

WNY LAW CONFERENCE

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

Session Descriptions, Presenters, Dates and Times

Tuesday August 10, 2021:

Time: 8:30 am - 9:20 am

Presenters: Jeff Swiatek, Esq. from Hodgson Russ, LLP & Brian Liebenow, Esq. from Erie 2 CC BOCES

Topic: *Collective Bargaining*

The 2020 - 2021 school year was a year unlike any other in recent memory. Despite the challenges faced by Boards of Education, Superintendents, and school districts in general, collective bargaining agreements still expired and the duty to negotiate continued. Like everything else, the COVID-19 pandemic has had a significant impact on collective bargaining. The presentation will focus on collective bargaining issues that have arisen over the past year, including mandatory and non-mandatory subjects of bargaining related to remote instruction and returning to school buildings, trends in contract settlements, the value of strong management rights language and effective approaches to the bargaining process.

Time: 8:30 am - 9:20 am

Presenters: Jeff Weiss, Esq. from Harris Beach PLLC

Topic: *Special Education Update*

Learn strategies to comply with the most recent development in special education including responding to request for compensatory education due to COVID, assessing request for students to remain in school beyond the age of 21, new procedural considerations associated with functional behavioral assessments and independent educational evaluations, mental health needs in the post-COVID world, the benefits of remote services going forward and much more.

Time: 9:30 am - 10:20 am

Presenters: Luisa Bostick Esq. from Hodgson Russ, LLP & Brendan Kelleher, Esq. from Harris Beach, PLLC

Topic: *The Impact of New York's Legalization of Cannabis on Schools and the Workplace*

WNY 2021 Law Conference Fast Facts

Date of Event: August 10 and 12, 2021
Deadline to Register: August 2, 2021 (Monday)
Register Via: WNYESC @ 716 - 923-6514
Or wnyesc222@gmail.com

Program Type: Virtual
Time: Begins at 8:30 am each day
2 sessions per time frame
- 8:30 am - 9:20 am
- 9:30 am - 10:20 am
-10:30 am - 11:20 am*

* Jay Worona, Esq. 's presentation, will be the only workshop offered on Tuesday from 10:30 am—12:00 noon.

Member Cost: 100 per person
6 district employees—\$500
Non - Member Cost: \$140 per person



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New York State's legalization of cannabis for adults is expected to have far reaching legal implications for many institutions, including for our schools and school districts. Brendan Kelleher and Luisa Bostick will discuss the impact that the State's legalization of cannabis has on employee and student discipline policies and procedures, the New York Labor Law's protection of legal off-duty activities, the interactive process a school district should engage in upon an employee or student request to use marijuana for medicinal purposes, the policy changes schools and school district will want to consider for students and employees.

Time: 9:30 am - 10:20 am

Presenters: Melanie Beardsley, Esq. from Webster Szanyi, LLP & Orchard Park CSD Superintendent David Lilleck

Topic: Diversity, Equity and Inclusion: Developing Your School Districts DEI Policy and Guiding Principles

The State Education Department's initiative to establish a framework on diversity, equity, and include (DEI) is intended to create a more diverse, equitable and inclusive school community. The Board of Regents framework suggests that district DEI efforts, including a DEI policy, include six elements - governance, teaching and learning, family and community engagement, workforce diversity, diverse schools and learning opportunities, and student supports discipline, and wellness. If districts adopt a DEI policy, how can districts implement the intent of its policy in practical terms? How can a district improve DEI in its workforce recruitment and retention? Should boards make public statements regarding Black Lives Matter, Critical Race Theory, or other movements and concepts? Get answers to these and other questions while learning about strategies to promote workforce diversity, considerations when developing your district overall DEI messaging, and challenges that your board and administration may face.

Time: 10:30 - 12:00 noon

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

Topic: "Hot Topics" from New York State School Boards Association

A skating tour through this year's most significant judicial and administrative decisions as well as new laws and regulations affecting the operation of public school districts. Special emphasis will be on the First Amendment rights of students on the internet in light of the United States Supreme Court's most recent decision.

