

13TH ANNUAL CONFERENCE

School Law 2013

New developments, trends, and cutting-edge issues



If you are involved with public schools, you understand the importance of education—including the need to educate yourself on a continuing basis regarding new developments in the field. The pace of change can be dizzying: within the brief span of a year, new laws and regulations, new judicial and administrative decisions, and innovative educational policies can transform the school-related scene. To make sure that you stay current on all of the latest topics, don't miss MCLE's 13th Annual School Law Conference. At this advanced-level Conference, experienced attorneys and other professionals distill the most

significant developments of the preceding year into one thought-provoking, information-packed day for you. The keynote presentation on cracking the code of problematic student behavior features a child psychiatrist and an educator who bring a fresh, creative approach to a phenomenon that cuts across all grade, age, and economic levels in schools. In the panels that follow, knowledgeable practitioners illuminate leading-edge subjects such as the comprehensive educator evaluation systems that all Massachusetts districts must develop before the next school year starts, and the groundbreaking legislation that reforms the state disciplinary laws by requiring access to education even during periods of exclusion from school.

Whether you represent school districts, school employees, or parents and students, the Conference is invaluable to your practice. The Conference is also interesting and thought-provoking for educational advocates and educators. Lawyers and non-lawyers alike gain essential, up-to-the-minute information on the latest issues and trends—all presented by experts within a practical context, including tips that you can use immediately.

Join us on the educational frontline to catch up on vital new developments, sharpen your advocacy and advisory skills, and draw on the knowledge of our expert faculty. Mingle with old friends and make new connections at the networking breaks and concluding reception for registrants and faculty.

FACULTY

Eileen M. Hagerty, Esq.,
Kotin, Crabtree & Strong LLP, Boston, Cochair
Catherine L. Lyons, Esq., *Lyons & Rogers LLC, Rockland, Cochair*
Colby C. Brunt, Esq., *Stoneman, Chandler & Miller LLP, Boston*
Rosann DiPietro, Esq., *Long & DiPietro LLP, Hingham*
Reece Erlichman, Esq., *Bureau of Special Education Appeals, Commonwealth of Massachusetts*
Laura E. Gillis, Esq., *Law Office of Laura E. Gillis LLC, Topsfield*
Daniel T.S. Heffernan, Esq., *Kotin, Crabtree & Strong LLP, Boston*

Constance M. Hilton, Esq.,
Law Office of Constance Hilton, Newton
Michael J. Joyce, Esq., *Sullivan, Nuttall & MacAvoy, PC, Marshfield*
Thomas A. Mela, Esq.,
Massachusetts Advocates for Children, Boston
Jessica Minahan, M.Ed., BCBA,
District-Wide Behavior Analyst, Newton Public Schools, Newton
Nancy N. Nevils, Esq., *Stoneman, Chandler & Miller LLP, Boston*
Nancy Rappaport, M.D., *Associate Professor of Psychiatry, Harvard Medical School, Boston*

Amy M. Rogers, Esq., *Lyons & Rogers LLC, Rockland*
Timothy A. Sindelar, Esq., *Law Office of Timothy Sindelar, Newton*
Kathleen J. Skinner, Ed.D., *Director, Center for Education Policy and Practice, Massachusetts Teachers Association, Boston*
Mary Ellen P. Sowyrda, Esq., *Murphy, Hesse, Toomey & Lehane LLP, Quincy*
Alisia E. St. Florian, Esq., *Murphy, Hesse, Toomey & Lehane LLP, Quincy*
Paige L. Tobin, Esq., *Murphy, Lamere & Murphy, PC, Braintree*

NEW this year—

- ▶ Massachusetts' new law regarding exclusion from school and access to education
- ▶ Grading the teacher: what you need to know about educator evaluation systems

KEYNOTE SPEAKERS

Dr. Nancy Rappaport and Jessica Minahan are co-authors of *The Behavior Code: A Practical Guide to Understanding and Teaching the Most Challenging Students*. Collaborators for nearly a decade, they share an interest in deciphering the causes and patterns of difficult behaviors and developing strategies to address such behaviors.



Dr. Nancy Rappaport

Dr. Rappaport is a board-certified child and adolescent psychiatrist who teaches at Harvard Medical School. She has worked with the Cambridge Public Schools as an attending child and adolescent psychiatrist for more than 18 years and serves as Director of School-Based Programs at Cambridge Health Alliance. She recently received the American Academy of Child and Adolescent Psychiatry's Sidney Berman Award for the School-Based Study and Treatment of Learning Disorders and Mental Illness.



Jessica Minahan

Ms. Minahan is a board-certified behavior analyst and special educator who works as a district-wide behavior analyst within the Newton Public Schools. She specializes in training staff and creating behavior intervention plans for students who demonstrate explosive and unsafe behavior. She also works with students who have emotional disabilities, anxiety disorders, high-functioning autism, and Asperger's Syndrome, and consults to Newton's in-house 45-day stabilization program. Hear Ms. Minahan and Dr. Rappaport discuss such important issues as the extent of behavior problems within the classroom; ways of understanding students' problematic behaviors; punitive versus positive approaches; breaking the "behavior code"; and bringing about behavioral change. In a panel discussion following the presentation, experienced attorneys and school administrators discuss the implications of Dr. Rappaport's and Ms. Minahan's work for practitioners who represent and advise school districts, parents, and students.

