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2011 57th Annual Conference

Chicago River North | Chicago, Illinois
November 9-12

Conference Chairs: Thomas Hutton & Suzanne Eckes

This four-day event provides a forum to discuss current education law issues with experts from around the world. The presentation format is designed to stimulate dialogue among educational and legal scholars and practitioners to inform and advance educational policy and practice through knowledge of the law.

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2011 ELA Annual Conference Schedule

Wednesday | November 9, 2011

11:00 A.M. – 5:00 P.M.	Registration Opens
1:30 P.M. – 4:00 P.M.	ELA Board of Directors Meeting (p. 39)
8:30 A.M. – 4:30 P.M.	Illinois Administrators Academy* (p. 7)
1:00 P.M. – 4:15 P.M.	Preconference: Collective Bargaining* (p. 6)
1:00 P.M. – 4:15 P.M.	Preconference: Higher Education Issues* (p. 6)
5:00 P.M. – 6:00 P.M.	Hotel Lobby, casual welcome reception for early arrivals. Cash bar; ELA will purchase appetizers as needed.* (p. 7)

Thursday | November 10, 2011

7:30 A.M. – 4:00 P.M.	Registration & Exhibits
8:00 A.M. – 8:45 A.M.	Business Breakfast & Meeting* (p. 8)
9:00 A.M. – 10:00 A.M.	Feature Session One: Charter School Panel (p. 8)
10:10 A.M. – 11:20 A.M.	Topic Sessions A (p. 9)
11:30 A.M. – 12:40 P.M.	Topic Session B (p. 11)
12:45 P.M. – 2:00 P.M.	Lunch break - lunch on your own
2:00 P.M. – 3:10 P.M.	Topic Session C (p. 13)
3:30 P.M. – 4:45 P.M.	Feature Session Two: Richard Kahlenberg (p. 15)
5:00 P.M. – 6:30 P.M.	Reception & Poster Session* (p. 16)

Friday | November 11, 2011

7:30 A.M. – 5:00 P.M.	Registration & Exhibits
8:00 A.M. – 9:10 A.M.	Roundtable Discussions* (p. 20)
9:20 A.M. – 10:30 A.M.	Topic Session D (p. 23)
10:40 A.M. – 11:50 P.M.	Topic Session E (p. 25)
12:00 P.M. – 1:00 P.M.	Role-Alike Lunch* (ticket required) or lunch on own (p. 27)
1:00 P.M. – 2:10 P.M.	Topic Session F (p. 28)
2:20 P.M. – 3:30 P.M.	Topic Session G (p. 30)
3:45 P.M. – 5:00 P.M.	Feature Session Three: Richard J. Posner (p. 33)
5:15 P.M. – 6:00 P.M.	Past Presidents' Meeting (p. 39)

Saturday | November 12, 2011

7:30 A.M. – 1:00 P.M.	Registration & Exhibits
8:00 A.M. – 9:30 A.M.	Supreme Court Update & Breakfast: Norma Cantu* (p. 33)
9:40 A.M. – 10:50 A.M.	Topic Session H (p. 34)
11:00 A.M. – 12:10 P.M.	Topic Session I (p. 36)
12:30 P.M. – 4:15 P.M.	ELA Board of Directors Meeting (p. 39)



(*) food & beverage included with registration (*) additional fee required to attend

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— Future ELA Conferences —

2012 ELA 58th Annual Conference

Crowne Plaza Beach Resort | Hilton Head, SC | November 7-10



Crowne Plaza Hilton Head Island Beach Resort is a special slice of Southern Hospitality set on the shores of the Atlantic Ocean on a unique sea island in South Carolina. We're worlds apart from the hustle and bustle of your daily routine, but close enough for a quick getaway.

2013 ELA 59th Annual Conference

The Westin Westminster | Westminster, CO | November 13-16



Get away from it all at The Westin Westminster nestled between Boulder and downtown Denver. Enjoy everything the town has to offer from our convenient location on the promenade, only steps away from shops, restaurants, and the nation's largest ice arena.

2014 ELA 60th Annual Conference

Sheraton San Diego Hotel | San Diego, CA | November 8-11



Nestled at the edge of spectacular San Diego Bay, the Sheraton San Diego Hotel & Marina enjoys panoramic views of the bay and the city skyline yet is just 10 minutes from renowned attractions.

First Feature Session

Charter Schools Panel

Thursday, November 10, 2011
9:00 A.M. - 10:00 A.M.
▶ location: Grand Ballroom A/B
(See page 8 for more info)

Andrew Broy, J.D.: President of the Illinois Network of Charter Schools
Renita Thurkal, J.D.: Senior Director of Legal Affairs at the National Alliance for Public Charter Schools
Regina Umpstead, J.D., Ph.D.: Assistant Professor of the College of Education and Human Services at Central Michigan University
Kevin McKenna, J.D.: Attorney for Latsha Davis & McKenna, PC

Second Feature Session

Fighting Education Inequality: Segregation in K-12 Schooling and Legacy Preferences in Higher Education

Thursday, November 10, 2011
3:30 P.M. - 4:45 P.M.
▶ location: Grand Ballroom A/B
(See page 15 for more info)

Richard D. Kahlenberg, J.D.
Senior Fellow at The Century Foundation

Third Feature Session

The Rights of Students, the Duties of Schools

Friday, November 11, 2011
3:45 P.M. - 5:00 P.M.
▶ location: Grand Ballroom A/B
(See page 33 for more info)

The Honorable Richard A. Posner
United States Court of Appeals for the Seventh Circuit

Fourth Feature Session

Supreme Court Update & Breakfast

Saturday, November 12, 2011
8:15 A.M. - 9:30 A.M.
▶ location: Grand Ballroom A/B
(See page 33 for more info)

Norma V. Cantu
School of Education and School of Law at the University of Texas Austin

General ELA Preconference Seminars

Wednesday, November 9, 2011 | 1:00 P.M. - 4:15 P.M.

I. Higher Education

► location: Promenade A

When Going Online Goes Too Far: Managing College Students' Social Networking and Other Online Postings That Result in Bullying, Harassment, and Ridiculing

This interactive presentation will address the legal and educational factors associated with students' online postings and activities, including involvement with social networking sites, that have resulted in episodes of bullying, harassment, and ridiculing of individuals or groups on campus. Members of the panel will present several real life examples to generate discussions about the parties' interests, the potential legal claims, and the educational practice and policy implications.

Kevin P. Brady, M.P.A., M.A., Ph.D.: Associate Professor of Department of Educational Leadership, Policy, and Adult & Higher Education at North Carolina State University, Raleigh, NC

Neal H. Hutchens, J.D., Ph.D.: Assistant Professor of Department of Educational Policy Studies and Evaluation at the University of Kentucky, Lexington, KY

George S. McClellan, M.S.Ed., Ph.D.: Vice Chancellor for Student Affairs, Indiana University–Purdue University Fort Wayne (IPFW), co-editor of the Handbook of Student Affairs, Fort Wayne, IN

Jeffrey C. Sun, M.B.A., J.D., Ph.D.: Associate Professor in Department of Educational Leadership and Affiliate Professor of the School of Law at University of North Dakota, Grand Forks, ND

II. Collective Bargaining

► location: Promenade B

Collective Bargaining Session

This seminar will examine the changes made to collective bargaining statutes in several states over the last year. Panelists include attorneys who represent school districts and those that represent teachers unions. Panelists will also explore the implications of the changes for relationships between school boards and their teachers.

Julie F. Mead, Ph.D.: Professor of Educational Leadership and Policy Analysis at the University of Wisconsin-Madison, Madison, WI

Mike Julka, J.D.: Chair of the School, Municipal, Labor and Employment Law Team at Lathrop and Clark, Madison, WI

Justin Petrarca, J.D., M.A.: Equity Partner of Scariano, Himes, and Petrarca, Chicago, IL

Bruce Meredith, J.D.: Former Chief Counsel for the Wisconsin Education Association Council, Madison, WI

Illinois Administrators Academy

Wednesday, November 9, 2011 | 8:30 A.M. - 4:30 P.M.

► location: River Level I

Prior registration is required.

The Legal Rights of Students and Parents –An Update

This academy focuses on the rights of students and parents with a bonus segment on the Illinois education reform legislation signed June of 2011. The academy is designed for administrators, but attorneys will also gain valuable information.

Segment 1: First Amendment – Freedom of Speech and Religion

Segment 2: Fourth Amendment – Search & Seizure |
Fourteenth Amendment – Due Process

Segment 3: 2011 Education Reform Legislation

Segment 4: Parental Rights & Issues

Segment 5: Student Handbooks

Segment 6: Special Education Related Issues



Casual Welcome Reception

Wednesday, November 9, 2011 | 5:00 P.M. - 6:00 P.M.

► location: Hotel Lobby

Join us in the hotel lobby for a casual welcome reception for those who arrive early. Cash bar; ELA will purchase appetizers as needed.

Business Breakfast & Meeting

Thursday, November 10, 2011 | 8:00 A.M. - 8:45 A.M.

► location: Grand Ballroom A/B

Start the day with a delicious breakfast, updates on ELA, award presentations, and more! The First Feature Session will immediately follow. *No additional cost for paid registrants—guest tickets are available at the registration desk.*

First Feature Session

Thursday, November 10, 2011 | 9:00 A.M. - 10:00 A.M.

Charter Schools Panel

This interactive panel will focus on a broad range of legal questions related to charter schools and their role in public education. The panel and its moderators represent a wide range of experiences with charter schools and will be discussing current issues.

