



WNY LAW CONFERENCE

AT SALVATORES—6461 TRANSIT ROAD, DEPEW

SPONSORED BY THE Western New York Educational Service Council
& Erie County Association of School Boards

Session Descriptions, Presenters, Dates and Times

Wednesday August 2, 2023:

Time: 8:40 a.m. - 9:30 a.m.

Presenters: Jay Worona Esq., NYSSBA Deputy Executive Director & General Counsel

Topic: Key Note Presentation

Legal Hot Topics - 'A skating tour through this past year's most significant judicial and administrative decisions as well as new laws and regulations affecting the operation of public school districts'.

Time: 9:35 a.m. - 10:25 a.m.

Presenters: Jay Worona Esq., NYSSBA Deputy Executive Director & General Counsel

Topic: Panel Discussion on First Amendment/
Censorship

Panel moderated by Jay Worona, NYSSBA Deputy Executive Director & General Counsel

Panel Members:

- Tracie Lopardi Esq., Harris Beach PLLC
- Karl Kristoff Esq., Hodgson Russ LLP
- Melanie Beardsley Esq., Webster Szanyi LLP

Topics include: Book Lists and Censorship; Social Media Rights; and Religion/Religious Expression and Religious Accommodations. The issues of censorship and the first amendment rights of students and staff have always been of significance to school districts but never more so than today. In this session, NYSSBA Legal Counsel Jay Worona will facilitate a conversation amongst three local attorneys navigating these issues in our schools. Both Mr. Worona and our panelists will provide insights into their understanding of the laws surrounding these issues and recommendations for Districts based on their actual practice and experience.

WNY 2023 Law Conference Fast Facts

Date of Event: August 2, 2023

Deadline to Register: Wednesday, July 26, 2023

Register Via: wnyesc222@gmail.com

* Registration Form is available at
www.wnyesc.org or www.ecasb.org

Program Type: In Person

Schedule for Day:

Time:	Registration:	8:00 a.m. - 8:30 a.m.
	Announcements:	8:30 a.m. - 8:40 a.m.
	Key Note Address:	8:40 a.m. - 9:30 a.m.
	Break:	9:30 a.m. - 9:35 a.m.
	Panel Discussion	9:35 a.m. - 10:25 a.m.
	Session I:	10:35 a.m. - 11:30 a.m.
	Lunch and Break:	11:30 a.m. - 12:30 p.m.
	Session II:	12:30 p.m. - 1:25 p.m.
	Break:	1:25 p.m. - 1:35 p.m.
	Session III :	1:35 p.m. - 2:30 p.m.

Member Cost: \$200 per person

Non - Member Cost: \$350 per person



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SESSION I

Time: 10:35 am - 11:30am

Presenters: Kristen Coons Esq. (Erie 1 BOCES), and Jeff Weiss Esq. (Harris Beach PLLC)

Topic: *Student Suspension and Student Discipline*

Presenters will address new and emerging issues that are impacting 3214 hearings and penalties, including an emphasis on students with disabilities and alternative to suspension.

Time: 10:35am - 11:30 am

Presenters: Brian Liebenow, Esq. (Erie 2 CC BOCES), & Angela Kutzfara, Esq. (Webster Szanyi, LLP)

Topic: *Misconduct and Incompetence - The Latest Development in Employee Discipline*

In order to promptly and effectively address employee misconduct, it is critical that administrators and board of education members have a clear understanding of the disciplinary process and their roles in that process. During this program the presenters will provide a general overview of the discipline process for tenured faculty and classified (i.e., civil service) staff members. In addition, the presenters will review and discuss the dramatic changes to the discipline process for classified staff that were enacted by the New York State Legislature at the end of the recent legislative session. These changes will likely impact all school districts and how they approach employee misconduct moving forward. Finally, the presenters will discuss recent hearing officers' decisions in discipline proceedings regarding tenured staff so that you can be prepared when your district is faced with similar issues.

