

State Bar Section Report School Law



Newsletter Co-Editors

Leticia McGowan
Julie Chen Allen

Spring 2014
Vol. 12, No. 1

Dear School Law Section Members:

It has been my distinct honor to serve as the Chair of the School Law Section for the 2013-14 year. The congeniality of this section is unparalleled in the state bar arena. “Adversaries but not adversarial” is not just the mantra of our section but is an underlying tenet that strengthens this section.

I did not set out to practice School Law when I started my career, but I ended up in a position to support the educational field. I am proud to do whatever I can to ensure that our educational system is strong for generations to come. Our section continues its outstanding tradition of providing excellent opportunities for Continuing Legal Education at both the School Law Conference and the School Law Retreat. Further, the newsletter provides a forum for dialogue amongst our members.

I want to personally thank our co-editors Leticia McGowan and Julie Chen Allen for their efforts in putting this newsletter together. Please help them continue to offer useful and timely legal information in the newsletter. If you have ideas for future articles, please contact Leticia at lmcgowan@dallasisd.org or Julie at jallen3@springisd.org.

I encourage you to attend the School Law Retreat July 18-19, 2014 at the Hyatt Hill Country Resort in San Antonio. For those who have not attended before, the Retreat is a unique opportunity to earn CLE hours in a relaxed atmosphere. You will strengthen your professional relationships with colleagues while developing personal relationships at the Retreat.

Thank you for giving me the opportunity to serve the section as this year’s chair. It is an honor to have been chosen by my peers.

Michael J. Currie
Section Chair 2013-2014

A handwritten signature in black ink, appearing to read "Michael J. Currie", written in a cursive style.

JAY BRIM: 2013 KELLY FRELS LIFETIME ACHIEVEMENT AWARD RECIPIENT

By Julie Chen Allen¹



To the roaring applause of a standing audience, the School Law Section of the Texas State Bar presented Jefferson K. (Jay) Brim, III of Brim, Arnett, Robinett, Connors & McCormick, P.C. the Kelly Frels Lifetime Achievement Award at the 27th Annual School Law Section Retreat in San Antonio, Texas.

Surrounded by his family and in front of a standing ovation from his peers, Jay humbly accepted the award and attributed the ease of his achievements over the last three decades in school law to the collegiality and mutual respect amongst colleagues within the Section.

“Of all the [bar] sections I’ve been involved, this is by far the most collegial,” Jay said appreciatively.

Shortly before the conference, Jay learned about his award and was immediately overwhelmed. “It was a very sentimental moment,” recalls Jay. “That kind of kiss on the cheek from all of your peers was very sweet and very overwhelming.”

Many of you do not need an introduction to Jay Brim. A deeply-rooted Texan from a long family line of dedicated lawyers, Jay was part of the nascent group of school law lawyers who started the School Law Section at the Texas State Bar.

Kelly Frels (Bracewell Giuliani, L.L.P), whose namesake this award bears, fondly retells how the shenanigans of our beloved Section all began:

The School Law Section was formed by five school district lawyers from the urban areas who had filed suit in federal court in Ft. Worth to contest the manner in which the state valued property for school funding.

When the TASB Council of School Attorneys was formed in 1978, the question was what to do with

the SLS? The decision was made to actively expand its appeal by adopting a strong non- advocacy policy and to seek plaintiff (teacher) lawyers to become members. In other words, create an Education Law Association look alike section where people of all practices could network and get to know and coexist with each other in peace.

The first call I made to begin the process was to Jay Brim, whom I had gotten to know well while he was at TEA. Karen Johnson and Bill Bednar were also early leaders in this effort. The rest of the history is well known because Jay did his part to expand the scope of the SLS and to increase its membership across a wide array of practices. Jay was the leader among leaders who moved SLS to be the inclusive organization it is today.

I never hesitate to refer a potential client to Jay when I have a conflict or somebody needs a lawyer in Austin because Jay always puts a client first – he never looks after his interest. And he’s not afraid to resolve issues when it’s in a client’s best interests. I’m really pleased that he was the second recipient of the award.

