

2023 Bradley F. Kidder Law Conference

**Wednesday, October 4, 2023
Grappone Conference Center
Concord, NH**



sponsored by

The New Hampshire School Administrators Association (NHSAA)

The New Hampshire School Boards Association (NHSBA)

&

The New Hampshire Council of School Attorneys (NHCOSA)



2023 Bradley F. Kidder Law Conference

Agenda

Time		Location
8:00am - 8:30am	Registration & Continental Breakfast	Hallway
8:30am - 8:40am	Welcome, Introductions, & Review of Agenda Dr. Mark MacLean, Executive Director, NHSAA	Salon A/B
8:45am - 10:05am	Concurrent Breakout #1	Various*
10:05am - 10:15am	Refreshment Break	Hallway
10:15am - 11:35am	Concurrent Breakout #2	Various*
11:40am - 1:00pm	Concurrent Breakout #3	Various*
1:00pm - 1:50pm	Lunch	Salon A/B
1:50pm - 3:00pm	Legislative Update & Discussion	Salon A/B

Participants are able to choose **2 mini-sessions** from among the **15 different panel presentations** during the each of the **3 concurrent session time slots**.

Most panels will repeat their session once to allow greater choices for participants. Any pre-conference materials will be sent to the email address on your conference registration.



**See Schedule Matrix (page 7)*

Session #1

Understanding the Relationship between FMLA, Workers' Compensation, the Americans with Disabilities Act & CBA Sick Leave - Mark Broth, Attorney, Drummond Woodsum

Dealing with employee absences from school is challenging under any circumstances, but particularly when the employee is absent for a medical reason. Analysis of an employee's request for a medical leave of absence requires schools to assess and balance employee's rights under state and federal laws as well as applicable sick leave under applicable policies and collective bargaining agreements. If an employee has been injured at work, medical absences may also raise questions under NH's workers' compensation statute. This session will provide an overview of these entitlements and provide a strategy for approaching these requests.

Session #2

Title IX vs. Title VII: A School District's Obligations - Meghan Glynn, Attorney, & Anna Cole, Attorney, Drummond Woodsum

Title IX and Title VII are both federal laws that prohibit discrimination. But who these laws cover, the definitions that they use, and the way they are applied are materially different. In this presentation, school lawyer Meghan Glynn and employment lawyer Anna Cole will explain when to apply Title IX vs. Title VII and provide practical tips for investigating, policy enactment and communication to staff and students.

Session #3

Responding to School Threats - James O'Shaughnessy, Attorney, & Liz Trautz, Attorney, Drummond Woodsum

This session will provide an overview of the legal and practical considerations for responding to school threats, including a discussion of the laws related to student discipline, risk vs. threat assessments, removals from school, confidentiality of student records, safe school zones reporting, guns on school property, and no trespass orders.

Session #4

Emerging Trends in Collective Bargaining - Matthew Upton, Attorney, Drummond Woodsum

Collective bargaining in the field of education is a process that plays a crucial role in shaping the rights and opportunities for educators and students alike. In this session Matt will delve into the emerging trends in collective bargaining in education. Matt will explore the latest developments that are transforming the way negotiations take place, the issues at stake, and the strategies being employed by stakeholders to achieve their objectives.

Concurrent Session Information

Session #5

Lease Purchase Agreements: Viable Substitute for Issuing a Bond? – Steven Whitley, Attorney & Greg Im, Attorney, Drummond Woodsum

The use of lease purchase agreements to finance improvements is becoming more frequent. This presentation will address what can be financed in this manner, contrast them from a typical bond, pros/cons, and pitfalls to avoid.

Session #6

Limits on the State and Federal Governments' Authority to Regulate School Districts: A Case Study – Jerry Zelin, Attorney, Drummond Woodsum

The U.S. Constitution confers only limited powers on the federal government. Part 1, Article 28-a of the N.H. Constitution in turn restricts the State's authority to impose new unfunded mandates on school districts. Jerry will review how those constraints operate when the federal government regulates states by attaching strings to federal funds and the state downshifts to school districts the costs of compliance. He will then apply those constitutional principles by considering whether recent amendments to New Hampshire's special education statute, raising the upper age limit to a student's 22nd birthday without full state funding for the new costs, are a legally permissible means to achieve a laudable end.