► location: Grand Ballroom A/B

Presenters:

Andrew Broy, J.D.: President of the Illinois Network of Charter Schools, Chicago, IL

Renita Thurkal, J.D.: Senior Director of Legal Affairs at the National Alliance for Public Charter Schools, Washington, DC

Regina Umpstead, J.D., Ph.D.: Assistant Professor of the College of Education and Human Services at Central Michigan University, Mount Pleasant, MI

Kevin McKenna, J.D.: Attorney for Latsha Davis & McKenna, PC, Exton, PA

Presiders:

Stephanie Klupinski, J.D.: Vice President of Government and Public Relations, The Ohio Alliance for Public Charter Schools, Columbus, OH

Preston C. Green, J.D., Ph.D.: Professor of Education and Law, Pennsylvania State University, State College, PA

Sponsored by: Latsha Davis & McKenna, PC

Promotional Opportunities

The Education Law Association has an expanded array of promotional opportunities. Gain valuable exposure with a target audience while supporting the efforts of the Education Law Association. Become a 2012 annual conference sponsor today! Visit educationlaw.org to find out more!

Concurrent Topic Sessions A

Thursday, November 10, 2011 | 10:10 A.M. - 11:20 A.M.

A1: Technology

► location: Promenade A

Education Law 2.0: Exploring New Media

This presentation examines the present and future of online education law information in free or low-cost digital spaces for public classroom collaborative use, such as blogs, Twitter, social networks, podcasts, e-journals, and such.

Mark Walsh: Contributing Writer/Supreme Court Correspondent, *Education Week*, Washington, DC

Justin Bathon, Ph.D.: Assistant Professor, Department of Educational Leadership Studies, University of Kentucky, Lexington, KY

Presenter: Neal H. Hutchens, J.D., Ph.D.: Assistant Professor, Educational Policy Studies and Evaluation, University of Kentucky, Lexington, KY

A2: First Amendment

► location: Promenade B

Petition and Expression: The State of First Amendment Retaliation Litigation in Light of *Duryea* and *Garcetti*

This presentation examines the “petition” and “expression” rights of public school employees in light of the Supreme Court’s holdings in *Duryea* and *Garcetti*.

Richard T. Geisel, J.D., Ph.D.: Associate Professor, Leadership & Learning Department, Grand Valley State University, Grand Rapids, MI

Brenda R. Kallio, Ed.D.: Associate Professor, Educational Leadership Department, University of North Dakota, Grand Forks, ND

The Equal Access Act of 1984: Still Ticking after All These Years

Using federal legislative history and case law, the presenter examines the writing, application, and interpretation of the Federal Equal Access Act of 1984.

William M. Gummerson, Ph.D.: Assistant Professor, Educational Leadership and Studies, REICH College of Education, Appalachian State University, Boone, NC

Presenter: Betty Cox, Ed.D., J.D.: Assistant Professor, Department of Educational Studies, University of Tennessee, Martin, TX

A3: First Amendment | Educational Policy & Administration

► location: Promenade C

Private School Employees and the Scope of the Ministerial Exception

A session concerning the deep circuit split over when the First Amendment should bar employees of religious private schools from suing their employers.

Karen A. Kalzer, J.D.: Principal, Patterson Buchanan Fobes Leitch and Kalzer, Inc., P.S., Seattle, WA

John L. Cooley, Ph.D., J.D.: Attorney, Wooten Hart PLC, Roanoke, VA

Balancing Charism and Secularism in Operating a Successful Private School

This presentation examines the legal challenges faced by mission-based religious and private K-12 schools and suggests strategies to avoid legal pitfalls.

Maureen A. Harton, J.D.: In-House Counsel, Providence Catholic High School, New Lenox, IL

Maureen A. Murphy, J.D.: Senior Counsel Archdiocese of Chicago, Chicago, IL

President: **Charles J. Russo, J.D., Ed.D.:** Panzer Chair in Education, School of Education and Allied Professions, and Adjunct Professor of Law, University of Dayton, Dayton, OH

A4: Equal Protection, Civil Rights, Due Process

► location: Jackson Park

The Latest on Employment Discrimination Law for Schools

This presentation consists of a review by a diverse panel addressing key recent and upcoming developments and policy issues in employment discrimination law and their implications for education.

Patricia K. Buchanan, J.D., M.B.A.: Principal, Patterson Buchanan Fobes Leitch and Kalzer, Inc., P.S., Seattle, WA

Michele Harmon, Ed.D.: Director for Auxiliary Personnel and Health Services, Midland Independent School District, Midland, TX

David C. Bloomfield, J.D., M.P.A.: Professor and Chair, Department of Education, College of Staten Island, Staten Island, NY

John E. Rumel, J.D.: Associate Professor, University of Idaho College of Law, Moscow, ID.

President: **P. Tyson Bennett, J.D.:** Managing Partner, Carney, Kelehan, Bresler, Bennett & Scherr, LLP, Annapolis, MD

A5: Educational Policy & Administration

► location: Grant/Lincoln

Emerging Legal Issues for K-12 Administrators: New Developments in Special Education Law

This interactive session discusses current “hot” legal topics that challenge school administrators on a daily basis. The session presenters—retired school principal, a professor of school law, and an attorney—each offer a unique perspective. Session attendees are encouraged to raise questions and actively participate in the discussion.

Allan Osborne, Ed.D.: Retired Principal Quincy Public Schools, Quincy, MA

Brad Colwell, J.D., Ph.D.: Professor and Dean, College of Education and Human Development, Bowling Green State University, Bowling Green, OH

President: **Self-presiding**

Concurrent Topic Sessions B

Thursday, November 10, 2011 | 11:30 A.M. - 12:40 P.M.

B1: Higher Education Law, Policy, Issues

► location: Promenade A

The Use of Collegiality in Higher Education Employment Decisions: Tenure, Promotions, and Beyond

This presentation explores the legal issues surrounding the use of collegiality as a criterion in higher education employment decisions.

Kerry Brian Melear, Ph.D.: Associate Professor of Higher Education, University of Mississippi, Oxford, MS

Derek Savage, J.D.: Deputy General Counsel, John Hopkins University, Baltimore, MD

Restricting the Outside Speaker's Access to the Public College or University Campus

First Amendment issues and practical recommendations related to a public college or university's access policies governing outside groups or individuals.

Joe Beckham, J.D., Ph.D.: Allan Tucker Professor of Educational Leadership and Policy, Florida State University, Tallahassee, FL

Terry Leas, Ph.D.: President, Riverland Community College, Alberta Lee, MN

Gail Olsen, J.D.: General Counsel, Minnesota State Colleges and Universities, St. Paul, MN

President: Catherine Matthews, J.D., Ph.D., Assistant Dean of Student Affairs, Indiana University Maurer School of Law, Bloomington, IN

B2: Technology | Specialized Topics

► location: Promenade B

State Records Retention Acts, FERPA, and Conundrums of Practice

This presentation examines the Records of Retention Acts of all fifty states and considers the technological and practical conundrums affected by the FERPA-FOIA-RRA intersection, particularly in high-stakes situations such as special education due process hearings. The presentation encourages participants to discuss similar situations implicating FERPA-FOIA-RRA triangle and develop some recommendations for practice and instruction.

Kelly A. Sherrill, J.D., Ph.D.: Assistant Professor, Educational Administration Policy Studies, The George Washington University, Ashburn, VA

FERPA: The Unique Issues of Today

Come join the discussion of FERPA in today's school environment. Learn to be proactive in avoiding health and safety emergencies without violating FERPA's disclosure requirements.

Tracey L. Schneider, J.D.: Board Attorney/In-House Counsel, Stafford Township Board of Education, Manahawkin, NJ

President: Jesulon S. R. Gibbs, J.D., Ph.D.: Assistant Professor of Educational Leadership and Policies, University of South Carolina, Columbia, SC

B3: School Reform | Educational Policy & Administration

► location: Promenade C

The Promise of 360° Principal Evaluation - Maybe

Using caselaw and the results of a ninety-three school pilot of VALED, this presentation looks at potential legal challenges if educators are not prepared to use 360-degree evaluation.

John S. Bell, M.A.: Coordinator, Leadership, and Evaluation, Alabama State Department of Education, AL

Teacher Terminations: Is the “Role Model” Concept a Thing of the Past?

Teachers as “role models” have been replaced by looking at the impact of misconduct on fitness to teach. We explore this phenomenon as it affects teacher terminations.

Leslie R. Stellman, J.D.: Hodes Pessin and Katz, Townson, MD; Education Practice Group Team Leader and Professor of Law, John Hopkins University School of Education, Baltimore, MD

Presenter: **Debra Miretzky, Ph.D.:** Assistant Professor, Western IL University, Macomb, IL

B4: Fourth Amendment

► location: Jackson Park

Law Enforcement Interrogations in School

This presentation informs attendees about various school interrogation issues to include the effect of two recent Supreme Court decisions on at-school interrogations by non-officials.

Joseph P. Derrig, J.D.: Attorney, Patterson Buchanan Fobes Leitch and Kalzer, Inc., P.S., Seattle, WA

Search and Seizure in Public Schools 2011 Update of Fourth Amendment Cases

This presentation focuses on the Fourth Amendment rights of students in public schools including searches of electronic communications and school seizures.

Lawrence F. Rossow, Ed.D.: Dean, School of Education, University of Houston, Victoria, TX

Presenter: **Kevin McKenna, J.D.:** General Counsel to the Pennsylvania Coalition of Public Charter Schools, Latsha Davis & McKenna, Exton, PA

B5: Educational Policy and Administration

► location: Grant/Lincoln

Responding to Student Threats on Campus

The obligations of school administrators (K-college) to identify, monitor, and discipline students who exhibit behaviors that might pose a danger to themselves and others.