In circulating a request for anecdotes after nominating Jay, Jim Walsh (Walsh, Anderson, Gallegos, Green & Trevino, P.C.) emailed as follows:

I have always found Jay to be what good lawyers are supposed to be—zealous in his representation of his client, without ever making it personal with opposing counsel. He is largely responsible for the creation of this summer retreat and its growth. The collegiality we often brag about within the School Law Section is a reflection of how Jay works.

Prior to bestowing Jay with the award, Jim and Mark Robinett presented an in-depth look at Jay’s professional and personal history, replete with humorous and nostalgic photographs representing the many years Jay invested into building the camaraderie within this Section. There was one of Jay in Longhorn gear alongside another familiar Texas face, Kay Bailey (later Hutchison). If you missed the retreat, you’ll have to twist Mark’s arm to share pictures with you.

“I noted the title was ‘Everybody Loves Jay’ because wherever you go in Austin, you run into people who know him and want to talk to him. You often miss out on a lot of lunch conversation because so many people are wanting his attention,” said Mark.

Although I was fairly new to this Section, I always knew of Jay: that tall, lanky lawyer with an oft-bespectacled kind face, who was always smiling, always open to intellectual discussion on a point of law, and always unafraid to stand up in the room and advocate for the employee’s perspective.

It was not until I had a chance to telephone Jay about this honor, and faithfully searched the Internet for the Brim family digital footprint, that I realized Jay is a walking tribute to the rich Texas heritage and legal legacy that preceded him – of men who dedicated their lives to the law, to the church, to the community, and to our country.

BRIM MEN

According to Jay, it started with his great-grandfather, C. O. James, who became a lawyer through self-education and went on to become a state representative, then senator, from the 1880s through 1910. C.O. James had a daughter named Carrie, who fell in love with a young man named Jefferson Kearney Brim. Brim (later Brim, Sr.) was born in 1893 in Denton and moved to Sulphur Springs in 1912.

“He was a big man and we called him Big Papa,” recalls Jay of Brim Sr.’s size and stature. Grandfather Brim worked as a soda fountain clerk while reading for the law, gaining admission to the Bar in 1916 through oral examination by the Court of Appeals in Texarkana. Over the next few years, he was appointed and later re-appointed as a food and drug inspector to the Pure Food and Drug Department. During that time, when there was uncertainty as to how long World War I would last, Brim Sr. joined a locally organized army company whose members elected amongst themselves Brim Sr. as their captain, the highest rank of the unit, which reflected the respect his fellow men had for his leadership.

Brim Sr. tremendous legal career included serving in the rare and esteemed role of local counsel to the railroad, National Democratic Party delegate and 1934 State Democratic Party Chairman, and very briefly as district judge.

Brim Sr.’s long list of service to community organizations is too lengthy to outline here but, suffice them to be relevant to our work, they included being a member of the local school board and a board trustee for Texas Women’s University in Denton from 1933-1945.

Not only was Brim Sr. kindly remembered as the driving force behind the March of Dimes campaign in Hopkins County, he was recorded to have given the local dairy industry a big boost by registering one of the first herds in the county after Governor Jim Ferguson gave him a heifer, and Brim Sr. followed by importing registered bulls from Canada to improve his stock. Sulphur Springs was later charted in history books as the Dairy Capital of Texas.

Jay’s father, J. K. Brim Jr., followed in Brim Sr.’s footsteps with a longstanding history of civic and military service, assigned in the United States Army Air Corp as a flight instructor due to his colorblindness.

“Dad got to stay close to home with mother, which resulted in me!” laughed Jay.

Jay was born July 15, 1945 at the end of World War II when, as he descriptively describes, victory was won in Europe but before bombs had been dropped on Japan. After the war ended, the family moved to Waco, Texas, where Jay’s father attended Baylor Law School and thereafter began practicing law with Jay’s grandfather in Sulphur Springs.

Jay’s childhood homes followed his father’s early career change with Mobil Oil Company, moving from Houston to Louisiana, and then settling in 1958 during an oil boom in Midland, where Jay went to junior high and high school.

Jay stayed in Texas to attend college at the University of Texas at Austin, during which time he was a Longhorn Cheerleader. During his senior year in 1967, he was drafted into the United States Air Force. The airmen had to take a test to determine their ability to learn languages. Tests were taken 200 at a time in each class.

