

# 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 3, 2022:

Time: 8:45 am - 10:15am

Presenters: Jay Worona, 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'.

### SESSION I

Time: 10:30 am - 11:20 am

Presenters: Andrew Mark Esq. (Harris Beach PLLC), and Marnie Smith, Esq. (Webster Szanyi LLP)

Topic: Appeals and Lawsuits and Claims, Oh My!

School districts continue to be targeted in legal challenges filed by parents, students, community members and employees. From Appeals to the Commissioner of Education, to state and federal court lawsuits, to charges and complaints from administrative agencies such as the EEOC or NYSDHR litigation can be time-consuming, expensive and a significant disruption to the daily work of administrators and other staff. This session will explore recent trends in litigation and, if litigation cannot be avoided, recommendations and strategies to put your school district in the best position to defend against claims.

Time: 10:30 am - 11:20 am

Presenters: Lindsay Menasco Esq. (Hodgson Russ LLP), & Andrew Freedman, Esq. (Hodgson Russ LLP)

Topic: Student Mental Health

Schools have always had to address the mental health challenges faced by students. However, these challenges have increased significantly during the ongoing COVID-19 pandemic. This session will provide you with information

## WNY 2022 Law Conference Fast Facts

Date of Event: August 3, 2022  
 Deadline to Register: Friday, July 15, 2022  
 Register Via: WNYESC @ 716 - 923-6514  
 Or wnyesc222@gmail.com

Program Type: In Person

Schedule for Day:

|                     |                     |
|---------------------|---------------------|
| Time: Registration: | 8:00 am - 8:30 am   |
| Announcements:      | 8:30 am - 8:45 am   |
| Key Note Address:   | 8:45 am - 10:15 am  |
| Break:              | 10:15 am - 10:30 am |
| Session I:          | 10:30 am - 11:20 am |
| Lunch and Break:    | 11:20 am - 12:40 pm |
| Session II:         | 12:40 pm - 1:30 pm  |
| Break:              | 1:30 pm - 1:40 pm   |
| Session III :       | 1:40 pm - 2:30 pm   |

Member Cost: \$195 per person, register 5 persons from a district and the 6th person attends at no cost.

Non - Member Cost: \$300 per person



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on how to identify, evaluate and support our students during these challenging times.

***Time: 10:30 am - 11:20 am***

***Presenters: Melanie Beardsley, Esq. (Webster Szanyi, LLP) & Ryan Smith, Esq. (Webster Szanyi, LLP)***

***Topic: Difficult Doctor Notes***

“Cannot lift more than 5 pounds,” “cannot physically restrain students,” “requires periodic intermittent leave for flare-ups,” “is totally disabled due to illness, duration to be determined” - do any of these medical notes sound familiar to you? Further complicating the already difficult nature of these notes is that there are a host of laws that may apply, such as Civil Service Law, Education Law, Family and Medical Leave Act and Americans with Disabilities Act. This presentation will explore those law and tips for properly navigating them, along with hypothetical scenarios to help demonstrate these difficult and often complex situations with employees, and to best protect the district in the event of litigation.

### **SESSION II**

***Time: 12:40 pm - 1:30 pm***

***Presenters: Amanda Dermott Esq. (Erie 1 BOCES), Brian Doyle, Esq. (Erie 2 CC BOCES), Elizabeth McPhail, Esq. (Hodgson Russ LLP) Steve Carling, Esq. (Harris Beach PLLC) and Susan McClaren Esq. (Webster Szanyi LLP)***

***Topic: Collective Bargaining - Panel Discussion***

For the most part, we have survived COVID-19. During the pandemic, many of us were confronted with novel negotiations issues, such as hybrid teaching, teaching from home, the provision of technology, extra duty stipends, disability accommodations, and performance evaluations. So, the question is - “Are we done with all that”? What’s next? To answer those questions, we’ve assembled a panel of negotiators and a seasoned superintendent/board member. The panel will offer guidance not only about the issues from COVID-era bargaining that will probably will persist, but they will also share thoughts on what can be done in bargaining to prepare for the next time districts are confronted with a similar crisis.

***Time: 12:40 pm - 1:30 pm***

***Presenters: Kristen Coons Esq. (Erie 1 BOCES), & Brian Hartmann, Esq. (Erie 2 CC BOCES)***

***Topic: Emerging Issues—The Latest for 2022-2023***

Presenters will address the new and emerging issues that are or will be impacting school district operations in the upcoming school year and beyond.

***Time: 12:40 pm - 1:30 pm***

***Presenters: Luisa Bostick Esq. (Hodgson Russ LLP), & Tracie Lopardi Esq. (Harris Beach PLLC)***

***Topic: Employee Issues—Disciplinary Proceedings and Other Issues***

No matter the circumstances, employee disciplinary issues are never easy or straight forward. Join us for a discussion of the ins and outs of 3020-a and Section 75 proceedings in today’s day and age, documentation issues that may rise, recent trends for employee disciplinary issues (i.e., COVID, free speech), and the Child Victims Act.

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### SESSION III

**Time: 1:40 pm - 2:30 pm**

**Presenters: Dan D'Amico Esq. (Erie 1 BOCES), & Brian Liebenow Esq. (Erie 2 CC BOCES)**

**Topic: Navigating Freedom of Speech Issues in Tumultuous Times**

During the past few years most school districts faced freedom of speech issues related to students, employees, and/or members of the public. This presentation will provide an overview of the law related to these complex issues, focusing on the rights that students, employees, and members of the public may have in a school setting, including in the classroom and at Board of Education meetings.

**Time: 1:40 pm - 2:30 pm**

**Presenters: Jeff Weiss Esq. (Harris Beach PLLC)**

**Topic: Special Ed Update**

As we (hopefully) put COVID behind us, we will briefly look back on how the special education process evolved and transformed during the pandemic years. We will also look forward by reviewing recent changes to the special education regulations and important court decisions that will impact the legal obligations of school districts in the post-COVID world. Learn helpful strategies and approaches to ensure that your district is legally compliant going forward.

**Time: 1:40 pm - 2:30 pm**

**Presenters: Buffalo School Board President Lou Petrucci, Williamsville CSD Director of Communications Nick Filipowski, Karl Kristoff Esq., (Hodgson Russ LLP), Brendan Kelleher Esq., (Harris Beach PLLC).**

**Topic: When Confronting the Media While in Crisis Mode**

"We sure have seen our share of crises this year - weapons in schools, a shooting, COVID-19 outbreaks, child victim act lawsuits and disrupted board of education meetings, just to mention a few. Even though you might not have had to deal with any of these types of crisis situations yet, one day in the future - near or far - a crisis likely will happen in your district at one of your schools. So, what do you do when the media comes calling? This program will feature a panel of experienced attorneys, a school community relations specialist, a media relations specialist who formerly worked for the Buffalo New as a reporter and the Editorial Page Editor, chaired by an experienced board of education member that will address just what to do before, during, and even after that call."

\* All presenters power points can be found on the Western New York Educational Service Council and the Erie County Association of School Boards websites.