Time: 10:35 am - 11:30 am

Presenters: Lindsay Menasco Esq. (Hodgson Russ, LLP) & Barbara Smith (Gowanda CSD Business Administrator)

Topic: *Fund Balance and Comptroller Audits*

School Business officials are charged with managing a school district's financial position. This includes recognizing potential financial stress, making timely decisions when faced with stress including making difficult choices about programs and services, and developing realistic - and prudent - budgets. With that in mind, join Lindsay and Barbara in a discussion relative to fund balance management, key accounting and control procedures, and recent trends that we are seeing in Comptroller audits.

SESSION II

Time: 12:30 pm - 1:25 pm

Presenters: Ryan Everhart Esq. (Hodgson Russ LLP)

Topic: *Hot Topics in Special Education*

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Educators continue to face significant challenges when providing instruction and services to students with disabilities. Schools face increased demand to support the academic, social, and emotional needs of disabled children, with limited resources and options. These challenges remain in the face of recent federal court decisions as well as proposed regulatory changes by the State Education Department. Join Ryan as he reviews these developments and discusses how schools can best serve students with disabilities.

Time: 12:30 pm - 1:25 pm

Presenters: Anne McGinnis Esq. (Harris Beach, PLLC), & Stacey Maute (Lancaster CSD - School Resource Officer)

Topic: Red Flag Laws

Red flag law is a state statute that allows for the removal of firearms in situations in which an individual is likely to engage in harm to self or others. This presentation will address the legal and the practical considerations for the application of red flag law to schools, and include the perspectives of a School Resource Officer and school attorney.

Time: 12:30 pm - 1:25 pm

Presenters: Jeff Swiatek Esq. (Hodgson Russ LLP), & Dina Allen Esq. (Webster Szanyi, LLP)

Topic: Dealing with Difficult Board of Education Meetings

A growing number of challenging topics and scenarios confront Boards of Education each month at their Board of Education meetings. These issues, combined with strong emotions raised and increasing expectations of the public to express themselves and participate create new challenges to Boards of Education and Superintendents. In this session, participants will learn the legal policy ramifications of public expression and gain advice on how to structure and respond in these difficult meetings. We will also consider some real-life scenarios and recommend responses.

SESSION III

Time: 1:35 pm - 2:30 pm

Presenters: Andrew Freedman, Esq. (Hodgson Russ LLP), & T.C. Ferrito Esq. (Erie 1 BOCES)

Topic: DEI, Gender Identity Policies - What is mandated? What is not? & Best Practices

During this session you will learn about developing a Diversity, Equity, and Inclusion policy along with a Gender Identity Policy. We will discuss what is mandated, and what is not mandated, and best practices. We will also review the State Education Department's latest guidance on Transgender and Gender Expansive students.

Time: 1:35 pm - 2:30 pm

Presenters: Marnie Smith Esq. (Webster Szanyi, LLP) & Tony Olivo (Director of Corporate Screening and In-

vestigative Group LLC)

Topic: Residency Requirements and Recommendations

This session will include discussion of the legal requirements applicable to the residency determinations, as well as practical strategies and recommendations related to gathering data and conducting efficient and effective residency investigations. We will also review recent Commissioner's decisions related to residency determinations.

Time: 1:35 pm - 2:30 pm

Presenters: Andrew Mark Esq. (Harris Beach PLLC) & Kurt Gustafson Esq. (Erie 2 CC BOCES)

Topic: Censorship, First Amendment, Social Media & Facebook

With the world more online and digital now than ever before, it has seemingly never been easier for members of the school community, including employees, to express their views and opinions. To better understand where personal rights start and end, this session will explore trending First Amendment issues facing school districts and the legal rules and principles applicable to the people acting within the school community.

- *All presenters power points can be found on the Western New York Educational Service Council and the Erie County Association of School Boards websites until September 29, 2023.*
- *This program is presented in collaboration with the University at Buffalo School of Law, certified by the NYS Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York for the period March 11, 2023-March 10, 2026. This program has been approved for the 5.0 non transitional NYS CLE credits in the area of Professional Practice. (Note that attendees of Concurrent Session #3 on DEI/Gender Policies may earn 4.0 NYS CLE credits in the area of Professional Practice and 1.0 NYS CLE credit in the area of Diversity, Inclusion and Elimination of Bias.)*

