon E; Friday, June 10, 2011; 4:00 p.m. – 5:00 p.m.

Presenters: Arturo L. Jaramillo and Ian K. Douglas, Cuddy & McCarthy, LLP

This session will examine methods and procedures for disposing of real property owned by a school district, including sale, donation, exchange or leasing. The presentation will focus on issues to consider when negotiating the terms of these transactions, as well as the pitfalls to avoid in securing the requisite approvals from PED or the State Board of Finance. These experienced transactional lawyers will also address the level of “due diligence” needed when acquiring property.

Presentation of special interest to: School Board Members, Superintendents, Facilities Directors, and Finance Directors

XIII. LABOR RELATIONS IN A TIGHT BUDGET ENVIRONMENT

Salon D; Friday, June 10, 2011; 4:00 p.m. – 5:00 p.m.

Presenters: Andrew M. Sanchez, Cuddy & McCarthy, LLP, and Dina E. Holcomb, Management Associates, Inc.

This presentation will discuss the law as to collective bargaining in the current restrictive budgetary environment and the issues surrounding labor negotiations. The presentation will discuss strategies for negotiations and cooperation between management and local unions to assist with budgetary issues and preservation of jobs as budgets shrink and the State/PED adopts performance based evaluations.

Presentation of special interest to: School Board Members, Superintendents, Business Managers and Finance Directors, and Management Bargaining Team Members

XIV. GENERATING CAPITAL OUTLAY REVENUE THROUGH BOND AND MILL LEVY ELECTIONS

Salon A; Saturday, June 11, 2011; 8:30 p.m. – 9:30 p.m.

Presenters: Patricia Salazar Ives, Esq., and Maria V. Letey, Bond Paralegal, Cuddy & McCarthy, LLP

Successful bond and mill levy elections provide school districts sources of local revenue to meet their school district's capital project and other needs. School board members, superintendents, and other school administrators must know whether these sources are appropriate for their districts and how to maximize community support for the projects and elections. This session will help board members, superintendents and other administrators to understand the necessary steps to identify the local sources of revenue, how to leverage local revenues with state capital outlay funds, and how to achieve successful bond and mill levy elections.

Presentation of special interest to: School Board Members, Superintendents, Business Managers and Finance Directors

XV: THE GOVERNMENTAL CONDUCT ACT – NEW ETHICAL REQUIREMENTS FOR LOCAL SCHOOL BOARDS AND EMPLOYEES

Salon A; Friday, June 10, 4:00 – 5:00 p.m.

Presenters: John F. Kennedy, Cuddy & McCarthy, LLP

The 2011 Legislature passed, and the Governor has signed, Senate Bill 432, which expands the provisions of the Governmental conduct Act to local elected and appointed officials and employees. The Act mandates an extensive set of ethical principles, **including an obligation for written disclosure of all “outside employment” by all school board members and school employees.** The amendments are effective July 1, 2011. Attend this session to familiarize yourself with these new expansive requirements.

Presentation of special interest to: School Board Members, Superintendents, Site Administrators, Human Resources Officers, Business Managers, Finance Directors, and Procurement Officers

XVI. STUMP THE LAWYER

Salons D&E; Saturday, June 11, 2011; 11:00 a.m. - Noon

Presenters: Cuddy & McCarthy, LLP Lawyers

Attend our annual “Stump the Lawyer” session and obtain answers to the legal questions you’ve been dying to ask. Any question is “fair game” and really good questions are rewarded with prizes.

Presentation of special interest to: Bring It On!!!