Darcy L. Kriha, J.D.: Partner, Franczek Radelet P.C., Chicago, IL

Scott L. Warner, J.D.: Partner, Franczek Radelet P.C., Chicago, IL

A Juxtaposition of Rape and Alcoholism: Effects on Education in America

This presentation purports to expose and shed greater light on direct and indirect influences of rape and alcoholism on learning environments in America.

Vanessa G. Cunningham-Engram, J.D., Ed.D.: Associate Professor, Department of Journalism and Mass Communication, North Carolina Agricultural and Technical State University, Greensboro, NC

President: **Laura A. Dunek, J.D.,** Dissertator, Educational Leadership and Policy Analysis, University of Wisconsin-Madison, Madison, WI

Concurrent Topic Sessions C

Thursday, November 10, 2011 | 2:00 P.M. - 3:10 P.M.

CI: School Finance

► location: Promenade A

It's All About the Money: Perspectives on the State of School Finance

Some of the nation's most distinguished scholars of school finance issues will discuss contemporary developments in school finance.

R. Craig Wood: Professor, University of Florida, Gainesville, FL

William E. Thro, J.D., M.A.: University Counsel & Associate Professor, Christopher Newport University, Newport News, VA

M. David Alexander, Ed.D.: Professor and Chair, Department of Educational Leadership and Policy Studies, Virginia Polytechnic Institute and State University, Blacksburg, VA

Christine Kiracofe, Ed.D.: Associate Professor, Leadership, Educational Psychology, and Foundations, Northern Illinois University, DeKalb, IL

President: **Carlee Poston Escue, Ph.D.:** Assistant Professor, University of Cincinnati, OH

C2: Ethics

► location: Promenade B

Ethics and Education Law: Situational Appreciation, Professionalism, and the Resolution of Conflict

The purpose of this presentation is to discuss ethics and professionalism in education law through an exploration of values formation, situation appreciation, dissent, and resolution of conflict.

Patrick D. Pauken, J.D., Ph.D.: Vice Provost for Governance and Faculty Relations and Associate Professor of Educational Administration and Leadership Studies, Bowling Green State University, Bowling Green, OH

Philip T.K. Daniel, J.D., Ed.D.: William and Marie Fleisher Professor of Educational Administration, Adjunct Professor of Law, The Ohio State University, Columbus, OH

School Counselors and Informed Consent: Legal and Ethical Issues

This presentation addresses discord among school policy, ethics, and law in regard to informed consent for services delivered by school counselors.

Latifye Baker Lafleur, Ph.D.: Assistant Professor of Counselor Education, University of Louisiana, Lafayette, LA

Marc Bourgeois, Ph.D.: Assistant Professor of Counselor Education, University of Louisiana, Lafayette, LA

President: **Brenda R. Kallio, Ed.D.:** Associate Professor, Educational Leadership Department, University of North Dakota, Grand Forks, ND

C3: Specialized Topics

► location: Promenade C

Excessive Violence on the Athletic Field: Acceptable Risk or Criminal Act: What is the Risk of Exposure for School Athletes and School Personnel?

Reviews and analyzes results and interviews from district attorneys regarding possible criminal acts in the school sports arena and the applicable standards and guidelines.

Nathan Roberts, J.D., Ph.D.: Department Head, Educational Foundations and Leadership, University of Louisiana, Lafayette, LA

Robert LeBlanc, Ed.D.: Dean, School of Education, University of St. Thomas, Houston, TX

Catastrophic Injuries in School Athletics: Risks, Prevention, Legal Realities

Risks from catastrophic injuries and concussions, prevention and policy debates, strategic factors in litigation—and the end of school athletics as we know it?

Michael A. Patterson, J.D., L.L.M.: Principal, Patterson Buchanan Fobes Leitch and Kalzer, Inc. P.S., Seattle, WA

President: **Lindsay Nichols:** Legal Intern, The Ohio Alliance for Public Charter Schools, Columbus, OH

C4: Specialized Topics | Special Education

► location: Jackson Park

Response to Intervention (RTI): Implementation and Legal Issues

Response to Intervention (RTI) is a model to identify and provide intervention for students at risk of failure. IDEA and NCSB regulations will be analyzed.

Stanley L. Swartz, Ph.D.: Professor of Education, Department of Educational Leadership Curriculum, California State University, San Bernardino, CA

Cathleen A. Geraghty-Jenkinson, Ph.D.: Lecturer in School Psychology, University of California, Riverside, CA

Challenges to Disproportionate Discipline: Examining Recent Trends

This session provides a review of recent court decisions and OCR Administrative findings pertaining to the legality of school disciplinary policies that result in disproportionate discipline of students of color.

Charles B. Vergon, J.D.: Professor of Educational Leadership, Youngstown State University, Youngstown, OH

Aimee Gibbs, J.D.: Attorney, Dickinson Wright, Detroit, MI

President: **Susan C. Bon, J.D., Ph.D.:** Associate Professor, Education Leadership, George Mason University, Fairfax, VA

C5: Specialized Topics

► location: Grant/Lincoln

Law Reviews, Articles, and Other Scholarly Research & Writings: Top Tips to Get You Published

This special invited panel presentation discusses publishing for tenure and professional fulfillment in the field of education law, including strategies for productivity and positioning yourself for recognition.

Richard Fossey, J.D., Ed.D.: Professor and Mike Moses Endowed Chair in Educational Administration, University of North Texas, Denton, TX

Lewis M. Wasserman, J.D.: Associate Professor, Educational Leadership and Policy Studies, University of Texas at Arlington, Arlington, TX

Suzanne Eckes, J.D., Ph.D.: Associate Professor, Educational Leadership and Policy Studies Department, Indiana University, Bloomington, IN

President: Kelly A. Sherrill, J.D., Ph.D.: Assistant Professor, Educational Administration Policy Studies, The George Washington University, Ashburn VA

Second Feature Session

Thursday, November 10, 2011 | 3:30 P.M. - 4:45 P.M.

Fighting Education Inequality: Segregation in K-12 Schooling and Legacy Preferences in Higher Education

Richard D. Kahlenberg, J.D.

This presentation will address efforts in about 80 districts to integrate public schools by socioeconomic status as well as ongoing efforts in higher education to outlaw admissions preferences for the children of alumni.

► location: Grand Ballroom A/B



Attorney Kahlenberg is a Senior Fellow at The Century Foundation where he writes about education, equal opportunity, and civil rights. He is also a nonresident senior fellow at Education Sector and serves on the advisory board of the Pell Institute. Previously, Kahlenberg was a Fellow at the Center for National Policy, a visiting professor of constitutional law at George Washington University, and a legislative assistant. He graduated from Harvard Law School.

ELA Reception & Poster Session

Thursday, November 10, 2011 | 5:00 P.M. - 6:30 P.M.

► location: Grand Court

Reception:

Immediately following the Second Feature Session, the ELA Reception is the place to have a beverage, a few light hors d'oeuvres, and mingle with your colleagues. *No additional cost for paid registrants—guest tickets are available for purchase at the registration desk.*

Poster Session:

Be sure to visit the poster session presentation tables. Poster sessions provide an alternative presentation mechanism that facilitates more one-on-one communication between the presenter and his or her current and future colleagues, and it also allows for a greater participation for all attendees.

Poster Session Presentations

Thursday, November 10, 2011 | 5:00 P.M. - 6:30 P.M.

Poster One:

Pre-service Teacher Candidates' Perceptions of School Law

Explore the school law perceptions of undergraduate preservice teacher candidates. Participants from one of two states requiring school law at the undergraduate level.

Donald K. Wattam, Ed.D.: Assistant Professor, Educational Leadership, University of Idaho, Coeur d'Alene, ID

Kelly M. Benson, Ed.D.: Assistant Professor, Department of Education, Central Washington University, Ellensburg, WA

Jan Byers-Kirsch, Ed.D.: Director of Field Experiences, Assistant Professor, Educational Foundations and Curriculum, Central Washington University, Ellensburg, WA

Poster Two:

Embracing English Language Learners

During this session, the presenter engages participants in a dialogue brainstorming viable solutions concerning challenges schools face when educating English Language Learners.

Miranda R. Bissoo, M.Ed.: English as a Second Language Teacher (K-12), Montgomery Public Schools, Montgomery, AL

Poster Three:

Does a Need for Desegregation Still Exist? A Discussion of Parent Perceptions

Parent perceptions of the magnet school application and admission practices of the Montgomery Public Schools System, in Montgomery, Alabama, are examined using qualitative methods.

Roslyn H. Daniels, M.A.: Classroom Teacher, Basic Social, Montgomery Public Schools, Montgomery, AL

Poster Four:

High School Journalism and Freedom of Speech: What are the Courts Saying Today?

This presentation addresses the most recent court decisions regarding high school journalism. To what extent may educators exercise editorial control over school publications?

Judith Holmgreen, M.A.: Teacher, Alice Independent School District, Alice, TX
Marilyn J. Bartlett, J.D., Ph.D.: Professor, Educational Leadership and Counseling Department, College of Education and Human Performance, Texas A & M University-Kingsville, Kingsville, TX

Poster Five:

The Legal and Practical Evolution of Title IX and Sexual Misconduct: 1975 to the present.

This poster discusses legal issues and best practices in the context of Title IX as it relates to sexual misconduct on college and university campuses.

