

ECASB LEGAL BRIEF

An ECASB Monthly Newsletter about the Latest Legal Issues



ATTORNEY SPOTLIGHT:

Karl W. Kristoff



Karl has practiced law since 1968 and has been engaged almost exclusively in both school law and public sector labor relations work for more than 40 years. Karl has been designated by the New York State Commissioner of Education as a hearing officer for cases arising under Part 83 of the Commissioner's Regulations concerning teacher certification.

During the course of his work for school districts, including his recent service as General Counsel for the Rochester City School District, Karl has been involved with administrator and teacher certification and tenure area matters, student discipline problems, school construction matters, school building closings, sales and leases, board of education and annual meeting questions, student transportation matters, competitive bidding for public contracts, environmental law problems, religious establishment and academic freedom questions, school borrowings, and human rights issues. He also has significant experience with placement of students with special educational needs and appeals from committees on special education decisions, as well as abolition of position matters, public employee collective negotiations, contract administration, grievance

The School Attorney

Law Firms that represent School Districts are generally appointed at the Annual Reorganization meeting in July. School Districts may appoint more than one law firm to work with the district throughout the year. The Superintendent will generally have the most contact with the school attorneys in the course of a day. Key level administrators such as the School Business Official and the Director of Special Education may also be given authority by the Superintendent to contact the school attorney when issues arise within the school district. The school attorney works for the Board of Education. School districts will often have protocols, practices and policies in place for contacting the school attorney whereby the Board President is the designated individual who may contact the attorney on behalf of the Board of Education. Board of Education members need to realize that they as an individual Board Member may not have the authority to contact the school attorney.

Law Conference & Webinars

Many of the law firms in the Buffalo area have either annual conferences or webinars available to their clients and potential clients. The seminars will help to educate Board Members and District Administrators on the latest and emerging issues in the area of Education Law. The area of Education Law is a wide topic that could include special education issues, negotiations, hiring practices, superintendent contracts, foil requests, and the lists goes on. Law firms often have several attorneys working within the Education Law area who will specialize in specific areas. This allows the district to obtain the most knowledgeable and experienced attorney

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handling and arbitration, improper practice cases before the Public Employment Relations Board, public employee strikes and other job actions, certified and non-certified employee discipline and dismissal cases (including more than 50 cases under Section 3020-a), unemployment insurance and workers' compensation matters, and appeals to the Commissioner of Education and the courts.

Karl served on active duty with the U.S. Air Force as a judge advocate and special court military judge. Thereafter, he was appointed to various positions in the Air Force Reserve and Air National Guard of the United States, including staff judge advocate, assistant adjutant general, and commander for the headquarters, New York Air National Guard. He retired from his state service in 1999 with the rank of major general.

Karl has also served as an adjunct assistant professor in the University at Buffalo Graduate School of Education and at SUNY Buffalo Law School.



Karl W. Kristoff served as the Brigadier General as the Assistant Adjutant General for Air for New York. He was responsible for the coordination of all Air National Guard staff activities in the State. General Kristoff began his career in February 1965.

Honors:

- Listed Best Lawyers in America, Upstate New York Super Lawyers, and Who's Who in American Law.
- Legion of Merit of the U.S. Armed Forces
- New York State Conspicuous Service Award
- Martindale Hubbell "AV Preeminent" ranking
- WNYESC Dr. Robert W. Heller Distinguished Service Award
- ECASB Wayne Schlifke Lifetime Achievement Award.

representing the district with the particular issue. There are law conferences where their may be a charge to attend, or the workshop may be free. Programs may be in person, or they may be virtual where the participant can review the webinar or program later, so if a Board Member is unable to attend during the day, they can still take advantage of seminars. In addition school attorneys have often attended and presented at Board of Education retreats. The goal of any attorney or law firm is to keep the district out of court.

The Board & More Legal Issues

A Board Member who violates his/her oath of office, the code of conduct or ethics or who engages in misconduct may be removed the Education Commissioner. Charges that have recently been filed against Board Members include:

- Unauthorized exercise of power by deliberately obstructing the board's recruitment of a superintendent; disclosure of confidential information from executive sessions, disclosure of students identification information, refusing to participate in and actively thwarting a board's investigation, disclosing confidential information, keeping confidential paperwork in executive session when instructed to return materials. The Commissioner further stipulated that the official misconduct charge under Education Law is not dependent upon a violation of statute or district policy.

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