

Western New York Education Law Conference



Wednesday, August 1, 2018

Presented by the

Erie County Association
of School Boards

and the

WNY Educational Service Council

In cooperation with the
Erie-Niagara

School Superintendents Association (E-NSSA),
NYS Association of School Attorneys (NYSASA),
and SUNY Buffalo Law School.



*‘See you
at the Millennium’*

WNY Education Law Conference 2018

Our WNY education community gathers for
its annual Western New York
Education Law Conference on
Wednesday, Aug. 1st
at the Millennium Hotel in Cheektowaga.

This year, our conference “goes green,” with
all presentations available online, rather than
hard copies in packets as in years past.

Event Mobi will be your online source for all
law conference materials ... you may download
presentations to your device prior to the
conference, or print out hard copies for note-
taking in the sessions you plan to attend.

Conference evaluation also
will be online this year.

Your access to Event Mobi will be sent to you
one week prior to the conference.

‘Another great update.’

‘Worthwhile!’

‘Excellent, timely, thorough.’

‘Very informative and interesting.’

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Planning Committee:

Jane Burzynski, Facilitator
Sr. Carol Cimino, Diocese of Buffalo
Dan D’Amico, Esq., Erie 1 BOCES
Dr. Bruce Fraser, ECASB
Andrew J. Freedman, Esq., Hodgson Russ
Brian Graham, Grand Island Central School District
Tracie Lopardi, Esq., Harris Beach
Brian Liebenow, Esq., Erie 2 CC BOCES
Dr. Laura Chabe Pless, WNYESC
Christian Riso, Diocese of Buffalo
Colleen A. Sloan, Esq., Erie 1 BOCES
Dr. Charles Stoddart, WNYESC
Jeffrey Swiatek, Esq., Hodgson Russ
Jeffrey Weiss, Esq., Harris Beach

Assisted by : Kaitlyn Border, Debra Bridon, Shirley Nowak, Sue Summers

TIPS for attendees

Dress in layers, bring a sweater ...
conference room temperatures can vary widely.

If you think you may have trouble hearing and do not see seating
near the front, ask at our registration table outside the conference room for
a chair to be brought to the front for you.

If it looks like there is not enough seating in a room, please remain patiently
for a minute or two. Hotel staff are always alert to overflow seating needs
and will bring in additional chairs momentarily.

REMINDER to attorneys:

* To receive CLE credits, you MUST sign in and out at the Law
Conference registration table.

* There will be no follow up calls
to those who have not signed in and out.
Attorneys must call the WNYESC office to receive their certificate.

* SUNY UB Law School reminds attorneys to complete the
conference and session evaluation forms, as this is a mandatory
quality assurance measure for the CLE credit program.

Registration & Info: 645-2932

- 8:30-9:00 Registration and continental breakfast
9:00-9:10 Welcome from ECASB and WNYESC in the Presidential Ballroom
9:10-10:10 "HOT TOPICS," including Overview of Changes to APPR by Jay Worona, General Counsel,/Deputy Executive Director, NYSSBA

10:10-10:20 Please enjoy a brief Coffee Break in the alcove while the Presidential Ballroom is prepared for sessions.

Employee Issues Cleveland Room

Student Issues Fillmore Room

Finance & Operations Issues Roosevelt Room

10:20 to 11:20
Recent Developments in Employee Benefits: What School Districts and BOCES Need to Know
Brian Liebenow, Erie 2 CC BOCES, and Jim Beyer, Harris Beach

The presenters will cover recent developments in the ever-changing employee benefits arena, as well as strategies to consider in addressing these changes with employees and collective bargaining units. The program includes discussion of employer obligations with respect to paid family leave, increases in the minimum wage, and avoiding unemployment claims by adequately providing reasonable assurances to substitutes.

Special Education Update ...
Andrew J. Freedman, Hodgson Russ
Learn about the most significant developments in special education over the past year, including the interpretation of Meaningful Educational Benefit, Free Appropriate Public Education, Least Restrictive Environment, and Transition Planning. Additionally, we will analyze recent trends in special education at the United States Department of Education.

What You Need to Know About Healthcare Benefit Issues Affecting Your School District ...
Mike Flanagan, Hodgson Russ, and Brian Hartmann, Erie 2 CC BOCES

Matters related to health care reverberate throughout school districts via channels as varied as federal reforms and taxpayer costs, to employee contracts and wellness. In this session we will discuss what you need to know about the current healthcare benefit issues facing, and sometimes vexing, school districts, including Affordable Care Act enforcement, wellness program changes, and bargaining considerations.



11:30 to 12:30 ... Enjoy today's buffet lunch in the Atrium!

12:40 to 1:40
Employee Mental Health Needs & Schools ...
Lindsay Menasco, Hodgson Russ, and Brendan Kelleher, Harris Beach
Presenters will discuss balancing employer and employee interests as they pertain to accommodations under the Americans with Disabilities Act (ADA), as well as Section 913 Examinations.

The Student Discipline Process ...
Dan D'Amico, Erie 1 BOCES, and Jeff Weiss, Harris Beach

Before disciplining students, school districts must follow numerous complex procedural rules and due process requirements, often within a short period of time. School personnel must abide by additional procedural requirements before disciplining students with disabilities. At this session we will review all applicable rules and provide tips to ensure that your school district is in full compliance with the student discipline process.