Jason Block, MEd, J.D.: Ph.D. Student, Studies in Higher Education, College of Education, University of Kentucky, Lexington, KY

Poster Six:

A Policy Study of the Keeping All Students Safe Act: benefits, Drawbacks, and Unresolved Issues

This poster presents the most up-to-date information available on the Keeping All Student Safe Act, which establishes minimum safety standards to protect students from abusive restraint and seclusion.

Jennifer Connolly, M.A.: Doctoral student, University of Rhode Island/Rhode Island College

Poster Seven:

School Reform

Summarizes state laws to tie teacher evaluation to student achievement data and implications; identifies potential related legal issues; and reviews the minimal related case law.

Donna Gardner, Ph.D.: Professor & Chair, Department of Education, William Jewell College, Liberty, MO

Poster Session Presentations *(continued)*

Poster Eight:

Adequacy in Alabama Educational Funding: An Overview of Case Law

This poster session traces the historical roots of funding for education through case law and how the rulings have shaped educational funding in Alabama

James David King, Ph.D: Adjunct Professor, Research & Foundations, University of Southern Mississippi, Hattiesburg, MS

Thelma J. Roberson, Ph.D: Associate Professor, Educational Studies & Research, University of Southern Mississippi, Hattiesburg, MS

Poster Nine:

Safe and Pleasant vs. Teachable Moments: Future Teacher and First Amendment Rights of Their Future Students

This presentation describes teacher candidates' limited scope of thinking regarding First Amendment rights for students and the challenges this presents in one education law class.

Debra Miretzky, Ph.D: Assistant Professor, Western IL University, Macomb, IL

Poster Ten:

Assessing the Constitutionality of the Wisconsin Public Education (K-12) Finance System

This poster summarizes a doctoral dissertation that addressed the constitutionality of Wisconsin's school finance system.

Mark Paige, J.D.: Professor, University of Massachusetts, Dartmouth, MA

Poster Eleven:

Data and Compliance: Broadening the Scope of What Educators Look At

Ever broadening points of data are being utilized for both informing and measuring student instruction. This session will review evolutionary data being considered as well as review the related regulatory, contract and tort considerations of their use.

Steve Weigler, J.D.: CEO, Scholar Centric, Denver, CO

Poster Twelve:

The Constructs and Operational Models for Bullying: How Does This Affect Social-Emotional Development and Legal Rights of Students with Disabilities?

This presentation examines constructs/operational models for bullying, particularly on how these affect students with disabilities, in the social-emotional and legal spheres of their lives.

Natasha Wilson, J.D.: Ph.D. Candidate, Penn State University, State College, PA

Poster Thirteen:

Hazing Hearings and Laws: Rulings, Risks, and Cyberbullying in the Mississippi University Setting

Hazing is a prevalent activity on college campuses. State laws now forbid libel acts on the Internet; this research describes Mississippi laws related to cyberbullying

Jonathan Woodward, M.A.: Ph.D student, Higher Ed Administration, University of Southern Mississippi, Hattiesburg, MS

Poster Fourteen:

Student Suicide: A Neglected Issue in Higher Education

This poster presentation highlights the many issues pertaining to college student suicide, including the important role of the institution in preventing these suicides.

Rebekah Young, MPH: Program Specialist, University of Southern Mississippi, Hattiesburg, MS

James Young: Graduate Assistant, University of Southern Mississippi, Hattiesburg, MS

Rebecca Holland: Researcher, University of Southern Mississippi, Hattiesburg, MS

Thelma J. Roberson, Ph.D: Associate Professor, Educational Studies & Research, University of Southern Mississippi, Hattiesburg, MS

Poster Fifteen:

Student Suicide in Higher Education: Recommendations for Policy and Prevention Strategies

This poster presentation highlights policy, procedures, and prevention strategies for dealing with issues related to student suicide on college campuses.

Evingerlean Blakney, M.Ed: Graduate Student, University of Southern Mississippi, Hattiesburg, MS

Thelma J. Roberson, Ph.D: Associate Professor, Educational Studies & Research, University of Southern Mississippi, Hattiesburg, MS

The Education Law Association has several endowments that ELA members have funded. Choose to support the *Joseph C. Beckham Dissertation of the Year Award*, the *Steven S. Goldberg Award for Distinguished Scholarship in Education Law*, or the *George Jay Joseph Education Law Writing Award* endowments. Help us continue offering these prestigious national awards each year! Call us at 937-229-3589.

Endowment Fund Opportunities

Roundtable Presentations

Friday, November 11, 2011 | 8:00 A.M. - 9:10 A.M.

Roundtable One:

Critical Incident Technique Utilization in Teaching Public School Law

This session provides a forum for dialogue about Critical Incident Technique as a tool for teaching education law courses to aspiring school leaders.

Lenford C. Sutton, Ph.D., MBA: Associate Professor Educational Leadership, Policy, and Law Doctoral Program, Alabama State University, Montgomery, AL

Roundtable Two:

Everything You Wanted to Know about Muslim Students

This presentation provides administrators, attorneys, and professors with a basic understanding of the beliefs, practices, and rights of Muslim students in a public school.

Robert J. Safransky, Ph.D.: Adjunct Professor of School Law and American Government, Fischler School of Education and Human Services, Nova Southeastern University, North Miami Beach, FL

Roundtable Three:

Dealing with Violent Student Writing in the Public School: Legal and Pedagogical Considerations

This session provides tools for school administrators dealing with student violent writing in the public school and will include pedagogical considerations of writing instruction.

Gretchen Oltman, J.D., Ph.D.: Executive Director, Space and Telecom Law LL.M. Program, Adjunct Professor of Educational Administration, University of Nebraska-Lincoln, Lincoln, NE

The Impact of the growth of Social Media on Teachers' First Amendment Rights

As social networks increase in usage, how are First Amendment rights limited from protecting school employees from dismissal?

Antonio Williams, M.A.: Principal, Hayneville Middle School, Lowndes County, AL

Roundtable Four:

Lessons for Higher Education: K-12 Reform

This presentation examines the lessons higher education should extract from unfolding K-12 reform regarding funding, tenure, demonstrable learning outcomes, and conveying a clear public message.

Clayton H. Slaughter, J.D.: Education Law Attorney, Bloomington, IN

Legislating a Competitive and Diverse STEM Workforce

This roundtable discussion examines STEM education policy and law that supports the United States goal to produce a competitive and diverse STEM workforce.

Calvin Briggs, M.Ed.: Mathematics Instructor, Lawson State Community, Birmingham, AL

Roundtable Five:

Student Injuries During Off-Campus Curricular Programs

This presentation focuses on the legal liability of colleges and universities when students are injured while participating in off-campus programs for academic credit.

Catherine L. Matthews, J.D., Ph.D.: Assistant Dean of Student Affairs, Indiana University Maurer School of Law, Bloomington, IN

Roundtable Six:

Steps to Implementing Response to Intervention (RTI) in a Rural School District

Corey L. Jones, Ed.D.: Student at Alabama State University, RTI Coordinator Perry County School System.

Roundtable Seven:

2011 School Cyberlaw Review: Case and News Highlights

This session addresses important cases and newsworthy developments in technology law. Handouts will provide comprehensive coverage. Primary topics discussed: internet postings, AUPs, e-records, and privacy and safety issues.

David R. Hostetler, J.D., M.A., M.A.T.S.: Associate Professor, Appalachian State University, Boone, NC; Lex-is School Law Services, Chapel Hill, NC

New Technology Creates New Ways to Bully and First Amendment Dilemma for States

No longer does the bully hide behind the bushes. New technology allows the bully to antagonize children virtually anywhere, and schools must respond.

LaShaunda M. Harris, M.Ed: Doctoral Student; Educational Leadership and Policy Law, Alabama State University, Montgomery, AL



Roundtable Eight:

Competing Discourses of Gender and Knowledge in Single-Sex Schools Research, Theory, and Practice

This session discusses how gender is invoked in single-sex school discourses today and discuss some conceptual limitations and practical problems of these discourses for consideration in future policy-making and legal action. The goal of this session is to complicate the theoretical conversations about gender and school knowledge in policy and practices of single-sex schools.

Stephanie D. McCall: Doctoral Candidate, Department of Curriculum and Teaching, Teachers College, Columbia University, New York, NY

Sergio Alati, Ed.D.: Director of Studies, Kent Place School, Summit, NJ

Roundtable Nine:

Bullying/Cyberbullying: The Sticks and Stones that Could Break a Child

Bullying and cyberbullying problems are escalating. Students still do not understand the ramifications of their behaviors. This roundtable will discuss recent court decisions.

Laurie Olivarez: M.A.: Teacher, Science Department, Mathis Independent School District-Mathis, TX

Marilyn J. Bartlett, J.D., Ph.D.: Professor, Educational Leadership and Counseling Department, Texas A&M University- Kingsville, TX

Roundtable Ten:

Not LOL: Legal Issues Encountered During One High School's Response to Sexting

This presentation explores the various legal issues associated with sexting through the experience of one high school's response to a sexting incident.

R. Stewart Mayers, Ed.D.: Associate Professor, Educational Instruction and Leadership Department, Southeastern Oklahoma State University, Durant, OK

Mike F. Desiderio, Ph.D.: Professor, Teaching and Bilingual Education Department, Texas A & M University, Kingsville, Kingsville, TX

Roundtable Eleven:

Look Like Me?

The value of a teacher who “looks like me” relates to implications for educators/lawyers of concepts of implicit bias and level playing field—all explored via interactive exercises and conversation.