BOSTON

9:00 a.m. - 4:00 p.m.,
Friday, May 3, 2013
MCLE Conference Center,
10 Winter Place, via Winter Street
Program No. 2130361P01

TUITION includes written materials

- ▶ \$275
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 - ▶ \$135
 - ▶ \$125 MCLE Sponsor Members

CONFERENCE SCHEDULE

9:00 A.M. – 9:10 A.M.

Welcome and Introduction

Eileen M. Hagerty, Esq., *Kotin, Crabtree & Strong LLP, Boston*,
Cochair

Catherine L. Lyons, Esq., *Lyons & Rogers LLC, Rockland*,
Cochair

9:10 A.M. - 10:00 A.M.

KEYNOTE PRESENTATION: The Behavior Code: Addressing the Needs of the Most Challenging Students

Nancy Rappaport, M.D., *Associate Professor of Psychiatry, Harvard Medical School, Boston; Director of School-Based Programs, Cambridge Health Alliance, Cambridge*

Jessica Minahan, M.Ed., *BCBA, District-Wide Behavior Analyst, Newton Public Schools, Newton*

10:00 A.M. - 10:30 A.M.

Panel Discussion:**ABCs of Advocacy Using the Behavior Code**

Experienced attorneys and the keynote speakers discuss ways in which school staff, parents, advocates, and attorneys can use the behavioral framework espoused by Dr. Rappaport and Ms. Minahan to inform their advocacy. The panel addresses such topics as use of this approach with regular education and special education students; how to bring about behavioral change in school systems as well as in students; and how a behavioral framework (or its absence) can be used in litigation.

Laura E. Gillis, Esq., *Law Office of Laura E. Gillis LLC, Topsfield*

Constance M. Hilton, Esq., *Law Office of Constance Hilton, Newton*

Jessica Minahan, M.Ed., *BCBA, District-Wide Behavior Analyst, Newton Public Schools, Newton*

Nancy Rappaport, M.D., *Associate Professor of Psychiatry, Harvard Medical School, Boston; Director of School-Based Programs, Cambridge Health Alliance, Cambridge*

Amy M. Rogers, Esq., *Lyons & Rogers LLC, Rockland*

10:30 A.M. - 10:45 A.M.

Networking and Refreshment Break

10:45 A.M. - 12:00 NOON

Education Law Update 2013

Hear a review of recent court cases and legislation, as well as BSEA decisions concerning special education under IDEA and M.G.L. c. 71B. Section 504 issues and BSEA trends are also discussed.

Reece Erlichman, Esq., *Bureau of Special Education Appeals, Division of Administrative Law Appeals, Commonwealth of Massachusetts*

Eileen M. Hagerty, Esq., *Kotin, Crabtree & Strong LLP, Boston*

Nancy N. Nevils, Esq., *Stoneman, Chandler & Miller LLP, Boston*

12:00 NOON - 1:00 P.M.

Lunch Break (on your own)

1:00 P.M. - 2:15 P.M.

Grading the Teacher: What You Need to Know About Educator Evaluation Systems

As of the start of the 2013-2014 school year, all Massachusetts school districts must adopt and begin implementing comprehensive educator evaluation systems, pursuant to new Department of Elementary and Secondary Education regulations. The new evaluation systems must include consideration of educator impact on student learning, growth, and achievement, and must incorporate student and parent feedback. Listen as seasoned practitioners discuss the requirements of the new regulatory scheme, what school districts need to know in order to comply with it, the involvement of parents in the process, and the implications for individual school employees. The panelists also discuss whether and how information about individual school employees can be used in litigation (including damages actions), and provide a case law update regarding school employment.

Colby C. Brunt, Esq., *Stoneman, Chandler & Miller LLP, Boston*

Rosann DiPietro, Esq., *Long & DiPietro LLP, Hingham*

Daniel T.S. Heffernan, Esq., *Kotin, Crabtree & Strong LLP, Boston*

Kathleen J. Skinner, Ed.D., *Director, Center for Education Policy and Practice, Massachusetts Teachers Association, Boston*

2:15 P.M. – 2:30 P.M.

Networking and Refreshment Break

2:30 P.M. – 3:45 P.M.

Dropout Prevention and the Disciplinary Process: Massachusetts' New Law Regarding Exclusion from School and Access to Education

Chapter 222 of the Acts of 2012, which takes effect July 1, 2014, revamps state provisions on school discipline and adds measures to address absenteeism, reduce the dropout rate, and ensure that students receive educational services even during periods of exclusion from school. Knowledgeable parents' and school-side attorneys discuss the impact of the new law on the existing disciplinary system, including its effect on regular education and special education students. Learn about the policies behind the law, the new substantive and procedural rights that Chapter 222 creates for students and parents, and what districts must do in order to comply.

Michael J. Joyce, Esq., *Sullivan, Nuttall & MacAvoy, PC, Marshfield*

Thomas A. Mela, Esq., *Massachusetts Advocates for Children, Boston*

Timothy A. Sindelar, Esq., *Law Office of Timothy Sindelar, Newton*

Alisia E. St. Florian, Esq., *Murphy, Hesse, Toomey & Lehane LLP, Quincy*

Paige L. Tobin, Esq., *Murphy, Lamere & Murphy, PC, Braintree*

3:45 P.M. – 4:00 P.M.

"Ask the Experts" Q&A Session

Panel

4:00 P.M.

Reception for Faculty & Registrants