Community Use of School Facilities: Important Considerations...

Amanda Dermott, Erie 1 BOCES, and Keith Langlotz, Williamsville Central School District
School facilities are a valuable public resource, even outside of the regular school day. But, what are the implications, conditions and restrictions for community use of those facilities? Hear important considerations for school districts, with a special focus on district policies and procedures.

1:30 to 2:15 Coffee & Cookies

in the Foyer Adjacent to the Presidential Ballroom

1:50 to 2:50
Employee Hiring, Evaluation & Discipline ...
Jeff Swiatek, Hodgson Russ, and Kinsey A. O'Brien, Hodgson Russ
Learn what you need to know about hiring and maintaining a solid workforce. We will discuss pitfalls to avoid during the hiring process and evaluation techniques to use that will allow you to effectively navigate the disciplinary standards established under collective bargaining agreements and state law.

From Tinker to Twitter - The Evolution of Free Speech Within School Districts ...
Melanie Beardsley, Cattaraugus-Allegany BOCES, and Marnie Smith, Harris Beach

Student/staff walk-outs, kneeling during the National Anthem, and social media have caused school districts and school attorneys to review and reevaluate the extent of First Amendment protections within a school district. This presentation examines various scenarios involving the balance between First Amendment protections, staff/student discipline, and school district responsibilities to maintain an orderly school environment.

Assessing School District Risks: Managing and Gauging Issues Related to Student Trips & Other Matters That Keep Us Up at Night...
Tracie Lopardi, Harris Beach, JoAnn Balazs, Ass't Superintendent, Sweet Home Schools

We all live in uncertain times within our own communities and beyond. Consider how your district implements trips for students, whether that process is in accordance with decisions of the Commissioner of Education and recommendations, and managing the many other risks that schools face each day.

Are you eligible for the member rate?

Yes, if you are a staff member or board of education member in one of the following member districts of the Erie County Association of School Boards and/or Western New York Educational Service Council:

Akron, Alden, Alfred Almond, Allegany-Limestone, Amherst, Batavia City, Bemus Point, Brocton, Buffalo Academy of Science, Buffalo, Cattaraugus-Allegany-Erie-Wyoming BOCES, Cattaraugus-Little Valley, Cheektowaga, Cheektowaga-Sloan, Clarence, Cleveland Hill, Depew, Diocese of Buffalo, Dunkirk, East Aurora, Eden, Enterprise Charter School, Erie 1 BOCES, Erie 2 Chautauqua Cattaraugus BOCES, Fillmore, Frontier, Genesee Valley Central School, Genesee Valley Educational Partnership, Gowanda, Grand Island, Hamburg, Health Sciences Charter School, Hinsdale, Holland, Holley, Iroquois, Jamestown, Ken-Ton, Lackawanna, Lake Shore, Lancaster, Lewiston-Porter, Lockport City, Maryvale, Newfane, Niagara Charter School, Niagara Orleans BOCES, Niagara Wheatfield, North Collins, Oakfield-Alabama, Orchard Park, Pine Valley, Pioneer, Randolph Academy, Randolph Central Schools, Salamanca City, Sherman, Silver Creek, Springville-Griffith Institute, Starpoint, Sweet Home, Tonawanda City, West Buffalo Charter, West Seneca, Westminster Charter School, Williamsville, Wilson.

Attorneys may apply for (CLE) credits

The University at Buffalo School of Law has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York for the period of March 11, 2014 - March 10, 2017. Our Accredited Provider status continues while our application for renewal is pending. The law school has a financial hardship policy. For further information on our policy, contact Lisa Mueller, CLE Coordinator at (716) 645-3176.

Western New York Education Law Conference

To get the reduced TEAM rate, register at least FIVE from your district

Members (member list above): \$175pp. Team Rate: 5 or more from SAME organization: \$160/pp

Standard Rate (if you are NOT a member and NOT registering with a team): \$280/person

For those in an approved graduate level educational leadership program or enrolled in a graduate level educational leadership course for which Law Conference attendance is required by the course instructor, there is a discounted fee of \$125. Eligibility will be confirmed with instructor. This discount does not apply to individuals already in school administration positions. Students not eligible for TEAM rate.

School District or Firm _____ Contact Person _____
Address _____ Town _____ Zip: _____
Phone _____ e-mail _____

Names & Titles of Registrants (REDUCED RATE for teams of FIVE or more)

Name	Title	E-mail (REQUIRED)	Check if this person is an attorney.
_____	_____	_____	—
_____	_____	_____	—
_____	_____	_____	—
_____	_____	_____	—
_____	_____	_____	—

If registering at student rate, list institution and instructor's name, phone # and e-mail below:

This program qualifies for 5.0 non-transitional CLE credits in the area of professional practice.

Registration & Information: 645-2932. Checks payable to: WNYESC. Mail to: WNYESC, 222 Baldy Hall, SUNY Buffalo, Buffalo, NY 14260 or FAX to WNYESC at 716-645-3840. **IMPORTANT - Register by July 20; Sorry, NO refunds after this date.**