Erin McKeag: Doctoral Candidate, University of New Hampshire, School of Law, Concord, NH

Concurrent Topic Sessions D

Friday, November 11, 2011 | 9:20 A.M. - 10:30 A.M.

D1: First Amendment

► location: Promenade A

The Conversation Continues: Establishment Clause Update

This interactive session provides a lively forum for discussion on the current status of religion in the marketplace of ideas known as public education.

Charles J. Russo, J.D., Ed.D.: Panzer Chair in Education, School of Education and Allied Professions, and Adjunct Professor of Law, University of Dayton, Dayton, OH

Edwin C. Darden, J.D.: Appleseed, Washington, DC

Ralph D. Mawdsley, Ph.D., J.D.: Roslyn Z. Wolf Endowed Chair in Urban School Leadership, College of Education and Human Services, Cleveland State University, Cleveland, OH

Martha M. McCarthy, Ph.D.: Chancellor Professor, School of Education, Indiana University, Bloomington, IN

David M. Schimmel, J.D.: Professor, University of Massachusetts at Amherst, School of Education, Amherst, MA

Presider: Self-Presiding

D2: Educational Policy & Administration | Specialized Topics

► location: Promenade B

National War on Collective Bargaining

Comparison of state approaches, reactions, and final outcomes of the collective attempt to eradicate collective bargaining for public employees.

Chad Packer: Doctoral Student, University of Cincinnati, Cincinnati, OH

Janet Decker, J.D., Ph.D.: Assistant Professor, University of Cincinnati, Cincinnati, OH

Carlee Poston Escue, Ph.D.: Assistant Professor, University of Cincinnati, Cincinnati, OH

Preventing Collective Bargaining from Sinking the Ship

School District Collective bargaining has led to catastrophic budget problems for public education, threatening the quality of public education itself. This presentation addresses how we got there, the various options being proposed nationally for solutions, and ways to avoid compounding the problem.

Donald Austin, MAT, J.D.: Principal, Patterson Buchanan Fobes Leitch and Kalzer, Inc., P.S., Seattle, WA

Presider: Jon Anderson, J.D.: Team Leader of the HR & Employment Law Practice Group, Godfrey & Kahn, SC, Madison, WI.

D3: School Reform

► location: Promenade C

My Kind of Loyalty: The Legal Impact of Changing Governance Models on Public Education and its Office Holders

This session explores the legal implications of rapidly evolving models of school governance in suburban and urban areas of the United States.

David Doty, J.D., Ph.D.: Superintendent, Canyons School District, Sandy, UT

Jeff Christensen, M.A., J.D.: Coordinator of Policy Research, Canyons School District, Sandy, UT

John Borkowski, J.D.: Partner, Hogan Lovells LLP, Washington, DC

Robert A. Garda, Jr., J.D.: Associate Professor, Loyola University New Orleans College of Law, New Orleans, LA

President: Leslie R. Stelman, J.D.: Hodes Pessin and Katz, Townson, MD, Education Practice Group Team Leader and Professor of Law, John Hopkins University School of Education, Baltimore, MD

D4: Higher Education Law, Policy, Issues

► location: Jackson Park

Gun Control on College and University Campuses in the Wake of *District of Columbia v. Heller* and *McDonald v. City of Chicago*

This presentation examines the effects the Supreme Court's 2010 *McDonald vs. City of Chicago* decision on state-levels campus gun control legislation. Special attention is devoted to the question of state preemption of local government (including states and universities) entering the field; state constitutional protections related to keeping and bearing arms; and the level of scrutiny this right enjoys under the Second Amendment and State Constitutional counterparts.

Lewis M. Wasserman, J.D.: Associate Professor, Educational Leadership and Policy Studies, University of Texas at Arlington, Arlington, TX

My Student's Got a Gun: A Perspective of the Second Amendment versus Higher Education Institutions

Pending Texas legislation and its implications and constitutionality in regards to the Second Amendment on higher education campuses.

Termika Smith, MPA: Doctoral Student, Educational Leadership Policy and Law Department, Alabama State University, Montgomery, AL

President: Catherine L. Matthews, J.D.: Assistant Dean of Student Affairs, Indiana University Maurer School of Law, Bloomington, IN

CLE Credit

Attorneys may earn both general and ethics Continuing Legal Education (CLE) credits by attending the ELA Annual Conference.

D5: Educational Policy & Administration

► location: Grant/Lincoln

Valuing Their Voices: Encouraging Responsibility and Citizenship through Student Participation in School Decision Making

Greater student participation in school decision making and in conflict resolution: this presentation discusses research that considers the how and why in a cohort of Australian schools.

Sally Varnham, Ph.D.: Associate Professor Faculty of Law, University of Technology, Sydney, Australia

Dating Violence, Don't Ignore It!

This presentation addresses the responsibility that school districts have in preventing and intervening in school dating violence issues.

Jeanne L. Surface, Ed.D.: Assistant Professor, Department of Educational Administration and Supervision, University of Nebraska at Omaha, Omaha, NE

David L. Stader, Ed.D.: Professor and Chair Department of Educational Leadership and Counseling, Southeast Missouri State University, Cape Girardeau, MO

Jerry Lowe, Ph.D.: Professor and Chair, Department of Educational Leadership, University of Texas Pan American, Edinburg, TX

President: Betty Cox, Ed.D., J.D.: Assistant Professor, Department of Educational Studies, University of Tennessee, Martin, TX

Concurrent Topic Sessions E

Friday, November 11, 2011 | 10:40 A.M. - 11:50 P.M.

E1: Educational Policy & Administration

► location: Promenade A

When Bullies Come to School: Legal and Practical Guidance

The latest studies and guidance on bullying and cyberbullying, focusing on the constitutional and practical issues involved in preventing, disciplining, and addressing bullying and cyberbullying.

Lynn Rossi Scott, J.D.: Shareholder, Brackett, and Ellis, P.C., Fort Worth, TX

Wayne Haglund, J.D.: Partner, Haglund Law Firm, Lufkin, TX

President: Robert Stewart Mayers, Ed.D.: Associate Professor, Southeastern Oklahoma State University, Durant, OK

E2: First Amendment | Higher Education Law, Policy, Issues

► location: Promenade B

Employee Speech Issues in Schools and Universities

A review of employee speech retaliation litigation involving both higher education and K-12 schools since *Garcetti*.

Dave Dagley, J.D., Ph.D.: Professor, Educational Leadership, University of Alabama, Tuscaloosa, AL

Amy L. Dagley, Ph.D. Candidate: University of Alabama, Tuscaloosa, AL

Lawrence Lee Oldaker, Ed.D.: Professor Emeritus, The University of Alaska Southeast, Juneau, AK

“*CLS v. Martinez*” and Evolving Notions of Judicial Deference to Co-Curricular Decisions

This presentation examines the evolving implications of *CLS v. Martinez* in relation to the extracurricular realm as an extension of institutional academic judgment.

Neal H. Hutchens, J.D., Ph.D.: Assistant Professor, Educational Policy Studies and Evaluation, University of Kentucky, Lexington, KY

Presenter: William E. Thro, J.D., M.A.: University Counsel & Associate Professor, Christopher Newport University, Newport News, VA

E3: Educational Policy and Administration | School Reform

► location: Promenade C

Public Schools, Private Employers? A Closer Look at the Labor Relations of Public Charter Schools

Should charter schools be considered public or private entities for labor relations purposes? This presentation examines a case before the NLRB addressing this important issue.

Stephanie Klupinski, J.D.: Vice President of Government and Public Relations, The Ohio Alliance for Public Charter Schools, Columbus, OH

Sam Lieberman, J.D.: Assistant Director of the American Federation of Teachers Legal Department, Washington, DC

Lindsay Nichols: Legal Intern, The Ohio Alliance for Public Charter Schools, Columbus, OH

Kevin Stanek: Legal Intern, The Ohio Alliance for Public Charter Schools, Columbus, OH

Embedding Fairness/Due Process throughout the Evaluation of Teachers

This presentation focuses on ways to embed fairness and due process measures throughout the evaluation of teachers, particularly when student performance is a component.

Joseph J. Matula, Ph.D.: Assistant Professor, Educational Administration, Governors State University, University Park, IL

Scott Uhler, J.D.: Attorney, Klein, Thorpe & Jenkins, Ltd., Chicago, IL

Presenter: Rich Haglund, J.D.: Director of Charter Schools, Tennessee Department of Education

E4: Special Education

► location: Jackson Park

A New Look at Section 504 and the ADA in Special Education Cases

Schools are finding fewer children IDEA-eligible, but recently Congress dramatically expanded Section 504 and ADA coverage. This presentation explores the appropriate-education rights of Section 504-eligible children.

Mark C. Weber, J.D.: Vincent DePaul Professor of Law, DePaul University College of Law, Chicago, IL

Presenter: Emily Richardson, J.D.: Associate Instructor, Education Management, Indiana University, Bloomington, IN

E5: Specialized Topics | Higher Education Law, Policy, Issues

► location: Grant/Lincoln

An Analysis of Public Colleges' Retrenchment Policies: A Nationwide Study Along with Legal Practice Implications

This presentation examines layoff/retrenchment policies at public colleges and universities among the 50 states. Its aim is to offer practical advice for academic researchers, college faculty, administrators, and lawyers to carry out, argue, avoid, or investigate retrenchment activities.

Jeffrey C. Sun, J.D.: Assistant Professor of Educational Leadership & Affiliate Assistant Professor of Law, University of North Dakota, Grand Forks, ND

The Voices of the *Bartlett* Case: A Ten-Year Retrospective and the Influence on Disabilities Law Today

Ten-year retrospective look at the inequity that necessitated the Bartlett case, the far-reaching impact from their personal and professional perspectives, and recent cases will be discussed.