“The bottom 100 of the test had to take Vietnamese,” said Jay. “The top 64 were assigned to Mandarin Chinese. The other 36 could pick whatever they wanted. I was 68th so I picked Bulgarian.”

Why Bulgarian, of all languages?

“Well, we’ve never fought a war with Bulgaria!” laughed Jay.

And thankfully so, Jay faithfully served without a complaint as a combat aircrew member and Bulgarian linguist, flying on guard along the Adriatic coast.

JAY’S JOURNEY

He returned to attend law school, also at the University of Texas, and graduated in 1975. Although Jay knew little as a child about the legal legacy of the men in his family, Jay always knew he wanted to be a lawyer.

“Dad didn’t tell us too much about the law [but] I never thought about doing anything else, even before I knew my family history” said Jay.

After graduation, when his father had at that time become state district judge in the 8th District, Jay moved to Commerce, Texas, out of the jurisdiction of his father’s court, to try his hand at the old family tradition of general litigation.

“The older firms had clients and money, and I got nose battered in courtroom,” recalled Jay. “There was not much money to be made.”

Jay returned to Austin with his wife and daughter, and began clerking for the Senate Education Committee before cold-calling Dr. Marland Brockett, the second Commissioner of Education, and asking for work. As fate would have it, Dr. Brockett had just lost a legislative liaison in his office, so he offered Jay a job – complete with a respectable salary of approximately \$15,000.

Jay remembered at that time, coaches and teachers were only making around \$4,500 per year, and big-time coaches about \$6,000 annually. He was finally getting paid.

Jay worked for Senator A.M. Aikin and Senator Oscar Mauzy in the Texas Senate before serving as the staff liaison for the Texas Education Agency (TEA) to the Texas Legislature in 1977 and 1979. Then, as an attorney at TEA, alongside Bill Bednar, Don Henslee, and Karen Johnson, Jay recalls working on writing some of the original hearing rules for the TEA. In 1978, Jay was appointed as one of the first hearing officers to

hear appeals from local school districts. Prior to that time, there were few formalities governing hearings other than the parties appearing, presenting their side of the story, and waiting haphazardly for a decision from the Commissioner, at his whim.

“You may or may not [even] get a written decision,” said Jay, voicing disbelief on recalling the past.

It wasn’t until later that the Administrative Procedures Act was passed that some formality was brought to the process, through the rules Jay and the others worked on.

Then, upon leaving TEA around 1980, Jay unsuspectingly found himself in a bidding war.

For those of you who attended the School Law Section retreat and wondered whether or not the banter between Jim Walsh and Jay over a bidding war for a position at the Region 13 Education Service Center was fact or fiction, or whether Jay really printed all of those business cards that never got handed out, Jay confirmed that all those stories were indeed true.

“Joe Parks asked me whether or not I wanted the job, but he didn’t tell Jim he was going to ask me and he didn’t tell me he was asking Jim,” said Jay. “I told [Joe] I couldn’t afford to make less than I did at the time, and apparently Jim undercut my bid.”

So off went Jay to join a small firm, but having printed hundreds of business cards he never actually got to hand them all out because he had walked past the office of the Association of Texas Professional Educators (ATPE) in the building and followed his heart. And the rest, as most of you probably know, was history. Jay became the first attorney retained by the ATPE after its formation, and has represented ATPE members since then.

Today, Jay is the senior partner of an eight (8) lawyer firm, which includes his son Brandon, and continues to enjoy a flourishing practice representing government employees and licensees.

IN JAY’S WORDS: INTERVIEW EXCERPTS

After catching up on Jay’s professional history, I asked Jay to give us some perspective and inspiration on school law. Jay’s consistent message and principled reminder to all of us to remain collegial in our practice is no less important than his incredible list of tangible contributions to the development of our niche practice, representing countless employees in their pursuit of continued labor or in their endeavor to operate effective public education. Below are some edited excerpts of our conversation:

What do you think has been the biggest accomplishment so far in school law?

The biggest accomplishment in the last 40 years is the statewide system of policies that TASB produced in its [policy] manuals – the leveling of procedures. Almost every state uses the same policy manual. All of this derived from one state board of education chairman, Joe Kelley Butler, who went to TASB in the 1970s and asked them to do this. He recognized

the need for this and hired Joe Hairston (original of Walsh Anderson). Joe and Tom Doyal began writing these policies. When we were practicing in the 80s, we had no idea what we would find when we went to the school district and asked to see their policies. They might or might not even have a grievance policy. We had to make open records request to get them.

