

LAW, YOUTH AND CITIZENSHIP 42nd ANNUAL CIVICS AND LAW RELATED EDUCATION CONFERENCE

The Contours of Student and Faculty Free Speech Rights in a Politically Charged World

Friday, November 16, 2018 | Hilton Albany | 40 Lodge Street | Albany, NY 12207

www.nysba.org/lyc42

PROGRAM DESCRIPTION

As public schools continue to serve as targets by shooters, students across our nation have begun a campaign, via social media, to bring an end to the violence. Multiple walkouts and demonstrations were planned and executed this past year. Many school district faculty members and administrators supported and even encouraged this movement and its planned walkouts. Other districts imposed discipline upon their students for their actions of “materially and substantially” disrupting their school districts’ educational process.

Whether you are an attorney, teacher, administrator or a person who is simply interested in this topic, come and explore the contours of student and faculty member protected free speech rights. Join an interactive discussion on how complex first amendment principles can be translated into best practices for the operation of school districts. Learn how school districts can best practice democracy as opposed to merely teaching about it, but, at the same time, avoid the pitfalls and consequences that may occur by their embracing only certain student political viewpoints over others.

For attorneys, as an added bonus, get one continuing credit hour of Ethics!

AGENDA

7:30–8:30 am Registration and Buffet Breakfast

8:30–8:35 am Welcome and Introduction

Craig R. Bucki, Esq., *Chair, Law, Youth and Citizenship Committee | Partner, Philips Lytle, LLP*

8:35–9:50 am

1. School Safety – A World Turned Upside Down

News reports of mass shootings in our nation’s schools have sadly become the “new normal.” There are no guarantees that will keep school children and staff safe from a violent attack while at school. Recent events again have districts re-examining what they can do better to prevent and respond to such an event. From community engagement, security measures and training to mental health, interagency collaboration and law enforcement partnerships, join a discussion of the real life and legal issues involved.

Moderator:

Jay Worona, Esq., *Deputy Executive Director & General Counsel, New York State School Boards Association*

Speakers:

Kenneth Cooper, *Deputy Sheriff, Saratoga County Sheriff’s Department*

Frank W. Miller, Esq., *The Frank W. Miller Law Firm*

Renee L. Rider, *Associate Commissioner, Office of School Operations and Management Services, New York State Education Department*

9:50–10:00 am Refreshment Break

10:00–11:00 am

2. Student Free Speech Rights—A “Skating Tour” through Landmark Decisions to the Present

Examine the landmark decisions of the United States Supreme Court outlining the parameters of student free speech rights as well as those decisions from our federal appellate courts which are binding on the school districts of New York State.

Speaker:

Jay Worona, Esq., *Deputy Executive Director & General Counsel, New York State School Boards Association*

11:00 am–12:00 pm

3. Faculty Free Speech Rights — Something Less than Academic Freedom?

Review the decisions of our nation's highest court outlining where faculty free speech rights begin and end. Do elementary and secondary school personnel actually have the right to academic freedom?

Speaker:

Beth Bourassa, Esq., *Partner, Whiteman Osterman & Hanna LLP*

12:00–1:00 pm Lunch Buffet

1:00–1:05 pm *Time allotted to travel between meeting rooms.*

1:05–2:00 pm

4. Concurrent Sessions A and B will be in separate meeting rooms. (see below)

Only Session B offers CLE credit.

Session A (for Educators)

A. Practicing Democracy in our Schools as Opposed to Merely Teaching about it

Join a session conducted by seasoned educators related to best practices for getting students ready to engage as active citizens in the political process, particularly in a politically charged world.

Speaker:

David A. Scott, Esq., *Project PATCH Coordinator, Northport-East Northport Union Free School District*

Session B (for Attorneys) – CLE credit – Attorneys must sign in!

B. The Ethics of Petitioning and Placing Candidates and Political Causes on the Ballot

In a politically charged world, tensions and emotions often run high. Join a discussion of the ethical considerations that must be complied with in order to ensure that political causes are pursued in a legally and ethically appropriate manner.

Speaker:

Craig R. Bucki, Esq., *Chair, Law, Youth and Citizenship Committee / Partner, Philips Lytle, LLP*

2:00–2:15 pm Refreshment Break

2:15–3:30 pm

5. Political Discourse in Public Schools – Complex Issues without Simple Rules

Public schools can limit the exercise of free speech rights within their buildings and grounds, including expressions of political solidarity. But what if school officials want to allow or even engage in such speech? When and what limitations might be appropriate? To whom would they apply? Understand better the legal issues involved.

Moderator:

Donald E. Budmen, Esq., *Partner, Ferrara Fiorenza P.C.*

Speakers:

Kathy A. Ahearn, Esq., *Partner, Guercio & Guercio, LLP*

Deontae Guy, *High School Student, Shenendehowa Central School District*

Dr. L. Oliver Robinson, *Superintendent, Shenendehowa Central School District*

3:30 pm Adjournment