



## Program Agenda

### 25th Annual Pre-Convention School Law Seminar

*A Live Virtual Two Half-Day Event*

October 21 and October 22, 2021

### October 21, 2021 – Day 1

8:15 – 8:30 a.m.

#### **Introduction and Welcome**

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

**Sara E. Visingard, Esq.**, *President, NYSASA*

8:30 – 9:30 a.m.

#### **The U.S. Supreme Court – A Glance Back and A Peek Into the Future**

Some of the major cases decided by the U.S. Supreme Court over the past 25 years have involved school law matters such as staff and student free speech, religion in public schools, discrimination, retaliation, student drug testing and special education. Revisit some of the key rulings and hear more about their impact on the day-to-day operation of public schools. Explore how the current composition of the Court might affect the legal rights and responsibilities of school districts, their staff and students in the years to come.

**Speaker: Francisco Negrón, Esq.**, *Chief Legal Officer, National School Boards Association*

**Speaker/Facilitator: Thomas M. Volz, Esq.**, *Law Offices of Thomas M. Volz, PLLC*

9:30 – 9:40 a.m.

#### **Break**

9:40 – 10:40 a.m.

#### **State Educational Policy and Its Impact on the Legal Rights and Responsibilities of School Districts – A Retrospect and a Look Forward**

From school performance oversight and student testing to school closings and remote learning, join a conversation between the current and former Counsels to the State Education Department as they look back at the key educational issues that have affected the legal rights and responsibilities of school districts for the last 25 years. What has changed? What is still the same? Explore current and emerging issues and the legal and practical implications for school districts.

**Speakers: Daniel Morton-Bentley, Esq.**, *Counsel and Deputy Commissioner for Legal Affairs, NYS Education Department*; **Shannon L. Tahoe, Esq.**, *School Attorney, Capital Region BOCES, Former Acting Counsel and Deputy Commissioner for Legal Affairs and Former Interim Commissioner of Education, NYS Education Department*; **Erin O’Grady-Parent, Esq.**, *Partner, Guercio & Guercio LLP and Former Acting Counsel and Deputy Commissioner for Legal Affairs, NYS Education Department*

**Speaker/Facilitator: Kathy A. Ahearn, Esq.**, *Partner, Guercio & Guercio LLP and Former Counsel and Deputy Commissioner for Legal Affairs, NYS Education Department*

- 10:40 – 10:50 a.m.           **Break**
- 10:50 – 11:50 a.m.           **Student First Amendment Rights – An Update from the U.S. Supreme Court**  
 The *Tinker* standard established by the U.S. Supreme Court in 1969 has served to set limitations on the ability of school officials to regulate student speech. It has been applied in a variety of contexts including off-campus expression through multiple media. Examine the impact of the Court’s recent decision in *B.L. v. Mahanoy* on the continued application of *Tinker* and what it means for school districts.  
**Speakers: David S. Shaw, Esq., Partner, Shaw, Perelson, May & Lambert LLP; Donald E. Budmen, Esq., Partner, Ferrara Fiorenza P.C.; Howard M. Miller, Esq., Partner, Bond, Schoeneck & King, PLLC**  
**Speaker/Facilitator: Jay Worona, Esq., Deputy Executive Director & General Counsel, NYSSBA**
- 11:50 a.m. – Noon           **Break**
- Noon – 12:30 p.m.           **School Law: A Year in Review Part I – New Laws and Regulations**  
 School district responsibilities are continuously evolving. Learn how this year’s actions by the Federal government, State Legislature and the State Education Department and other State agencies have transformed those obligations.  
**Speaker: Kimberly A. Fanniff, Esq., Senior Staff Counsel, NYSSBA**
- 12:30 p.m.                   **Conclusion – Day 1**

## **October 22, 2021 – Day 2**

- 8:45 – 9:00 a.m.           **Introduction and Welcome**  
**Jay Worona, Esq., Deputy Executive Director & General Counsel, NYSSBA**  
**Sara E. Visingard, Esq., President, NYSASA**
- 9:00 – 9:50 a.m.           **Special Education – Lingering Legal Issues and Practical Implications**  
 The provision of compensatory education is the more obvious and likely vehicle for addressing loss of learning and educational opportunities by children with disabilities during the COVID-19 pandemic. Get a better understanding of the legal issues and standards involved. Explore the practical implications school districts should consider in order to help them appropriately serve such students and minimize their own exposure to liability.  
**Speakers: Tara L. Moffett, Esq., Partner, Girvin & Ferlazzo, PC; Jeffrey J. Weiss, Esq., Partner, Harris Beach PLLC**  
**Speaker/Facilitator: Laura J. Granelli, Esq., Partner, Jaspan Schlesinger LLP**
- 9:50 – 10:00 a.m.           **Break**

- 10:00 – 10:55 a.m.      **Collective Bargaining – A Look at the Present and Where We Might Be Headed**  
From one-year rollovers to salary demands and agreed to concessions, find out how the pandemic has affected collective bargaining this past year and how it is likely to shape negotiations in a post-pandemic world. Join a discussion about current bargaining issues and emerging trends. Explore the impact of a “return to normalcy” and continuing changes in the state of the economy. Hear what districts can do to prepare and about possible approaches that can help them at the bargaining table.  
**Speakers: Julie M. Shaw, Esq., Partner, Shaw, Perelson, May & Lambert LLP; Gregory J. Guercio, Esq., Partner, Guercio & Guercio, LLP; John H. Gross, Esq., Partner, Ingerman Smith LLP; Jeffrey F. Swiatek, Esq., Partner, Hodgson Russ LLP**  
**Speaker/Facilitator: Eugene R. Barnosky, Esq., Partner, Lamb & Barnosky, LLP**
- 10:55 – 11:05 a.m.      **Break**
- 11:05 – 11:35 a.m.      **School Law: A Year in Review Part II – New Court Cases and Other Rulings**  
Official interpretations of law and regulations affect how school boards govern and operate their schools. Hear how your district might need to adapt to satisfy changes in legal requirements as a result of those interpretations.  
**Speaker: Jeffrey Mongelli, Esq., Senior Staff Counsel, NYSSBA**
- 11:35 a.m.                **Conclusion – Day 2**