What is the biggest challenge for our section and school law today?

The challenge education faces nationally is the dichotomy between labor-management attitudes of some states and those states that take a paternalistic approach to education. Our challenge in Texas is to try to find the middle ground where you don’t have labor and management squaring off against each other but also not an attitude of, Keep quiet and I’ll make sure you get what you want. There has got to be collegial education. There are lots and lots of good professionals who are actually teaching. And every time we have a conflict, we work to get everyone to talk to each other. Litigation is never going to be the best way to improve the system.

What should I like about representing “the employee side” of the bar?

We’re representing one person as employee side attorneys – one individual with terrible personal problems – whereas lawyers representing school districts are representing, at minimum, 8 people at a time who are not of one mind. And there are a lot of people who do that who are very good at it, very good at balancing it all. But very often that leads to a bottom-line representation, and you can’t go for justice in many cases. What is the precedent? What’s the bottom line? I don’t envy them at all. It’s a terrible job to have to get 8 people to agree. When I have one person who is upset, it’s a one-on-one relationship. You know where to focus your energy.

Words to live by?

Education is absolutely essential to the maintenance of a free society. It’s not a proverb from the distant past. It’s the absolute truth. We don’t have civilization worth keeping unless we educate people.

Words to laugh by?

Thank goodness for Aggies!

JAY BRIM ENCOUNTERS AND OTHER NICE THINGS PEOPLE WANTED TO SAY ²

“Jay and I have had a great rivalry relationship, primarily due to the strong allegiance that we have to each of our flagship universities in this State. Our allegiance begins with the fact that Jay was a cheerleader at the University of Texas in the mid-’60s at about the same time I was a yell leader at Texas A&M. Our orange and maroon rivalry has been historic through our relationship in the School Law Section. At every School Law Section meeting, we have always proudly worn our school colors.

I joined the School Law Section the second year it was formed. Each year it is always special for Sonja and me to be able to

see our good friends in the School Law Section and the members of what we consider our extended family. Each year a big part of that is seeing Jay and Jeanine and sharing stories about our families and about our great universities.

The reason Jay is so deserving of this lifetime achievement award is that he is a consummate professional who represents our profession with class and integrity. Jay and I have been on the same side of the docket, and we've been adversaries. The good thing about having Jay as an adversary is that [interactions] will not be adversarial. Jay learned early on in his career that it is important to be able to tell your client what they need to hear, not what they necessarily want to hear. Jay treats everyone that he comes in contact with, whether it be his clients or his fellow lawyers, in the way that he would want to be treated. Jay literally lives the core values of the Texas Lawyers Creed. Most of all, I am proudest of the fact that I can call Jay Brim my friend.”³

“I met Jay in passing in law school in the 70's. The next time we crossed paths was when I was General Counsel at TEA and Jay was representing a teacher. We were later on a plane together coming back from a program, and I mentioned I was thinking of leaving TEA. With the recent enactment of House Bill 72, he told me that he foresaw a greater need for employee representation, and I became a third partner in his firm. I had been impressed with the way he represented his clients, and our partnership was based on the goal of providing quality legal services to public school employees. Jay has been a great partner in that endeavor; our rather pronounced differences have been our strengths. I would do it all over again.”⁴

“Jay has always been friendly, knowledgeable, helpful and empathetic to all of us who represent school employees. He is extremely well-suited for this often difficult profession, but he also has a gift for it that cannot be learned. The gift includes the ability to simultaneously fight like a warrior, skillfully articulate his client's position, smile and laugh, and demonstrate respect for everyone in the room. I have always suspected that his Faith and the commitment he has to his church are reflected in his professional work. I continue to look to Jay Brim as an example of a very fine person and a very fine lawyer.”⁵

“I started my school law career working with Jay as an associate attorney, and he was always willing to answer any questions that I had about school law. He was insightful and had a wealth of knowledge about this field that he was always willing to share.”⁶

“It was the weekend before Christmas and I was home opening presents with our kids because we were about to take a trip. A superintendent called me, very upset because the superintendent went up to the central administration office and could not find an executed settlement agreement for an employee that Jay was supposed to have faxed. The superintendent was concerned that Jay was playing a trick on me and told me to call Jay at his home and get him to fax it again, because the superintendent wanted the employee's signed agreement before the holidays. I refused to call Jay. I said that Jay told me that he faxed it, and if he told me he did something, then

I believed him. The superintendent asked me why I would be so naive as to believe opposing counsel, and I said, ‘Because he's Jay Brim.’

