



**DON'T  
miss this  
PREMIER  
EVENT!**

**Earn 7 CLE Credits**  
(Application Pending)

## 21<sup>ST</sup> ANNUAL PRE-CONVENTION SCHOOL LAW SEMINAR

*Start your  
Convention  
early!*

Attend a full day of programming that highlights current developments in areas that affect the governance and operation of your school district on a daily basis.



Co-hosted by:



New York State  
School Boards  
Association



**NYSASA**  
New York State Association of School Attorneys

Thursday, Oct. 12  8:00 a.m. – 3:30 p.m.

Crowne Plaza • Lake Placid

Register now at [convention.nyssba.org](http://convention.nyssba.org)

# 21<sup>ST</sup> ANNUAL PRE-CONVENTION SCHOOL LAW SEMINAR



## Who Should Attend?

- School Board Members
- Superintendents
- School Attorneys
- Building Administrators
- Title 1 Administrators

## Why Attend?

You'll bring back to your district essential legal and practical information such as:

- Changes in federal education policy and enforcement priorities and their impact on public schools
- The implications of changes in federal enforcement of immigration-related policies
- School board members and their exercise of free speech rights
- Staff electronic communications with parents and students
- New York's official plan for implementing the federal Every Student Succeeds Act (ESSA) and school district responsibilities under the plan

**Plus get an overview of must know new laws and regulations, and court decisions and other rulings.**

## 7.0 CLE credits

**New York State Continuing Legal Education (CLE) Credits:** Application for accreditation for this course or program in New York State is currently pending. If approved, this program may be eligible for 7.0 CLE credit hours in areas of professional practice.

**Important Notice:** Partial credit for program segments is not allowed. Under the New York State Continuing Legal Education Board Regulations and Guidelines, attendees at CLE programs cannot receive MCLE credit for a program segment unless they are present for the entire segment. Persons who arrive late, depart early, or are absent for any portion of the segment will not receive credit for that segment.

**Tuition Assistance:** Application for tuition assistance to attend this program may be made based on financial hardship. Under that policy, an applicant who has a genuine financial hardship may apply in writing, no later than five working days prior to the program, explaining the basis of his/her hardship and, if approved, may receive tuition assistance, depending upon the circumstances. For more details, please contact Jay Worona, New York State School Boards Association, at 518-783-0200 or 800-342-3360, or by email at [jay.worona@nyssba.org](mailto:jay.worona@nyssba.org).

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## Agenda

7:00 – 8:00 a.m.

### Registration and Continental Breakfast

8:00 – 8:15 a.m.

### Introduction and Welcome

Jay Worona, Esq., Deputy Executive Director & General Counsel, NYSSBA  
Kathy A. Ahearn, Esq., President, NYSASA

8:15 – 9:15 a.m.

### Federal Education Policy – Measured Shifts or a Tsunami?

Hear from high level federal officials about the new administration's policy goals for public education and the enforcement of civil rights in public schools. From transgender and immigrant student rights to school discipline and disability discrimination – What will change? What will remain the same? Find out how the new changes will affect the operation of school districts.

Candice Jackson, Acting Assistant Secretary of the Office for Civil Rights, U.S. Department of Education,  
Thomas E. Wheeler II, Deputy Assistant Attorney General (Acting), Civil Rights Division, U.S. Department of Justice,  
and Gregory J. Guercio, Esq., Partner, Guercio & Guercio, LLP

Moderator: Jay Worona, Esq., Deputy Executive Director & General Counsel, NYSSBA

9:15 – 9:30 a.m. • BREAK

9:30 – 10:30 a.m.

### School District Responsibilities Toward Undocumented Students

School districts across the nation have concerns over the impact that heightened federal enforcement of immigration laws might have on their schools. Learn more about the rights of undocumented students under the U.S. Constitution and other laws including confidentiality, interrogation, school removal and anti-harassment protections. Hear how these protections affect a school's response to law enforcement requests regarding these students. Explore what your district can do now to prepare for such a request, including a review of current policies and practices.

Alison B. Bianchi, Esq., Counsel and Deputy Commissioner for Legal Affairs, NYS Education Department,  
Francisco Negrón, Esq., Chief Legal Officer, National School Boards Association, and  
Frank W. Miller, Esq., The Law Firm of Frank W. Miller

Moderator: Kathy A. Ahearn, Esq., Partner, Guercio & Guercio, LLP

10:30 – 11:30 a.m.