Marilyn J. Bartlett, J.D., Ph.D.: Professional Educational Leadership and Counseling, Texas A&M University, Kingsville, TX

JoAnne Simon, Esq.: Adjunct Professor Fordham University and Office of JoAnne Simon Brooklyn, NY

Lamar I. Garcia: Graduate Candidate at Texas A&M University, Kingsville, TX

President: Scott Ferrin, Ed.D.: Associate Professor of Educational Leadership and Foundation and Adjunct Professor of Law, Brigham Young University, Provo, UT

Role-Alike Luncheon

Friday, November 11, 2011 | 12:00 P.M. - 1:00 P.M.

- Professors: Grand Ballroom A/B
- Attorneys: Grand Ballroom C
- Administrators: Promenade B

Join your constituency group colleagues for lunch and a relevant discussion on current topics.

Each attendee is required to present a role-alike lunch ticket upon arrival. Tickets are included in the registration packet for those who indicated, at time of registration, that they would be attending the Role-Alike Luncheon.

Concurrent Topic Sessions F

Friday, November 11, 2011 1:00 P.M. - 2:10 P.M.

F1: Specialized Topics

► location: Promenade A

Everything You Need to Know About Insurance and Education Law But Were Afraid to Ask

An overview of insurance and risk management, the surprising way they shape education law, and why they should be part of education law courses.

Duncan K. Fobes, J.D.: Principal,, Buchanan Fobes Leitch and Kalzer, Inc., P.S., Seattle, WA

Deborah Callahan, B.A.: Assistant Executive Director, Washington Schools Risk Management Pool, Tukwila, WA

President: Patrick D. Pauken, J.D., Ph.D.: Vice Provost for Governance and Faculty Relations and Associate Professor of Educational Administration and Leadership Studies, Bowling Green State University, Bowling Green, OH

F2: Special Education

► location: Promenade B

IDEA Resolution Procedures: A Report on the Perspective of State Directors of Special Education

Presenters provide an update on dispute resolutions under IDEA and share the perspectives of state special education directors regarding due process hearings and mediation settings.

Lois F. Berlin, Ed.D.: Superintendent, Falls Church City Public Schools, Falls Church, VA

Christopher P. Borreca, J.D.: Partner, Thompson and Horton, LLP, Houston, TX

When Parents Unilaterally Place a Child Challenged with Disabilities in a Private School: A Game of High Stakes Poker for Both Parents and School Officials

Following the Supreme Court's Decision in *Forest Grove School District v. T.A.* this presentation updates of parent eligibility to receive reimbursement for the unilateral placement of a child in a private school.

Jon G. Crawford, J.D., Ph.D.: Assistant Professor, Leadership, Educational Psychology, and Foundations Department, Northern Illinois University, DeKalb, IL

Megan Clarke: Director of Student Services, Aptakisic-Tripp School District No. 102, Buffalo Grove, IL

President: Susan C. Bon, J.D., Ph.D.: Associate Professor, Education Leadership, George Mason University, Fairfax, VA

F3: Educational Policy and Administration | Specialized Topic

► location: Promenade C

Intellectual Property and the Online Course; Who Owns What?

A discussion of current policy regarding online course development, content and delivery methods. How do intellectual property laws address ownership rights? Several institutional policies are presented with the benefits and detriments of each. Additionally, who benefits overall from development of online courses?

Carrie J. White, MBA, J.D.: Associate Professor, Department Chair, College of Business, West Liberty University, West Liberty, WV

Educators' Copyrights and Copylefts

Knowledge of educators' copyrights and copylefts is necessary to prevent educators from violation the law, when using limited copyrighted material and open educational resources.

Rosalyn L. Warren, Ed.D. Student: Educational Leadership, Policy, and Law student, Alabama State University, Montgomery, AL

President: Joy Blanchard, Ph.D.: Assistant Professor of Higher Education, Florida International University, Miami, FL

F4: Specialized Topics

► location: Jackson Park

The Lord is Not on Trial Here Today

Awarded the ABA's Silver Gavel Award, the film "The Lord is Not on Trial Here Today" tells the personal story behind *McCullum v. Board of Education*, one of the most important First Amendment cases in U.S. history. Filmmaker Jay Rosenstein presents his experience of making this documentary.

Jay Rosenstein, Three-time Emmy winning independent documentary producer, director, writer, and editor; Jay Rosenstein Productions

President: Edwin C. Darden, J.D.: Appleseed, Washington, DC

F5: Specialized Topics

► location: Grant/Lincoln

Increasing the Legal Literacy of Beginning Principals: Creating Principal-Centered Professional Legal Learning School Communities

A national survey revealed that the vast majority of current K-12 teachers in the United States have not taken one single school law course in either their pre- or inservice programs. While this is troubling news, what we do know that is promising is that today's principals; especially those that have recently graduated from school leadership preparation programs have the potential to be the primary purveyor of legal information in the school for their teachers and the overall staff.

Kevin P. Brady, Ph.D.: Assistant Professor, Department of Leadership, Policy, Adult and Higher Education, North Carolina State University, Raleigh, NC

Matthew Militello, Ph.D.: Assistant Professor, North Carolina State University, NELE Fellows, Department of Leadership, Policy, Adult and Higher Education,

Raleigh, NC

Annabel Bello, Department of Leadership, Policy, Adult and Higher Education, Raleigh, NC

Sean Murphy, Department of Leadership, Policy, Adult and Higher Education, Raleigh, NC

Innovations in Teaching School Law: Top Tips and Helpful Hints to Create Empowered Educators

Presenters provide sample lesson plans to demonstrate how school law instructors can teach law and ethics in an engaging format through the use of multimedia (e.g. YouTube clips, etc.).

Suzanne Eckes, J.D., Ph.D.: Associate Professor, Educational Leadership and Policy Studies Department, Indiana University, Bloomington, IN

Matthew Militello, Ph.D.: Assistant Professor, Department of Educational Leadership and Policy Studies, North Carolina State University, Raleigh, NC

Presiders: **Leslie R. Stelman, J.D.:** Hodes Pessin and Katz, Townson, MD, Education Practice Group Team Leader and Professor of Law, John Hopkins University School of Education, Baltimore, MD

& **David M. Schimmel, J.D.:** Professor, University of Massachusetts at Amherst, School of Education, Amherst, MA

Concurrent Topic Sessions G

Friday, November 11, 2011:2:00PM-3:30 PM

G1: Special Education

► location: Promenade A

Case law for Functional Behavior Assessments and Behavior Intervention Plans: An Empirical Analysis

A comprehensive and systematic analysis of the court decisions concerning the use of restraints with students with disabilities from 1980 to 2010.

Perry A. Zirkel, Ph.D.: J.D., LL.M.: University Professor of Education and Law, Lehigh University, Bethlehem, PA

Caitie A. Lyons, M.Ed.: Middle School Coordinator, Centennial School of Lehigh University, Bethlehem, PA

Presider: **Laura Anthony, Esq.:** Bricker & Eckler LLP, Columbus, OH

G2: Tort Law | Technology

► location: Promenade B

A Comparative Study of K-12 and Higher Education Sport-Related Negligence Litigation

Liability for injuries/death in K-12 and higher education sector are examined. Theory of organizational culture is used to help explain a slow response.

Joy Blanchard, Ph.D.: Assistant Professor of Higher Education, Florida International University, Miami, FL

Bullying and Cyberbullying Amount U.S. Teens: New Standards for Judging School District Liability Emerging in the American Courts

This presentation examines current legal developments in the areas of sexting and cyberbullying on K-12 campuses and place both in the wider context of sexual harassment of students.

Kathleen Conn, Ph.D., J.D., L.L.M.: Associate Professor, Division of Education and Human Services, Neumann University, Aston, PA

Presenter: **Kelly A. Sherrill, J.D., Ph.D.:** Assistant Professor, The George Washington University, Educational Administration Policy Studies, Ashburn VA

G3: Educational Policy & Administration

► location: Promenade C

School Policing Update

A panel discussion providing an update to the 2010 ELA Conference presentation concerning the law about police in K-12 schools. The presenters represent three of the four authors of the ELA monograph entitled *The Challenges to School Policing*.

Betty Cox, Ed.D., J.D.: Assistant Professor, Department of Educational Studies, University of Tennessee, Martin, TX

M. David Alexander, Ed.D.: Professor and Chair, Department of Educational Leadership and Policy Studies, Virginia Polytechnic Institute and State University, Blacksburg, VA

Luke M. Cornelius, Ph.D., J.D.: Associate Professor of Educational Leadership, Department of Leadership, School Counseling, and Sport Management, University of North Florida, Jacksonville, FL

Sharing Student Information with Police

When is sharing student information with police required, permitted, or forbidden? The issue is examined from multiple perspectives: FERPA, disability law, tort law, and criminal law.

Lynn M. Daggett, J.D., Ph.D.: Professor, Gonzaga Law School, Spokane, WA

Presenter: **Leslie R. Stellman, J.D.:** Hodes Pessin and Katz, Townson, MD, Education Practice Group Team Leader and Professor of Law, John Hopkins University School of Education, Baltimore, MD

G4: Equal Protection, Civil Rights, Due Process | Educational Policy & Administration

► location: Jackson Park

Parents Involved, School Assignment Plans, and the Equal Protection Clause: The Case for Special Constitutional Rules

This presentation puts forth a contextualized standard of strict scrutiny that unifies Equal Protection jurisprudence with the Court's treatment of other students' rights cases.