Of course, the superintendent told me I was all kinds of wrong and hung up. Of course, I got a call back a couple hours later when the superintendent found the executed agreement on a secretary's fax machine. When I tried to respond, the superintendent interrupted me and said, “I know; he's Jay Brim.”⁷

“My father has always been hard at work on multiple fronts in the school districts around the state, at church, in local government, or in political groups. Growing up, we got a front row seat on what it means to be civically active. He always enjoyed meeting new people and making new friends. My little sister has said that as a child, she often thought that my father somehow knew everyone, because everywhere we would go, he would talk to somebody he knew, and even driving in the car, he would be waving to friends passing by.

I am proud of him and happy for him [for winning the lifetime achievement award]. It is an affirmation that if you make a point of being good to people over the course of your career, you will be rewarded with their respect and admiration.”⁸

ENDNOTES

- 1 Julie Chen Allen is the General Counsel for Spring ISD.
- 2 Many thanks to Jim Walsh, who gathered some of the stories below in preparation of his presentation at the School Law Section Retreat and graciously permitted the Section to reprint them here. Others were randomly solicited at the author's discretion. We regret that many statements had to be shortened due to space.
- 3 Neal Adams, Adams Lynch & Loftin, P.C.
- 4 Rick Arnett, Brim, Arnett, Robinett, Conners & McCormick, P.C.
- 5 Kevin Lungwitz, The Lungwitz Law Firm, P.C.
- 6 Amanda Moore, Texas State Teachers Association
- 7 Lynn Rossi Scott, Brackett & Ellis, P.C.
- 8 Brandon Brim, Brim, Arnett, Robinett, Conners & McCormick, P.C.



Responding to Board Member Records Requests: What Does House Bill 628 Mean for School Districts? ¹

By: Leslie Story²

House Bill 628, passed in 2013 by the Texas Legislature, adds Texas Education Code section 11.1512(c)-(f). These provisions grant a school board member, when acting in the member's official capacity, access to information, documents, and records maintained by the district and require the district to provide the information requested without requiring the board member to submit a public information request under the Texas Public Information Act (PIA), regardless of whether the requested items are the subject of or relate to an item listed on the agenda for an upcoming meeting.² This bill defines *official capacity* to mean "all duties of office and includes administrative decisions or actions."³

These new provisions also allow the district to withhold or redact information, documents, or records that are excepted from disclosure or are confidential under the PIA or other law, including the Family Educational Rights and Privacy Act of 1974 (FERPA). Finally, the section requires the district to post, in a place convenient to the public, the cost of responding to one or more requests submitted by a board member if the request(s) are for 200 or more pages of material in a 90-day period. The district must report annually to the Texas Education Agency (TEA) the number of requests submitted by a board member during the preceding school year and the total cost to the district of responding to requests during that school year.⁴

Historical Background

According to the bill analysis, this legislation authorizes a school district trustee to request information from a superintendent without submitting a request under the PIA. House Comm. on Public Education, Bill Analysis, Tex. H.B. 628, 83rd Leg., R.S. (2013). Prior to this legislative change, trustees relied on an opinion of the Texas Attorney General stating that individual board members have "an inherent right of access" to records maintained by the district when the board member requests the records in his or her official capacity.⁵ Arguably, this new law does not create a new right of access, but codifies existing law. The same attorney general opinion distinguished a trustee's right of access to information maintained by a governmental body from the right of access of a member of the general public.⁶ According to the attorney general, a custodian of district records may not rely on the PIA to prevent a trustee from obtaining district records, as the trustee is not "merely a member of the public." To the extent that House Bill 628 authorizes a school district to withhold or redact information requested by a trustee, this legislation is a departure from the status quo.

