



# BUSINESS IN 2026

WEEKLY WEBINAR SERIES



# Your Host



## Gabriel S. Oberfield

Member

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New York, NY

# Today's Agenda

**Gabe Oberfield – (12:00PM-12:05PM)**

- Welcome and Agenda
- NYS Budget Negotiation Updates

**Mariam Mahmood-Qureshi and Sheila Tapia – (12:05PM-12:15PM)**

- The 'Jack Reid' Law, and Implications for School Psychologists

**Timothy Bouffard (G. Oberfield, Supervising) – (12:15PM-12:20PM)**

- Court Ruling Preserves Congestion Pricing in NYC

**Curtis Johnson (pre-recorded) – (12:20PM-12:30PM)**

- Appellate Division Confirms State Law Mandating Landlord Participation in Section 8 is Unconstitutional

**G. Oberfield – (12:30PM)**

- Wrap Up

## New Webinar Schedule (Effective April 1)

- **First Tuesday** of the Month: Legal Updates
- **Third Tuesday** of the Month: Special Edition Topic

# Court Ruling Preserves Congestion Pricing in NYC



## Timothy R. Bouffard

(associate trainee under the supervision of Gabriel Oberfield)

Associate Trainee

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New York, NY

# Quick Facts

- Tolling in effect 24/7
- Peak times: 5 AM to 9 PM on weekdays and 9 AM to 9 PM on weekends
- Non-Peak times: all other times (75% less)

Type of Vehicle	Peak	Overnight
Passenger and small commercial vehicles (Sedans, SUVs, pick-up trucks, and small vans) <i>Charged once daily</i>	\$9	\$2.25
Motorcycles <i>Charged once daily</i>	\$4.50	\$1.05
Trucks and buses	\$14.40 - \$21.60	\$3.60 - \$5.40

\$0.75 - green and yellow taxis and black cars  
\$1.50 - app-based for-hire vehicles

# Legal Challenge

- February 19, 2025 – NYC’s Metropolitan Transportation Authority (MTA) and the Triborough Bridge and Tunnel Authority (TBTA) filed a lawsuit in the Southern District of New York.
- Defendants: the U.S. Department of Transportation, Secretary of Transportation, Federal Highway Administration, and Executive Director of the FHWA
- Arguments:
  - Irreparable harm to the local economy, MTA, and TBTA
  - Administrative violations - claims of procedural issues
  - Exceeding authority by the Executive branch
  - Constitutional violations - Fifth Amendment’s due process clause
  - Environmental policy - Violation of National Environmental Policy

# Legal Background

- Central to the dispute was whether Transportation Secretary Sean Duffy exceeded his authority when informing NY the congestion pricing plan's federal approval was revoked
- Letters from Duffy in Feb. and Apr. 2025 threatened “serious consequences” if NY did not shut down the program
- In May of 2025, Judge Lewis Liman converted an earlier temporary restraining order into a preliminary injunction
  - This prevented the Trump administration from, among other things, cutting off federal funding, to get NY to shut down the program

# Congestion Pricing Upheld

- On Mar. 3, 2026, Judge Liman ruled that the US Dept. of Transportation acted unlawfully when it attempted to terminate the agreement, giving NYC's congestion pricing the green light
- Judge Liman called Duffy's actions the very height of arbitrary and capricious decision-making, holding that just because this plan did not accord with the current secretary's policies, did not make it invalid

# Next Steps

- Congestion pricing in NYC remains in effect
- Trump administration is considering an appeal to the 2<sup>nd</sup> Circuit
- Rates are on schedule to increase in the next several years
  - Raising to \$12 in 2028 and \$15 in 2031 for peak hours

# The 'Jack Reid' Law, and Implications for School Psychologists



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# The Jack Reid Law

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Jack Reid, a 17-year-old student who died by suicide after enduring severe harassment and bullying at his private school stemming from rumors that he had sexually assaulted another student.

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NY's Jack Reid Law signed by Governor Hochul on October 23, 2025

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Defines harassment and bullying as conduct, threats, intimidation or abuse (verbal, non-verbal, and online) that substantially disrupts a student's education or well-being, creates reasonable fear for safety, causes physical injury or emotional harm, or off campus conduct likely to cause major disruption at school.

It also includes behavior that creates a [hostile environment](#), meaning severe or pervasive actions that interfere with a student's ability to participate in school.



# The Jack Reid Law Requires **All** School Employees to . . .

## REPORT

1. Make an **oral report** to the Head of School within **one (1) school day** of receiving or witnessing a bullying/harassment incident;
2. Submit a **written report** within **two (2) school days** of the oral report;
3. The school must promptly investigate, communicate findings to the victim, act immediately to stop the conduct, and protect against retaliation.

