

# Strauss Esmay Associates' - 25th Annual Educational Policy & School Law Seminar - Workshop Descriptions

## **24/7 Student Code of Conduct Policies** (Sessions 1A)

How far can a school district's Pupil Code of Conduct Policy go when imposing a consequence on a pupil for conduct away from school grounds pursuant to N.J.A.C. 6A:16-7.6? This session will focus on issues to be considered in developing and adopting such a policy and the legal challenges a school district may incur after adoption of a Code of Conduct Policy that imposes a suspension on a pupil from school, sports, or other co-curricular activities for conduct which occurred away from school grounds.

Presenter: Joseph F. Betley, Esquire, Capehart Scatchard, Attorneys At Law

## **Collective Bargaining From Today Forward** (Session 2A, 3A)

It is expected the collective bargaining process will be the most difficult task confronting school districts in the foreseeable future. Re-opening current contracts, salary freezes, health insurance contributions, reductions in force, furlough days, tiered salaries and benefits, contracting services, mediation, fact-finding, super conciliation, and concerted job actions are terms and processes rarely used in past negotiations. This session will discuss collective bargaining strategies and issues school districts will have no choice but to consider from today forward.

Presenter: Joseph F. Betley, Esquire, Capehart Scatchard, Attorneys At Law

## **Seniority Rights** (Sessions 1B, 2B)

Seniority rights apply to tenured staff when a reduction in force occurs and when a vacancy occurs in a recall situation. This session will provide an overview of the general principles of seniority with discussion regarding seniority categories, tack-on seniority, counting part-time employment, military time, and leaves of absences toward seniority, and support staff seniority.

Presenter: Randall Kanter, President, Califon Consultants

## **Tenure Issues** (Session 3B)

Tenure becomes increasingly more important and critical when school districts are considering a reduction in force, reorganizations, and other cost-saving measures. This session will provide an overview of New Jersey's system of tenure with discussion on the general rules regarding tenure including tenure probationary periods, tenure under certificates and endorsements, tenure positions, substitute and acting service, tack-on-tenure, tenure after promotions, and relevant case law.

Presenter: Randall Kanter, President, Califon Consultants

## **Using DISTRICTOnline (Refresher Course for Existing DOL Clients)** (Session 1C)

This session has been developed to refresh the DISTRICTOnline editor, the one person in the district authorized to make changes in the district's policy and regulation manuals, as well as authorized users on the advantages of the DISTRICTOnline service. This session will provide a review of the process to be used by the editor in updating a policy or regulation and additional helpful tips for the editor to use when updating the district's policy and regulation manuals. Instruction will also be provided for authorized users on navigating the district's policies and regulations via DISTRICTOnline.

Presenters: Cindy Herrick & Maureen Jeleniewski, Strauss Esmay Associates, LLP

## **School Law Review** (Sessions 2C, 3C)

Commissioner of Education, State Board of Education, and State and Federal Court decisions directly affect the operations of New Jersey school districts. SEA's *School Digest* reports selected decisions indexed by policy number. This session will present and discuss legal decisions reported this past year.

Presenter: Philip W. Nicastro, Esquire, Strauss Esmay Associates, LLP

## **Pupil 1st Amendment Rights & Off-Campus Internet Speech** (Sessions 1D, 2D, 3D)

Does the First Amendment shield a pupil from school-imposed discipline resulting from the pupil's off-campus speech or expressive conduct published on a social networking site or website? The United States Court of Appeals, Third Circuit, is considering this issue as a result of two recent conflicting decisions regarding pupil off-campus internet speech. In the meantime, how should a school district handle similar circumstances? This session will discuss the facts of these two cases and provide guidance for school districts concerning off-campus internet speech.

Presenter: Marc H. Zitomer, Esq., Schwartz, Simon, Edelstein, Celso, and Kessler, Attorneys At Law

## **School Staff Members and Social Networking Sites** (Session 1E)

Should school staff members who have a MySpace or Facebook social networking site allow students to be their "friend" on such sites? What type of discretion should be used by a school staff member when posting personal information, comments, and pictures on social networking sites? Can a school district impose disciplinary consequences to a school staff member for "inappropriate" postings? This session will present and discuss the issues and recent cases regarding staff conduct.

Presenter: Sandra Nicastro, Strauss Esmay Associates, LLP

## **Harassment, Intimidation, and Bullying & Cyber-Bullying** (Session 2E)

Public awareness of harassment in schools and on the internet has increased. Despite efforts by school districts, bullying and harassment continue to be issues of concern. Taking harassing behavior seriously is an important step in working toward safe and effective schools. This session will not only review requirements of bullying, cyber-bullying, and harassment policies, but will offer guidance on identifying harassing conduct. Factors for determining consequences and examples of remedial measures will also be provided.

Presenter: Cindy Herrick, M.A. Ed., Strauss Esmay Associates, LLP

## **Updating Out-of-Date District Manuals Using ELANOnline & DistrictOnline Information For Potential DOL Users** (Session 3E)

This session will focus on two important areas. The first part of the session will provide guidance for evaluating the status of a district's policy manual and an efficient method to bring district manuals up-to-date by using SEA's ELANOnline and/or the Policy Alert and Support Service (PASS). The second part of the session will present an overview of the many features of DISTRICTOnline for those districts considering this service. DISTRICTOnline provides authorized personnel access to district policies and regulations linked to the authorizing statutes, administrative codes, and *School Digest* cases via the Internet.

Presenters: Karen Picaro & Sandra Nicastro, Strauss Esmay Associates, LLP