

# THIS JUST IN...

BY  
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DEVELOPMENTS IN SPECIAL EDUCATION LAW

FEB 2011 | NO. 251

## USE YOUR BUDGET WISELY

Every day seems to bring more bad news about the financing of public education in Texas. Despite the fact that our population is increasing, the Powers That Be seem to be convinced that we must bring about improved student performance for more students with fewer teachers and less resources. The purpose of this issue of *This Just In* is not to whine, moan, or blame anyone for the sorry state of affairs we find ourselves in. Rather, we will attempt to offer some suggestions about the one area of school budgeting we know something about: legal expenditures.

**FIRST, LET'S KILL ALL THE LAWYERS.** Shakespeare said that and the sentiment has been adopted by many ever since. We know that you'd rather spend money on teachers than lawyers. We know that taxpayers would rather you spend money on teachers than lawyers. You'd rather buy the latest equipment and get the best training possible for your staff. But let's start out this discussion with the realization that you are going to have to budget some dollars for legal services.

Compare your school district with a business of a comparable size and scope, and we expect you will find that you are spending far less on legal services than the other organization. In most communities, the school district is the biggest business in town. It has the most employees, has the biggest budget, serves the most meals, drives the most miles and serves the most people. There are going to be some legal

issues. So going back to the so-called good old days when we did not need lawyers is not an option.

**EARLY IS BETTER THAN LATER.** Legal problems have a lot in common with other nuisances that afflict all of us. Consider toothaches and car malfunctions. All of us encounter such things, but we know that those who get regular dental care and pay for regular car maintenance are less likely than others to encounter huge repair bills. Regular maintenance is less expensive and less painful than a root canal or a new transmission.

In law practice, this is called "preventive law." There are some things you can do to ward off legal problems before they develop. Our firm has always put an emphasis on preventive law. We want to establish long term relationships with our clients, and we think the best way we can do that is by providing helpful and timely advice in advance of trouble.

There are two things in particular that our law firm does to assist you with the prevention of legal problems. The first is training. Our goal in providing training is to empower you and your staff to make better decisions and to communicate more effectively with parents and staff. If you know where the legal pitfalls are, you are more likely to steer around them. We believe that good legal training encourages you to align practices with proper procedures, thus reducing the number of costly complaints and due process hearings.

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WALSH, ANDERSON,  
BROWN, GALLEGOS  
and GREEN, P.C.

ATTORNEYS AT LAW

With budgets tightening, we want to remind you of the audioconferences that our firm offers. Every year we have a full slate of these low cost, easy to access training opportunities, several of them directed toward special education staff. Go to our website, [www.walshanderson.com](http://www.walshanderson.com) for more information.

The second thing we do by way of preventive law is what we call our “retainer program.” If you are receiving this publication, your district is a “retainer client” of the firm. That means you are authorized to designate certain staff members who can call for legal advice all year long for an annual fee of just \$1000.

**SOME THINGS YOU CAN DO.** Let me offer a few concrete suggestions for how you can use training and our firm’s retainer program to maximize your dollars.

- ◆ Consider pooling your resources for training with other districts.
- ◆ Consider an audioconference directed specifically at your district for your key staff. The audioconferences that are scheduled on our firm’s website are just a starting point. Those sessions are open to all school districts. However, you may want us to provide an audioconference just for your key staff, on a specific issue of concern in your district. Just let us know what topic you’d like to cover, and we will make it happen.
- ◆ Use technology for training. We have found audioconferences with the use of speaker phones to be the simplest method, but we can also do video conferencing and/or computer based webinars for training.
- ◆ Be sure that you and your key staff know how the firm’s retainer program works. For the annual fee, we cover

telephone conferences on what we call “general” matters. For the most part, these are the type of questions that we can deal with in one phone call. If legal research is needed, or you need a written opinion, or any other form of additional legal work, we charge our hourly rate. We find, however, that many districts use the telephone very effectively to resolve a number of legal issues. Use the retainer program wisely and you will get more than your money’s worth.

- ◆ For the retainer calls, consider getting the key players into the room at the same time so that they can all hear the lawyer’s advice at the same time.

**AND IN THESE DIFFICULT TIMES . . .** Remember that economic difficulties do not justify curtailment of the services that students need to receive a FAPE. We are reading in the paper daily about districts cutting staff and services, including those in the special education department. It is important for you to remind staff that decisions about what goes into an IEP cannot be based on administrative concerns, such as the cuts to the budget. You cannot deny necessary services to a student with a disability just because there are cuts in the budget. Training of your staff to make sure that everyone understands that would be a wise investment.

We know that the budget cuts are going to have an impact on everything schools do and special education will be no exception. This makes it all the more important that your decisions be legally sound. Here at Walsh, Anderson we strive to be part of the solution, not part of the problem. Our mission is to help the people who help the kids. You are those people. So let us help you navigate these troubled waters by putting your legal budget to work in the most effective way.

**FOR MORE INFORMATION** on retainer programs or the firm, please write to P.O. Box 2156, Austin, TX 78768, visit our website at [www.WalshAnderson.com](http://www.WalshAnderson.com) or call us at 512-454-6864.

THIS JUST IN is published monthly by Walsh, Anderson, Brown, Gallegos & Green, P.C., a law firm with a practice emphasizing the legal representation of Texas independent school districts, junior colleges and universities. THIS JUST IN is provided as a service under the firm’s Retainer Agreements for school districts and special education co-ops.

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