Since September 1, 2013, the effective date of House Bill 628, districts have grappled with whether and when to withhold information that is excepted from disclosure under law from a board member requesting such information. Uniform application of this provision requires a review of local school district policies and procedures. Additional questions have arisen relating to the tracking requirements and the annual report to TEA.

Denial of Trustee Request for Information

Local policy and written procedures should guide whether school districts will rely on the provision of House Bill 628 to withhold information that is excepted from disclosure under the PIA, FERPA, or other law, or provide this information to trustees.

Under the TASB Policy Service structure, the provisions related to trustees' requests for information are found in TASB Policy BBE. Most districts have language at Policy BBE(LOCAL) that authorizes board members to access information that could be considered confidential under law as long as the board member is accessing this information in his or her official capacity. This allows the board, as much as possible, to maintain the practices that were in place before the law changed.

If, on the other hand, a board desires to withhold confidential information from individual trustees as authorized by House Bill 628, the board should reflect such a decision in local policy to avoid complaints that the district is withholding information on a case-by-case basis and is acting in an arbitrary or discriminatory manner. TASB Legal Services recommends that the district update Policy BBE(LOCAL) to reflect that confidential information will be withheld and/or redacted in accordance with Texas Education Code 11.1512(c). The district should have corresponding procedures in place to reflect district guidelines for providing records and documents. TASB Policy Service has sample procedures available for districts who wish to exercise this option.

If the administration denies a board member's record request, the board member may request that the entire board determine whether the information should be provided to him or her. Such a decision should be made at a public meeting and therefore must be placed on the agenda in compliance with the Texas Open Meetings Act. If district policy indicates that records that are confidential under the PIA, FERPA, or other law will not be provided to a board member acting in his or her official capacity, a board vote to allow such access would be decision to override a local policy choice. In doing so, the board should consider changing such a policy to allow for a uniform application of Policy BBE(LOCAL) rather than voting not to follow the policy.

Tracking Board Member Requests

As a result of this new law, school districts must track requests for district records made by individual board members. Specifically, districts must (1) track and post for the public the cost of responding to one or more requests for records by a board member if the member requests more than 200 pages of records in a 90-day period; and (2) report annually to TEA the number of requests by a board member in the preceding year and the total cost of responding to such requests.

In order to comply with these tracking requirements, each school board will need to reach some fundamental understandings about how to interpret and consistently apply these provisions. Specifically, the board should address what constitutes a request for information by an individual board member and the measure of costs the district will use to estimate the cost of responding to individual board member requests.⁷

Most boards follow a board operating procedure requiring that when the administration shares information or district records with one board member, the administration provides the same information or records to the rest of the board members. Based on the statutory language, it is not clear if such exchanges of information with the full board are requests by individual members that need to be tracked under House Bill 628. The survey utilized by the TEA to gather information from districts asks districts to report the number of requests of information submitted outside of a school board meeting. To track all such requests for information, a board's operating procedure should emphasize that every board member request *outside of a board meeting* must be on a designated form and be tracked.

Some boards may wish to take the position that, if the full board receives a copy of the record, a board member's request for a record at a time other than a board meeting need not be tracked. Following this procedure may make it difficult to respond to the TEA survey. A board that wishes to follow this approach should work with its school attorney and document the practice in local procedures. It may be advisable to request that information be requested in board meetings to the extent practicable.

On the other hand, based on the statutory language and the TEA survey, we conclude that districts need not track: a request made during a board meeting when the request is met with consensus of the board members; a request formally approved by a board or board committee at a board meeting; or a question outside of a board meeting from an individual board member about an item of school business, even if the administration chooses to respond by sharing documentation with the full board.

Estimating Costs

House Bill 628 requires school districts to report the cost of responding to board member requests for information to TEA annually. In some circumstances, the costs of responding to these requests for information must also be posted publically. However, the statute does not specify the measure of costs for districts to use to estimate the cost of responding to individual board member requests. A school district should articulate the measure of costs the district will utilize in its procedures, such as specifying that the district will use the same schedule of costs used for responding to Public Information Requests.

TASB Policy Service offers sample exhibits to assist districts in tracking board member requests for information. TASB Policy Service maintains a sample form for a board member to fill out when requesting information, which includes a signature for acknowledging the tracking requirements of Texas Education Code section 11.1512. TASB Policy Service also provides a form for posting notice of a board member's request of more

than 200 pages of documents within a 90-day period. These documents are accessible by member districts through MyTASB in the *Regulations Resource Manual* in the Policy Service Resources Library.