Session #7

New Laws on Restraint and Seclusion – Milliana Zonarich, Attorney, & Luke Webster, Attorney, Drummond Woodsum

The NH Legislature made significant changes to the law surrounding restraints and seclusions in schools. In this session Milli and Luke will bring you up to speed on the updates, and provide a refresher on the law in this area.

Session #8

Recent Amendments to 91-A:3 and the Preparation, Retention and Review of Sealed Minutes for Non-Public Sessions – Will Phillips, Staff Attorney & Director of Policy Services, NHSBA

Legislative amendments to RSA 91-A:3 in 2021 and 2023 have added to the legal standards and procedures related to the sealing of minutes of non-public sessions, as well as post-sealing review and disclosure of such minutes. This presentation will review the statutory changes, other requirements relative to non-public minutes, and discuss best practices for complying with them.

Concurrent Session Information

Session #9

Student Discipline & Due Process – Katie Cox Pelletier, Chief Legal & Policy Officer, SAU #37

This presentation will review the necessary steps to provide sufficient due process to a student when they are facing disciplinary action, and will review fundamentals of the student discipline laws in New Hampshire. Katie will include tips to prepare for a suspension or expulsion hearing, and discuss when documented prior interventions are necessary.

Session #10

Tuition Options for School Districts – Attorney Gordon B. Graham, Soule, Leslie, Kidder, Sayward & Loughman, P.L.L.C

Join Gordon to learn about the opportunities, challenges and questions created by rapidly changing laws and rules concerning: district tuition agreements, tuition caps and tuition policies, school tuition programs at approved private schools, open enrollment schools, and best interest placements and Manifest educational hardship statements.

Session #11

Charter Schools: What You Need to Know – Barbara Loughman, Partner, & Diane Gorrow, Attorney, Soule, Leslie, Kidder, Sayward, & Loughman

Diane and Barbara will review the District's obligations for charter school students including the memorandum of understanding requirement in RSA 194-B:5, VIII

Session #12

Understanding New Hampshire's Right to Know Law – Michael Eaton, Attorney, Wadleigh, Starr & Peters, PLLC

This session will focus on developing a working understanding of New Hampshire's Right to Know Law. It will provide an overview of the law regarding public records requests and public access to meetings. The goal of this session is to leave the attendees better equipped to make prudent decisions regarding public access to meetings and records in a manner which fulfills the intent and objectives of the law. The session will also feature an interactive component centering on discussion and analysis of hypothetical Right to Know requests.



Concurrent Session Information

Session #13

Section 504 Overview - Alison Minutelli, Attorney, Wadleigh, Starr & Peters, P.L.L.C.

This fast paced seminar will provide you with “what you need to know” about Section 504 as it applies to students, including eligibility, accommodations and discipline. If the US Department of Education releases the proposed updates to the current Section 504 regulations, this presentation will also provide an overview of any changes contained in that proposal.

Session #14

Protecting Students from Discrimination on the Basis of Gender Identity: Compliance with Federal and State Anti-Discrimination Laws - Allison Tamposi, Attorney, Wadleigh, Starr & Peters, P.L.L.C.

This presentation will provide updates on the current state of the law pertaining to the the protection of transgender and gender nonconforming students within districts' schools. This will include an overview of the current case law and guidance documents, as well as practice pointers and guidance for many questions presented to districts.

Session #15

Collective Bargaining 101: A Primer on the Fundamentals of Collective Bargaining - Abby Tucker, Partner and Kathleen Peahl, Partner, Wadleigh, Starr & Peters, PLLC

Abby and Kathy will discuss the fundamentals of collective bargaining and explore the roles and responsibilities of administrators as key members of the management bargaining team. They will also highlight some recent trends and provide useful tips to help achieve your goals at the bargaining table. Administrators who are new to negotiating as well as those looking for a “refresher” will find this session useful.



