

**2016**

***Bradley F. Kidder***  
***Educational Law Conference***

\*\*\*\*\*

Sponsored by

*The New Hampshire School Administrators Association (NHSAA)*

*The New Hampshire Council of School Attorneys (NHCSA)*

and

*The New Hampshire School Board Association (NHSBA)*



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**Wednesday, October 5, 2016**  
**8:00 a.m. - 3:30 p.m.**

**Grappone Conference Center**  
**Concord, NH**

**2016**  
**Bradley F. Kidder**  
**Educational Law Conference**  
**Wednesday, October 5, 2016**

***Welcome to the Annual Bradley F. Kidder Law Conference***

Each participant can choose to attend from among eight different panel presentations during the three concurrent sessions. Each panel will repeat their session once to allow greater choices for participants.

Presentation materials will be on a flash drive handed out the day of the conference. Provide your email address on your registration to receive a link to the materials in advance of the conference.

## **Agenda**

- 8:00 - 8:30      *Registration & Coffee*
- 8:30 - 8:45      **Welcome & Review of Agenda**  
                    ~ *Dr. Carl Ladd, Executive Director, NHSAA*
- 8:45 - 9:45      **Opening Session – Change Direction NH**  
New Hampshire is the first state in the nation to initiate a statewide project to change the culture and discussion of mental health issues in our communities. This session will provide an overview of this effort and its potential role for public schools.  
                    ~ *John T. Broderick, former Chief Justice of the NH Supreme Court and Co-Chair of Campaign to Change Direction NH*
- 9:45 - 10:00     *Break*
- 10:00 - 11:15    **Concurrent Session A (6 Choices)** \*see schedule matrix
- 11:20 - 12:35    **Concurrent Session B (5 Choices)** \*see schedule matrix
- 12:35 - 1:30     *Lunch*  
                    Presentation of the Annual Bradley F. Kidder Award for outstanding service to the field of school law
- 1:30 - 2:45      **Concurrent Session C (5 Choices)** \*see schedule matrix
- 2:45 - 3:15      **Closing Session – “Legal Opinions to Take on the Road”**  
A fast-paced presentation of brief thoughts and practical suggestions from the day’s presenters.
- 3:15 - 3:30      **Summary & Evaluation**

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**Concurrent Sessions**

**Session 1      Developments in New Hampshire Education Law**

This session will provide an overview of new state laws that impact school district, including changes to the classroom recording statute, new school nurse certification requirements, and new dyslexia screening requirements. This session will also highlight the school board policies that will need to be updated as a result of new state laws.

*~ Attorneys Gerald Zelin and Erin Feltes, Drummond Woodsum*

**Session 2      We Have To Give Them What?**

Recent amendments and court decisions have significantly changed the Right To Know Law, particularly concerning disclosure of personnel records. This session will explore what those changes mean for school districts.

*~ Attorneys Barbara Loughman and Diane Gorrow, Soule, Leslie, Kidder, Sayward & Loughman, P.L.L.C.*

**Session 3      Website Accessibility and the Office of Civil Rights**

Districts are prohibited by Section 504 of the Rehabilitation Act of 1973 from discriminating on the basis of disability. Recently, because of more than 350 complaints across the country, OCR has turned its attention to the accessibility by the disabled to school district websites. Simple practices and policies can help districts comply with the law. This presentation will explore the law and simple steps to comply with it.

*~ Attorney Gordon Graham, Soule, Leslie, Kidder, Sayward & Loughman, P.L.L.C.*

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## **Concurrent Sessions Continued**

**Session 4      Conducting Effective Criminal Background Checks of School Employees and Designated Volunteers and the Amendment to RSA 189:13-a.**

This session will explore SB 152 – what it did and didn't do, how to conduct a criminal background check in NH outside of RSA 189:13-a, addressing discrimination concerns and EEOC compliance, practical tips in the hiring process, and model policy language.

*~ Attorneys James O'Shaughnessy and Anna Cole, Drummond Woodsum and Attorney Diana Fenton, NH Department of Education*

**Session 5a      School Districts' Use of Independent Contractor**

This topic will describe the criteria that various federal and state agencies use to determine whether a worker is an employee or an independent contractor, and will address the significance of those determinations to school districts.

*~ Attorney Michael Elwell, Soule, Leslie, Kidder, Sayward & Loughman, P.L.L.C.*

**Session 5b      Overtime Issues for School Districts**

This presentation will touch on the impact of the 2016 changes to overtime regulations under the Fair Labor Standard Act (FLSA). It will also address the overtime implications of having hourly staff serving in after-school, co-curricular activities.

*~ Attorney Peter Phillips, Soule, Leslie, Kidder, Sayward & Loughman, P.L.L.C.*

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**Concurrent Sessions Continued**

**Session 6      Student Hackers: Computer Use Policies, Student Discipline and Reporting Obligations**  
This workshop will focus on addressing student breaches of school computer systems – primarily from the perspective of required policies, a primer on student discipline for breaches, and depending on what information is breached, any requirements for data breach reporting.  
~ *Attorneys Sarah Murdough, Sulloway & Hollis, P.L.L.C.*

**Session 7      Navigating Troubled Waters: Non-renewal and dismissal pointers, off-duty behavior, and handling complaints and investigations regarding employees**  
This session will provide an overview of teacher non-renewal and dismissal pointers, the impact of off-work behavior by employees (what are your limits?), and handling complaints and investigations regarding employees.  
~ *Attorney Lauren Simon Irwin, Upton & Hatfield, LLP*

**Session 8      First Amendment Rights of School District Employees**  
This presentation will address First Amendment rights of school district employees, including issues relative to social media, political expression, comments at public meetings and advocacy at school district annual meetings.  
~ *Barrett M. Christina, Deputy Executive Director NHSBA*

## \* Concurrent Session Schedule Matrix \*

<b>Room Name</b>	<b>Session A 10:00 - 11:15</b>	<b>Session B 11:20 - 12:35</b>	<b>Session C 1:30 - 2:45</b>
<b>Capital</b>	7	7	8
<b>Concord</b>	6	2	2
<b>Merrimack</b>	5 (a & b)	6	5 (a & b)
<b>Salon C</b>	4		4
<b>Pierce</b>	8	3	3
<b>Webster</b>	1	1	

*Schedule and/or room assignments subject to change.  
Please be sure to take an updated agenda when you check in at the conference.*

## NOTES

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**Conference Registration**



**Please Note:**

- Please use one registration form for each person attending (copy form as needed).
- Registration fees include lunch and access to all sessions.
- Registration fees are non-refundable and subject to regular billing unless **written** cancellation is received at least 7 days prior to the event.
- Season Tickets will be applied at time of billing. All other registrations must be accompanied by a check payable to NHSAA or a purchase order from your district.
- Register by fax at 603-225-3225 or online at [www.nhsaa.org](http://www.nhsaa.org).
- Scan the QR code with your smart phone to go directly to [www.nhsaa.org](http://www.nhsaa.org).

Cost: \$150.00 per person

- Check enclosed (payable to NHSAA)
- I will use the NHSAA Season Ticket
- Please bill my school district/SAU

Name: \_\_\_\_\_

Position: \_\_\_\_\_

District/SAU#: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

***Please copy this form and return it with your check or purchase order to:***

NHSAA  
46 Donovan Street, Suite 3  
Concord, NH 03301  
Phone: 603-225-3230 ~ Fax: 603-225-3225

NHSAA

46 Donovan Street, Suite 3

Concord, NH 03303

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