Conclusion

House Bill 628 creates new administrative requirements for districts to follow when responding to requests for records from board member. Boards who have not addressed these issues since most recent legislative session should analyze their current practices and make local decisions to prevent a potentially heated situation. TASB Legal Services and TASB Policy Service have available resources to assist districts and their attorney representatives address these statutory hurdles.

ENDNOTES

- 1 Leslie Story is a Senior Attorney in TASB's Legal Services Division.
- 2 Tex. Educ. Code § 11.1512(c).
- 3 Tex. Educ. Code § 11.1512(f).
- 4 Tex. Educ. Code § 11.1512(e).
- 5 Tex. Att'y Gen. Op. JM-119 (1983).
- 6 Id.
- 7 Tex. Educ. Code § 11.1512(e).

STATE BAR OF TEXAS

SCHOOL LAW SECTION OFFICERS 2013–2014

Michael J. Currie, Chair

Texas Classroom Teachers Association
P.O. Box 1489
Austin, TX 78767
(512) 477-9415
mcurrie@tcta.org

Ellen Spalding, Vice-Chair

Feldman, Rogers, Morris & Grover, L.L.P.
5718 Westheimer, Ste. 1200
Houston, TX 77057
(713) 960-6000
espalding@feldmanrogers.com

Juan Cruz, Chair-Elect

J. Cruz & Associates, LLC
216 W. Village Blvd., Ste. 202
Laredo, TX 78041
(956) 717-1300
jcruz@jca-law.com

S. Anthony Safi, Immediate Past Chair

Mounce, Green, Myers, Safi, Paxson &
Galatzan, P.C.
P.O. Box 1977
El Paso, TX 79950-1977
(915) 532-2000
safi@mgmsg.com

Dorcas Ann Green, Treasurer

Walsh, Anderson, Gallegos, Green and
Treviño, P.C.
P.O. Box 2156
Austin, TX 78768-2156
(512) 454-6864
dgreen@wabsa.com

EXECUTIVE COUNCIL MEMBERS

Marney Collins Sims, General Counsel

Cypress-Fairbanks Independent School District
10300 Jones Rd., Rm. 410
Houston, TX 77065
(281) 807-8660
marney.sims@cfisd.net

Marquette M. Maresh

Walsh, Anderson, Gallegos, Green and
Treviño, P.C.
P.O. Box 2156
Austin, TX 78768-2156
(512) 454-6864
mmaresh@wabsa.com

Allan Graves

Adams, Lynch & Loftin, P.C.
3950 Hwy. 360
Grapevine, TX 76051-6741
(817) 552-7742
ag@all-lawfirm.com

Mari McGowan

Abernathy, Roeder, Boyd & Joplin, P.C.
1700 Redbud Blvd., Ste. 300
McKinney, TX 75069
mmcgowan@ABERNATHY-LAW.com

Julie Leahy

Texas Classroom Teachers Association
P.O. Box 1489
Austin, TX 78767
(512) 477-9415
jleahy@tcta.org

Thomas E. Myers

Brackett & Ellis, P.C.
100 Main St.
Fort Worth, TX 76102-3008
(817) 339-2467
tmyers@belaw.com

Fred Stormer

Underwood, Wilson, Berry, Stein and
Johnson, P.C.
500 S. Taylor, Ste. 1200
Amarillo, TX 79101
(817) 339-2473
fred.stormer@uwlaw.com

Mark Tilley

Texas Association of School Boards
P.O. Box 400
Austin, TX 78767-0400
(800) 580-5345
Mark.Tilley@tasb.org

School Law Section Newsletter Editorial Board

Leticia D. McGowan – Co-Editor

School Attorney
Dallas Independent School District
Office of Legal Services
3700 Ross Ave., Box 69
Dallas, TX 75204
(972) 925-3250
lmcgowan@dallasisd.org

Julie Chen Allen – Co-Editor

General Counsel
Office of Legal Affairs
Spring Independent School District
16717 Ella Blvd.
Houston, TX 77090
(281) 891-6370
jallen3@springisd.org