### School Board Member Free Speech Rights

Do school board members really have First Amendment free speech rights? What can't they talk about as public officials? What can they say as private citizens? Learn how courts have decided such issues. Understand better how school board member free speech rights can both positively and negatively affect the governance and operation of public schools.

Laura J. Granelli, Esq., Partner, Jaspan Schlesinger, LLP, and John H. Gross, Esq., Partner, Ingerman Smith, LLP

Moderator: Eugene R. Barnosky, Esq., Partner, Lamb & Barnosky, LLP

11:30 a.m. – Noon

### School Law: A Year in Review Part I – New Laws and Regulations

School districts derive their rights and responsibilities primarily from statutory laws and administrative regulations. Learn how this year's activities within the Legislature and the State Education Department are transforming a district's legal obligations. Hear what is new and what has changed, and what your district must comply with now and in the years ahead.

Kimberly A. Fanniff, Esq., Senior Staff Counsel, NYSSBA

Noon – 1:00 p.m. • LUNCH

1:00 – 1:30 p.m.

### School Law: A Year in Review Part II – New Court Cases and Other Rulings

Court decisions, appeals to the commissioner of education, and rulings from other agencies regularly interpret laws and regulations in a manner that affects the way in which school districts must fulfill their legal responsibilities. Find out how your district might need to adapt its governance and school operations to satisfy changes in compliance requirements redefined by those decisions.

Jeffrey Mongelli, Esq., Senior Staff Counsel, NYSSBA

1:30 – 1:40 p.m. • BREAK

1:40 – 2:30 p.m.

### Staff Emails and Texts to Parents and Students – The Legal and Practical Issues

Should school boards allow, prohibit or restrict staff use of personal cell phones and other communication devices to connect with parents and students? Hear about the potential legal risks and the practical implications of such use for school districts. Are such communications subject to disclosure? Learn more about the issues involved and possible ways to address them.

James (Jay) E. Girvin, Esq., Partner, Girvin & Ferlazzo, PC and Edward J. Sarzynski, Esq., Of Counsel,  
Hogan, Sarzynski, Lynch, DeWind & Gregory, LLP

Moderator: Thomas M. Volz, Esq., Law Offices of Thomas M. Volz, PLLC

2:30 – 3:30 p.m.

### ESSA in New York – What has the State Done?

New York now has a plan for implementing the 2015 Every Student Succeeds Act. Learn how the new school accountability rules and additional requirements for the support of teachers and school building leaders will impact school board responsibilities and the operation of public schools. Become better prepared to navigate a new maze of mixed challenges and opportunities on the road to compliance.

Pilar Sokol, Esq., Deputy General Counsel, NYSSBA and David S. Shaw, Esq., Partner, Shaw, Perelson,  
May & Lambert, LLP

3:30 p.m. • ADJOURN



# New this Year!

We are requesting all attendees register online for the Pre-Convention School Law Seminar at [convention.nyssba.org](http://convention.nyssba.org).

## Event Information



- **Date:** Oct. 12, 2017
- **Location:** Crowne Plaza, Lake Placid
- **Pre-Registration/Cancellation Deadline:** Sept. 29, 2017
- **Registration Fee:** \$315/Registrant

*Fee includes resource materials, continental breakfast, lunch and a nonrefundable \$50 administrative fee. You may pay by check, credit card, or purchase order. Cancellations will not be refunded after the pre-registration/cancellation deadline. No-shows will be billed the full registration fee.*

**Registration for this event is not included as part of your registration for NYSSBA's Annual Convention.**

- Already registered for NYSSBA's Annual Convention? Open your registration confirmation email and select **Attendee Service Center** to add this seminar. Username and password are provided in the email to log in. Select **Edit**, scroll down to select **Continue**. Check box for **21st Annual Pre-Convention School Law Seminar**. Enter form of payment and select **Complete Registration**.
- If you are only attending the Pre-Convention School Law Seminar, register at [convention.nyssba.org](http://convention.nyssba.org).

**For more information, please contact the New York State School Boards Association at (518) 783-0200 or 800-342-3360 or via email at [info@nyssba.org](mailto:info@nyssba.org).**



### Green Initiative

Attendees will receive a packet that includes the PowerPoint slides used during the seminar instead of a traditional binder. A few days prior to the seminar, you will receive an email with a direct link to download and preview the seminar materials in a printer-friendly format.



Board members will earn 20 points in NYSSBA's School Board U Recognition Program.