



Law Conference August 7, 2024

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 7, 2024:

Time: 9:00 a.m. - 9:45a.m.

Presenter: Jeffrey Mongelli, Esq., Sr. Staff Counsel New York State School Boards Association

**Topic: Key Note Presentation -
Legal Hot Topics**

‘A tour through this past year’s new laws and regulations affecting the operation of public school districts’

**Topic: New Regulations &
Commissioners Decisions**

Time: 9:45 a.m. - 10:30 a.m.

Presenters: Jeffrey Mongelli, Esq., Sr. Staff Counsel New York State School Boards Association will have a conversation with Daniel Morton Bentley, Esq. from State Education Department

New York State School Board Association Senior Counsel Jeff Mongelli, Esq. and New York State Education Department Counsel and Deputy Commissioner Dan Morton-Bentley will engage in a “cracker barrel” conversation highlighting Commissioner’s Decisions that have implications for school district and building level leaders.

Law Conference Fast Facts

Deadline to Register:

Wednesday, July 30, 2024

Register Via:

wnyesc222@gmail.com

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

Program Type: In Person

Schedule for Day:

Registration: 8:30 a.m.

Key Note Address: 9:00 a.m. - 9:45 a.m.

Conversation with Legal Counsel:

9:45 a.m. - 10:30 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. - 1:25p.m.

Session III : 1:30 p.m. - 2:25 p.m.

Member Cost: \$225 per person

Non - Member Cost: \$350 per person

In cooperation with:



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SESSION I - 10:35 a.m. - 11:30 a.m.

Presenter: Jeff Weiss (Bond, Schoeneck & King PLLC)

Topic: Special Education Update

This program will discuss recent legal developments in special education including new state guidance on physical restraint and timeout, notable court decisions impacting the legal standard for appropriate special education services and recent changes to the Education Law and Part 200 Regulations.

Presenters: Jessica Copeland, Esq. (Bond, Schoeneck and King PLLC) and Karl Kristoff, Esq. (Hodgson Russ LLP)

Topic: The Rise of AI: Policy Challenges for Schools

Generative artificial intelligence tools that can write full essays, stories and code, as well as creating disturbing images and more, are rapidly advancing. While this technology offers potential benefits for education, it also raises thorny questions around academic integrity, student assessment, learning goals and discipline. This session will explore the ethical, legal and operational considerations schools must grapple with as AI capabilities become widely accessible to students, teachers and administrators

Presenters: Brian Hartmann, Esq. (Erie 2 CC BOCES) and Nate Kuzma, Esq. (Lippes Mathias LLP)

Topic: Collective Bargaining Updates—Trends and Updates

Collective bargaining is no less challenging today than it was during the pandemic. Teacher shortages, proposed changes to the calculation of foundation aid, minimum wage increases, and a newfound will- ingness-whether real or perceived-of staff members to move on to other employers or industries have all complicated negotiations over the last few years. Join us for a discussion of recent trends, emerging issues, and tips for avoiding pitfalls as you work with your unions.

SESSION II - 12:30 p.m. - 1:25 p.m.

Presenters: Brendan Kelleher, Esq. (Lippes Mathias LLP) and Melanie Beardsley, Esq. (Webster Szanyi LLP)

Topic: Community Access to School-Based Information

“You have to show me the video of my child’s class!” “I am FOILING my child’s teacher’s personnel file.” “I want all e-mail messages between the superintendent and the board of education.” School districts are receiving requests for various information--like these examples--with seemingly greater frequency. Speakers Melanie Beardsley, Esq. and Brendan Kelleher, Esq. will discuss a school district’s legal obligations regarding such requests under the Freedom of Information Law, Family Education Rights and Privacy Act, and other applicable statutes, as well as how best to address these requests while protecting the district’s legal rights and without providing fuel for litigation.

Presenters: Tracie Lopardi, Esq. (Bond, Schoeneck & King PLLC) and Lindsay A. Menasco, Esq. (Hodgson Russ LLP)

Topic: Social Media and the First Amendment: Guidelines for School Officials and Personnel

The pervasive use of social media has blurred the lines between professional and personal speech for

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teachers, administrators and school board members. This session will explore the complex legal landscape around first amendment protections for public officials' and employees' online speech. Whether you are a board member, administrator or school lawyer this timely presentation will provide guidance on navigating the minefield of social media and public employee and official speech rights.

Presenter: Marnie Smith, Esq. (Webster Szanyi LLP)

Topic: Superintendent Contracts

The process of hiring a new Superintendent brings challenges and opportunities for School Boards and Superintendents. This session will discuss best practices to navigate that process, focusing on Superintendent contracts and strategies to ensure that the Board/Superintendent relationship starts on a positive and productive note. We will review the applicable legal requirements, typical and recommended contractual provisions, and discuss common issues that may arise when preparing and negotiating Superintendent contracts

SESSION III - Time 1:30 p.m. - 2:25 p.m.

Presenters: Ryan Everhart, Esq. (Hodgson Russ LLP) and Dina Allen, Esq. (Webster Szanyi LLP)

Topic: New Title IX Rules– Navigating the Changes

The U.S. Department of Education's new Title IX regulations have significantly reshaped how schools must handle allegations or sexual discrimination. This comprehensive session will unpack the new federal rules and provide strategic guidance for conducting compliant Title IX investigations under the revised requirements. This session is a must to safely navigating the new Title IX landscape. Come and learn the critical compliance areas and acquire insights for updating your institutional policies and resolving cases under the new rules.

Presenters: Kurt Gustafson, Esq. (Erie 2 CC BOCES) and Andrew Mark, Esq. (Bond, Schoeneck and King PLLC)

Topic: Code of Conduct Review and Reminders

Every school district must have its own Code of Conduct that governs the conduct of students, teachers, other school personnel and visitors. This session will involve a review of what is required to be included in a District's Code of Conduct and will offer suggestions for other categories/areas for your District's Code to address.

Presenters: Elizabeth McPhail, Esq. (Hodgson Russ LLP) and Brian Doyle, Esq. (Erie 1 BOCES)

Topic: Navigating Staff Discipline: A Holistic Approach

In today's complex education environment, addressing staff issues such as absenteeism and workplace violence, requires a legally –sound approach. Drawing from expert legal analysis and real-world case studies, the presenters will explore best practices for crafting and implementing effective staff discipline procedures. Attendees will gain insights into balancing employee rights with the need to maintain a safe and productive learning environment.

- 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 27, 2024.
- 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.

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