Concurrent Session Schedule Matrix

Each breakout will contain **two 'mini-sessions.'**

Each **'mini-session'** will run **40 minutes.**

You are able to **mix and match** between each breakout giving you the opportunity to attend **more sessions!**

Room Name	Breakout #1 8:45 - 10:05	Breakout #2 10:15- 11:35	Breakout #3 11:40- 1:00
Capital	Session #2 Full Breakout	Session #2 Full Breakout	Session #12 Session #8
Concord	Session #12 Session #8	Session #15 Session #4	Session #15
Merrimack	Session #10 Session #11	Session #10 Session #11	Session #1 Session #13
Pierce	Session #7 Session #9	Session #7 Session #9	Session #5 Session #6
Webster	Session #3 Session #14	Session #1 Session #13	Session #3 Session #14

Questions? Reach out to Kymra at kymra@nhsaa.org

General Session Information

2023 New Hampshire Legislative Summary - Dr. Mark MacLean, Executive Director, NHSAA, Barrett Christina, Executive Director, & Becky Wilson, Director of Governmental Relations, NHSBA

In this joint session, representatives of NHSAA and NHSBA will review and discuss many of the pertinent bills passed during the 2023 legislative session. With more than 40 bills signed into law impacting school districts, this presentation will focus on those bills that have a significant impact on school board governance, board policies, and administrative practice. Both the practice and policy impacts of the most significant of the new and revised statutes will be discussed.

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Dr. Mark MacLean, Executive Director, NHSAA - With nearly three decades of experience in public education, Dr. Mark MacLean has been a classroom teacher, a department chair, a building-level administrator, an assistant superintendent, and a superintendent. In every role, technology, innovation, and a future-focus have been integral. As a classroom teacher, Mark was recognized as New Hampshire's Technology Using Educator of the Year in 2003. In 2020, Mark was honored as the New Hampshire Superintendent of the Year. A former computer graphics, programming, accounting, and entrepreneurship instructor, Mark thrives in both creative and analytical environments. Always seeking inventive and applicable technological innovations and efficiencies, Mark embraces change and is confident in leading others through the process. Mark formerly served on the New Hampshire School Administrators Association (NHSAA) Executive Board and was one of two New Hampshire representatives on the American Association of School Administrators (AASA) Governing Board.



Barrett Christina, Esq., Executive Director, NHSBA - Barrett M. Christina is the Executive Director of the New Hampshire School Boards Association. Hired at NHSBA in 2005, Mr. Christina has served as the Association's Staff Attorney, Director of Governmental Relations, Chief Trainer and Associate Executive Director, before being appointed Executive Director in 2017. In his years at NHSBA, Mr. Christina has provided trainings to thousands of school board members, testified on dozens of bills before the NH Legislature, drafted many pieces of legislation, and has provided school board members and school administrators with legal guidance, trainings and support on all matters relative to school board governance.



Becky Wilson, Director of Governmental Relations, NHSBA - Becky currently serves as the Director of Governmental Relations for the New Hampshire School Boards Association (NHSBA) after serving in NH as a district level Special Education Director/Director of Student Services for 21 years. Becky received her undergraduate degree in Elementary Education/General Special Education at Keene State College, her Master's of Education in Emotional/Behavioral Disorders from Rivier University, and holds a CAGS in Educational Leadership from Southern New Hampshire University. Becky serves on the board of Leave No Girl Behind International, a girls' empowerment organization based in South Africa which provides leadership training to girls ages 12-18, as well as serving as a member of the NH EDDies board of directors. She is also an active member of the International Association of Special Education (IASE) which provides support and resources to address the identification of special educational needs in developing countries.



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Registration Information

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Registration cost = \$199.00

Please register via the NHSAA website and/or portal or access the QR code below



Registration questions? Contact Kymra at kymra@nhsaa.org or 603-225-3230