Thursday, August 12, 2021:

Time: 8:30 am - 9:20 am

Presenters: Tracie Lopardi, Esq. from Harris Beach PLLC and Brian Hartmann, Esq. from Erie 2 CC BOCES

Topic: The Impact of the Pandemic on Schools

The pandemic has impacted virtually every aspect of school operations, and personnel matters are no exception. While some of the changes districts have experienced will end with the public health crisis, others could have lasting consequences. In the presentation, attorneys will address both the immediate and the long-term consequences of COVID-19 on various labor and employment issues, including: APPR, the timing and manner of student instruction, employee vaccinations, the impact of remote work on reasonable accommodations, school reopening plans, and extra-curricular and athletic stipends. In doing so, they will discuss the extend to which courts, legislators, and administrative agencies have responded to the issues, and what districts can do to ensure the safe and

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Time: 8:30 am - 9:20 am

Presenters: Ryan Everhart, Esq. from Hodgson Russ LLP and Brian Doyle, Esq. from Erie 2 CC BOCES

Topic: SRO's, Student Discipline, and Restorative Justice

School Resource Officers perform essential duties to assure that school districts are operating in safe and orderly manner. In the presentation, attorneys will discuss the role and the responsibilities of SRO's, especially in connection with student discipline matters. With the State Education Department's push towards restorative justice practices, SRO's role in disciplinary matters has changed, particularly in lower level offenses. A review of recent Commissioner decisions regarding student discipline and how the approach towards discipline is evolving will be discussed during the session.

Time: 9:30 am - 10:20 am

Presenters: Ryan G. Smith, Esq. from Webster Szanyi LLP and Marnie Smith, Esq. from Webster Szanyi LLP

Topic: What Happens on Social Media Stays on Social Media...Or Does It?

School districts are constantly faced with issues involving social media, including whether and to what extent they can discipline a student or employee in connection with his/her online activity. As recently as June 2021, the United States Supreme Court significantly limited the ability of school districts to regulate students off-campus speech in *Mahanoy Area School District v. B.L.* The presentation will explore that decision as well as other pertinent case law and hypotheticals concerning the First Amendment and social media to help guide school districts when they are confronted with issues.

Time: 9:30 am - 10:20 am

Presenters: Lindsay Menasco, Esq. from Hodgson Russ LLP and Andrew Mark, from Harris Beach PLLC

Topic: The Current Legal Landscape Regarding Data Privacy and Security

Join presenters for a discussion regarding how school districts can protect their interests when negotiating and implementing agreements with current or prospective third-party contractors; how the COVID-19 pandemic impacted upon student data privacy and security, specifically as it relates to hybrid and virtual instructional models; and how to assess the security of school district technology systems along with the practical implications of complying with state and federal privacy laws.

Time: 10:30 am - 11:20 am

Presenters: Daniel J. D'Amico, Esq. from Erie 1 BOCES and Amanda F. Dermott, Esq. from Erie 1 BOCES

Topic: Employee Discipline in the Age of COVID-19 and Beyond

Remote work and increase leave and attendance issues have contributed to a very unique disciplinary landscape since March 2020. This presentation will discuss the impact that COVID-19 has had on employee discipline while also highlighting several key employment related issues that Districts often struggle to adequately address. Presenters will offer practical considerations for responding to these employment related concerns and also identify issues we anticipate for future years.

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Time: 10:30 am - 11:20 am

Presenter: Andrew Freedman, Esq. from Hodgson Russ LLP and J.A. "Tony" Olivo, Partner and Director of Investigative Services for Corporate Screening and Investigative Group, LLC.

Topic: Cybersecurity and Schools

As the threat of cyberattacks looms ever larger, it has never been more important to protect school data from malicious actors. Unfortunately, the question is not "if" your school district will become the victim of cyberattack, but when. This webinar will review the types of cyber-attacks districts face, the implications of a cyber-attack, liability issues involved, breach responses, and a review of pro-active protocols to enhance cyber hygiene practices.