Julie F. Mead, Ph.D.: Professor and Chair, Educational Leadership & Policy Analysis, University of Wisconsin, Madison, WI

Preston C. Green, J.D., Ph.D.: Professor of Education and Law, Pennsylvania State University, State College, PA

Unsticking the Stuck School District: An Analysis of Two Districts Breaking Free of Decades of Stagnation

Nearly 60 years after *Brown*, case studies of specific communities examine how districts continue to pursue goals in very different ways.

Daniel Kiel, J.D.: Assistant Professor, Cecil C. Humphreys School of Law, The University of Memphis, Memphis, TN

President: David C. Bloomfield, J.D., M.P.A.: Professor and Chair, Department of Education, College of Staten Island, Staten Island, NY

G5: First Amendment | Specialized Topic

► location: Grant/Lincoln

Student Use of Technology: The Good, the Bad, and the Ugly

Review of issues for both lawyers and administrators regarding the use of technology including cyberbullying, cell phones, and the practice of “sexting.”

Elizabeth T. Lugg, J.D., Ph.D.: Associate Professor, Education Law, College of Education, Illinois State University, Normal, IL

Cathleen Weber: Assistant Principal, Ridgeview Junior/Senior High School, Colfax, IL

Andrea Markert: Assistant Principal, University High School, Normal, IL

But, Grandma Didn’t Go to a Charter School: How Public Charter Schools Can Help All Public Schools Survive Fiscal Austerity and Policy Combustion

She didn’t used to be on Facebook, either. Come learn how these legal toddlers can help all public schools survive fiscal austerity and policy combustion.

Rich Haglund, J.D.: Director of Charter Schools, Tennessee Department of Education, Nashville, TN

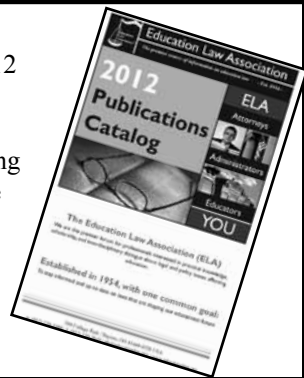
Kathryn Mullen Upton, J.D.: Fordham Foundation, Director of Sponsorship, Thomas B. Fordham Institute

President: Stephanie Klupinski, J.D.: Vice President of Government and Public Relations, The Ohio Alliance for Public Charter Schools, Columbus, OH

ELA Publications

Look inside your registration packet for a 2012 publications catalog.

Various ELA books and monographs, including *The Yearbook of Education Law 2011*, will be on display during the conference at the ELA registration desk. Stop by during registration hours to place your order. Receive free shipping on your purchase when you pay for your order at the conference.



Third Feature Session

Friday, November 11, 2011 | 3:45 P.M. - 5:00 P.M.

The Rights of Students, the Duties of Schools

The Honorable Richard A. Posner, A.B., LL.B.

The Supreme Court has bestowed constitutional rights, notably to free speech, on students in public schools; but those rights must be balanced against the duties of public schools, which include maintaining discipline, maintaining an atmosphere conducive to learning, protecting students against harassment, and subsuming these duties--educating. And these duties, though not mentioned in the Constitution (which preceded public education) have the same constitutional dignity as student rights.

► location: Grand Ballroom A/B



Judge Posner, a renowned and distinguished legal scholar, is currently serving the United States Court of Appeals for the Seventh Circuit and is a Senior Lecturer at the University of Chicago Law School. He was nominated by President Ronald Reagan in 1981 and is an influential figure on the intersection of law and economics. Judge Posner has written nearly 40 books on legal philosophy and jurisprudence, and the New York Times has referred to Posner as one of the most well-respected judges in the country.

Fourth Feature Session

Saturday, November 12, 2011 | 8:15 A.M. - 9:30 A.M.

Supreme Court Update & Breakfast*

Norma V. Cantu, J.D.

Get an overview of recent and upcoming cases, as well as other important legal issues and national trends, and their impact on education.

► location: Grand Ballroom A/B



Professor Cantu, who teaches in both the School of Education and School of Law at the University of Texas Austin, will present the annual U.S. Supreme Court Update. Prior to her post at UT, she served for eight years as Assistant Secretary of Education for Civil Rights in the Clinton Administration and also served as the regional counsel and education director for the Mexican-American Legal Defense and Educational Fund.

Concurrent Topic Sessions H

Saturday, November 12, 2011 | 9:40 A.M. - 10:50 A.M.

H1: First Amendment

► location: Promenade A

The Government Speech Document in Public Schools

The “recently minted” government speech doctrine is an absolute defense in viewpoint and discrimination cases. This session explores how that doctrine will affect claims against public schools.

Kristi L. Bowman, J.D., M.A.: Associate Professor, Michigan State University College of Law, East Lansing, MI

Worried Parents Don’t Give a *Tinker*’s Damn about *Tinker*: How Schools Should Deal with Cyberbullying

Overview of the challenges for administrators and their counsel responding to abuses of technology when available case law is inapplicable or of little practical value.

Thomas E. Hutton, J.D.: Attorney, Patterson Buchanan Fobes Leitch & Kalzer, Inc., P.S., Seattle, WA

Presenter: Jesulon S. R. Gibbs, J.D., Ph.D.: Assistant Professor of Educational Leadership and Policies, University of South Carolina, Columbia, SC

H2: School Reform | Specialized Topic

► location: Promenade B

No Child Left Behind (Bars): Examining the Right to Education in Juvenile Residential Facilities and the Impact on African American Males

This presentation examines the importance of the right to education and African-American males residing in juvenile detention centers.

Dannelle F. Walker, Esq.: General Counsel, TN State Board of Education, Nashville, TN

Jeff VanCollins, JD, Ph.D.: Solo Practitioner, Legal & Education Policy Consultant, Washington, DC

Hope for the Homeless Youth: The McKinney-Vento Act and the Promise of Educational Access and Success

This session provides an overview of the laws, cases, and policies impacting the education of homeless youth and makes recommendations to address their educational needs.

Susan C. Bon, J.D., Ph.D.: Associate Professor, Education Leadership, George Mason University, Fairfax, VA

Clifton S. Tanabe, J.D., Ph.D.: Assistant Professor and Director, Leaders for the Next Generation Program, University of Hawaii at Manoa, Honolulu, HI

Nicole D. Snyder, Esq.: Attorney, Latsha Davis & McKenna, PC, Exton, PA

Presenter: David Doty, J.D., Ph.D.: Superintendent, Canyons School District, Sandy, UT

H3: Equal Protection, Civil Rights, Due Process

► location: Promenade C

Excellent Classroom Instruction: An Examination of Race to the Top, Teacher Accountability, and Teacher Evaluation in Colorado

Examined in this presentation is the concept of teacher accountability from the perspective of Race to the Top and SB-191, which significantly altered tenure in Colorado.

David Peak, Ph.D.: Director for Human Resources, Academy School District 20, Colorado Springs, CO

Martin Pearson: Doctoral Candidate, Educational Leadership and Policy Studies, University of Northern Colorado, Greeley, CO

George Jay Joseph Education Law Writing Award Winner

This presentation applies a law and economic analysis to the charter school sector to show that, as currently set up, the charter school sector is an inefficient and ineffective market for our children's education, and proposes more precise charter school revocation statutes in order to create a more efficient and effective market.

Dylan P. Grady, J.D. 2012: Valparaiso University School of Law, Valparaiso, IN
President: Spencer C. Weiler: Assistant Professor, Educational Leadership and Policy Studies, University of Northern Colorado, Greeley, CO

H4: School Reform | Educational Policy and Administration

► location: Jackson Park

Race to the Top: Changes in Teacher and Principal Evaluation

This presentation provides attendees with an understanding of the teacher and principal evaluations systems that were developed for states to be eligible for Race To the Top money.

Carole de Casal, Ed.D, MBA: Department Chair and Professor in Educational Administration, Tennessee State University, Nashville, TN

Brett Allen Geier, Ed.D.: Assistant Professor, Department of Educational Leadership, University of South Florida, Tampa, FL

District Safeguards to Protect Privacy and Support Race to the Top

Privacy concerns have greatly expanded since the awarding of Race to the Top (RTTT) grants to state education agencies and local school districts. The RTTT emphasizes the expansion of data collection and reporting to include linkages to student/teacher/course. This presentation outlines a mid-sized school district's implementation of internal safeguards that shield the sharing of data while adhering to federal and state laws regarding data transfer and privacy.

Brandan Keaveny, Ed.D.: Director of Accountability, Office of Accountability, Rochester City School District, Rochester, NY

President: David Peterson, Ph.D.: Interim Superintendent, Scottsdale Unified Schools, Scottsdale, AZ

H5: Equal Protection, Civil Right, Due Process

► location: Grant/Lincoln

Forty Years Later: Did Affirmative Action Work? Affirmative Action Hiring and Assignment Practices of Teachers and Administrators in a Central Florida School District

This presentation examines affirmative action hiring and assignment practices of teachers and principals in Pinellas County Schools forty years after the *Bradley v. Board of Public Instruction of Pinellas County*.

Darlene Y. Bruner, Ed.D.: Associate Professor, University of South Florida, Tampa, FL

Oswaldo Piedra, Ed.D.: Secondary School Administrator, Pinellas County, FL

The Jefferson County and Seattle Voluntary Desegregation Plans: Before and After the PICS Decision

This presentation analyzes changes in school desegregation patterns in southern metropolitan areas from 1993-94 through 2008-09.

William J. Glenn, J.D., Ph.D.: Assistant Professor, Educational Leadership Department, Virginia Tech, Falls Church, VA

President: Janet Decker, J.D., Ph.D.: Assistant Professor, University of Cincinnati, Cincinnati, OH

Concurrent Topic Sessions I

Saturday, November 12, 2011 11:00 AM- 12:10 PM

II: Technology

► location: Promenade A

Can Technology Influence Court Decisions?

Technology is becoming an integral part of the operation of courts today. Use by the courts in one thing, use by the jurors is another.

Kenneth E. Lane, Ed.D.: Professor, Department of Educational Leadership & Technology, Southeastern Louisiana University, Hammond, LA

Stephen S. Goldberg Award for Distinguished Scholarship in Education Law

In reviewing the legacy of *Brown v. Board of Education*, *Brown's Wake: Legacies of America's Educational Landmark* presenters examine the reverberations of *Brown* in American schools, including efforts to promote equal opportunities for all kinds of students. The criteria placed on many initiatives carry serious consequences for both the character of American education and civil society itself.

Martha L. Minow, M.Ed., J.D., Dean, Harvard Law School, Cambridge, MA

President: R. Craig Wood: Professor, University of Florida, Gainesville, FL

12: First Amendment | Educational Policy and Administration

► location: Promenade B

The Use of Strategic Lawsuits Against Public Participation in Educational Settings

Discusses the use of SLAPP suits in education settings and highlights their potential threat to speech by public participants in educational policy making settings such as school board meetings.

Scott Ferrin, JD, Ed.D.: Associate Professor of Educational Leadership and Foundations and Adjunct Professor of Law, Brigham Young University, Provo, UT

Alternative Certification, Teach for America, and the Search for High Quality Teachers

This presentation is a legal and policy exploration of alternatively certified teachers. It explores the implications of assigning these teachers as “highly qualified” under NCLB.

Heather Cole, LLB, MPA, M.Ed.: Doctoral Student, Department of Educational Policy and Planning, Faculty of Education, The University of Texas at Austin, Austin, TX

President: William M. Gummerson, Ph.D.: Assistant Professor, Educational Leadership and Studies, REICH College of Education, Appalachian State University, Boone, NC

13: School Reform | Tort Law

► location: Promenade C

State Legislation and the Politics of Public Education in Louisiana

This presentation highlights state legislative decision making (action) in support of school reform as one model for federal involvement in state political action.

Paul E. Green, Ph.D.: Associate Professor, Ethnic Studies Department, University of California, Riverside, Riverside, CA

Systematic Failure in the 21st Century: A Case Study Related to Educational Malpractice

Do systems blatantly fail students today? The case of a student is discussed as a catalyst for exploring educational malpractice, special education, and communication issues.

Spencer C. Weiler, Ph.D.: Assistant Professor, Educational Leadership and Policy Studies, University of Northern Colorado, Greeley, CO

Anthony Armenta, Ed.D.: Associate Professor, Educational Leadership and Policy Studies, University of Northern Colorado, Greeley, CO

Joe Dinnetz: Graduate Student, Educational Leadership and Policy Studies, University of Northern Colorado, Greeley, CO

President: Carole de Casal, Ed.D, MBA: Department Chair and Professor in Educational Administration, Tennessee State University, Nashville, TN

14: Educational Policy and Administration

► location: Jackson Park

Title IX’s “Deliberate Indifference” Standard for Determining School Liability under Title IX When Students Are Sexually Abused by School Employees: How Effective Is It Encouraging Vigilance by School Officials?

Presenters offer a detailed analysis of the federal courts’ interpretation of the “deliberate indifference” standard articulated in *Gebser v. Lago Vista ISD* in cases involving allegations of sexual abuse of students by school employees.

Richard Fossey, J.D., Ed.D.: Professor and Mike Moses Endowed Chair in Educational Administration, University of North Texas, Denton, TX

Todd A. DeMitchell, Ph.D.: Professor and Chair, Department of Education, Lamberton Professor, Justice Studies Program, University of New Hampshire, Durham, NH

Laws and Responsible Practices to Address Physical Assault Against Teachers

A discussion of legal issues and school district/campus policies and practices in promoting a safe school environment to prevent and minimize physical assaults against teachers.

Cheryl A. Vital, J.D.: Program Director of Security and Safe and Drug Free Schools & Communities, Galena Park Independent School District, Houston, TX

Gary T. Schumacher, Ph.D.: Assistant Professor, Educational Leadership Program, University of Houston-Clear Lake, Houston, TX

Lawrence T. Kajs, Ed.D.: Professor and Chair, Educational Leadership Program, University of Houston-Clear Lake, Houston, TX

Presenter: Michelle Gough McKeown, Ph.D. candidate: Legal & Policy Specialist, Indiana Department of Education, Indianapolis, IN.

15: First Amendment | Educational Policy & Administration

► location: Grant/Lincoln

Freedom of Religion and Mandatory Education about Ethics and Religious Culture: A Canadian Perspective

Drawing on recent cases, the presenter examines the distinction between education about religion and religious education to see how Canadian judges respond to evolving pluralism.

Paul T. Clarke, LL.M., Ph.D.: Associate Professor, Educational Leadership, University of Regina, Saskatchewan, Canada

Navigating Religion in Public Schools in the Buckle of the Bible Belt

High profile cases in Virginia demonstrate that our public schools remain in the cross hairs of the debate regarding the Establishment Clause.

Mark Lineburg, Ed.D.: Superintendent, Bristol Virginia Public Schools, Bristol, VA

Jennifer Sughrue, PhD: Professor, Old Dominion University, Norfolk, VA

Brian Ratliff, Ed.D.: Superintendent, Amherst County Public Schools, Amherst, VA

Presenter: Edwin C. Darden, J.D.: Appleseed, Washington, DC

Special Meetings

Board of Directors Meetings

Wednesday, November 9, 2011 | 1:30 - 4:00 P.M.

▶ location: Washington Park

Saturday, November 12, 2011 | 12:30 - 4:15 P.M.

▶ location: Washington Park

School Law Reporter Committee Meeting

Friday, November 11, 2011 | 5:15 - 6:00 P.M.

▶ location: Promenade A

2012 Conference Program Meeting

Friday, November 11, 2011 | 5:15 - 6:00 P.M.

▶ location: Promenade B

Past Presidents Meeting

Friday, November 11, 2011 | 5:15 - 6:00 P.M.

▶ location: Promenade C

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Philip T. K. Daniel

Joseph Award

Perry Zirkel

2011 Conference Program

Suzanne Eckes & Tom Hutton

McGhehey Award

Charles Russo

Development

Joseph Beckham &
Martha McCarthy

Membership:

Kerry Brian Melear

Beckham Award

Richard Fossey &
Patrick Pauken

Nominations

Brad Colwell

ELIP

Allan Osborne, Jr.
& Ralph Mawdsley

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Goldberg Award

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Kimberly Cunningham

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1993	Martha L. Ware	2007	M. David Alexander
1994	Floyd G. Delon	2008	Allan G. Osborne, Jr.
1995	August W. Steinhilber	2009	R. Craig Wood
1996	Joseph C. Beckham	2010	Terrence Leas
1997	Nelda Cambron-McCabe		

Joseph C. Beckham Dissertation of the Year Award

1987	Rosette Liberman	2001	Kerry Brian Melear
1990	Terrence Leas	2002	Watt Lesley Black, Jr.
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1992	Anne Browning Masters	2004	Judith Risch
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2009	Benjamin M. Superfine		

George Jay Joseph Education Law Writing Award

2008	Kimberly Gee	2010	Caitlin M. Cullitan
2009	Lauren S. Foley	2011	Dylan P. Grady

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1957	<i>Eugene S. Lawler</i> , Florida State University	1976	<i>Irving C. Evers</i> , Attorney at Law - Hackensack, NJ
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1964	<i>Lloyd E. McCann</i> , University of Arizona	1982	<i>William F. Paton</i> , Oconomowoc Public Schools
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1968	<i>Martha L. Ware</i> , National Education Association	1986	<i>John F. Lewis</i> , Squire Sanders & Dempsey
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1970	<i>John Philip Linn</i> , University of Denver	1988	<i>William C. Bednar, Jr.</i> , Eskew, Muir & Bednar
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1974	<i>Robert E. Phay</i> , University of North Carolina-Chapel Hill	1992	<i>James C. Ullman</i> , Jennings, Strouss & Salmon
		1993	<i>Steve W. Batson</i> , West Virginia State College

1994	<i>Nelda Cambron-McCabe</i> , Miami University of Ohio - Oxford	2003	<i>Allan G. Osborne, Jr.</i> , Snug Harbor Community School
1995	<i>Ivan Gluckman</i> , National Association of Secondary School Principals	2004	<i>Philip T.K. Daniel</i> , The Ohio State University
1996	<i>Perry A. Zirkel</i> , Lehigh University	2005	<i>P. Tyson Bennett</i> , Reese & Carney, LLP,
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1999	<i>Charles J. Russo</i> , University of Dayton	2008	<i>Christopher P. Borreca</i> , Bracewell & Patterson, LLP
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2001	<i>Ralph D. Mawdsley</i> , Cleveland State University	2010	<i>Brad Colwell</i> , Bowling Green State University
2002	<i>R. Craig Wood</i> , McGuire-Woods LLP		

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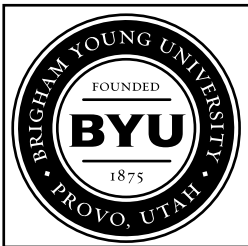
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