# Schools Must also . . .

## ADOPT

Private schools must adopt and annually share a written, plain-language, age-appropriate policy that:

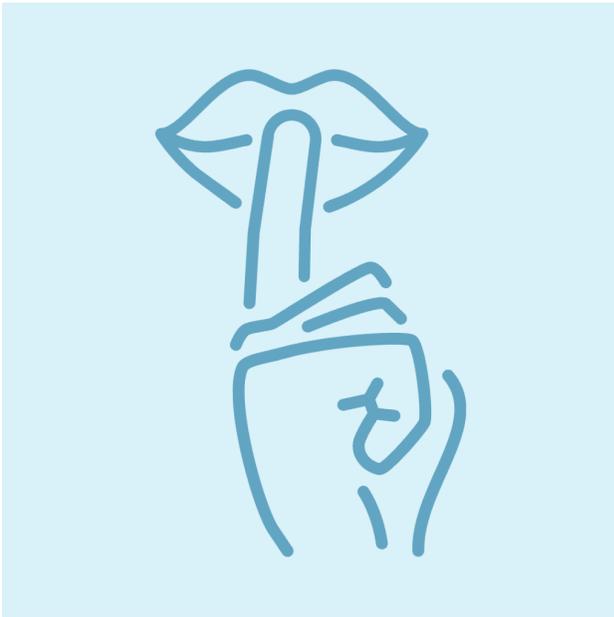
1. Is published on the School's website or parent portal;
2. Defines bullying and harassment and details reporting, investigation, and documentation processes;
3. Includes an age-appropriate process for notifying the victim of the investigation's outcome

## TRAIN

Train all employees on mandatory reporting timelines and procedures

# What about Psychologists who work in the School Setting?

## NYS Education Department Office of Professions Confidentiality § 29.1 (b)(8) :



Licensed psychologists may not reveal any personally identifiable information, facts, or data about a patient/student without the patient/student's **prior consent**, or **unless required by laws** or regulations.

## § 29: It is also unprofessional conduct to:



### § 29.19 (b) (1)

willfully or grossly negligently fail to comply with Federal, State, or local laws, rules or regulations governing the practice of the profession

### § 29.19 (b) (6)

Willfully fail to file a report required by law

# Limits to Confidentiality

## Traditional Limits

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Student poses a **danger to self** or **others**;

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Student is being **abused**, harmed, or neglected by someone else;

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Student/Parent **consents** or **requests** a release of their records

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Court ordered subpoena's in child abuse/neglect cases

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State laws or regulations mandate release of records

## New Jack Reid Law Limit

Reporting of **bullying and/or harassment** (as defined by the hostile environment standard) is a statutory mandate

# What about a Student's Privacy Rights?

**The Dignity for All Students Act (DASA)** requires NYS **public schools** to maintain school environments free from bullying and harassment. It requires reporting, investigation, training and policies to prevent such behavior.

**Education Law 2-d, by contrast**, protects a student's personally identifiable information (PII), like disciplinary records. It gives **public school** students/parents the right to file complaint regarding unauthorized access of their PII.

Similarly, the **Family Educational Right to Privacy Act (FERPA)**, a **federal privacy law**, applicable to **public schools** and federally funded private schools. It protects a student's PII by requiring **parental consent** before a school discloses a student's "educational records" **Unless an exception** applies.

- Legitimate Educational Interest (i.e., reporting a bullying as a safety concern);
- Health and Safety Emergencies;
- Judicial subpoenas; or
- State law requirement.

# Public School Setting

## Licensed Psychologists

If employed by a public school or acting on behalf of the school, and student's health info is maintained by the **public** school, then it is an "educational record" and **FERPA** applies.

Exception:

Reporting incidences of bullying/harassment is permitted under FERPA's "**Legitimate Educational Interest**" Exception

## Outside Providers

If the psychologist is a contracted outside provider, and the student's health info is created and maintained by the outside healthcare provider, **HIPAA** applies.

- No Jack Reid law reporting requirement
- HIPAA allows reporting of:
  - Child abuse;
  - Neglect;
  - Imminent threat of harm to self or other.

# Private School Setting

## Private School Psychologists & School Counselors

- Private and religious schools are exempt from FERPA and Ed. Law 2-d.
- School Psychologists are considered *exempt* professionals, as such they are school employees.
- HIPAA does not apply.
- State law applies (i.e., Jack Reid Law).

## Licensed Psychologists

- Licensed Psychologist employed by or *acting on behalf* of a private school are exempt from FERPA and HIPAA.
- Licensed Psychologists are NOT *exempt* professionals, but because they are practicing in an *exempt setting*, they are subject to state reporting requirements.

However:

- Licensed Psychologists who are outside health providers may be covered by HIPAA,

# Best Practices for Psychologists Under Jack Reid

The Rule of Three FOUR: “Everything we say here is private, UNLESS (1) you are going to hurt yourself or another, (2) someone is hurting you, (3) someone is abusing you, or (4) you tell me about **bullying or harassment**.”

Informed Consent: Tell the student upfront that NY law requires reporting bullying within 24 hours.

Filter: Not every “mean” comment is a Jack Reid violation. Report if:

- ❖ Conduct interferes with **school performance**/physical **well-being** or creates a **fear of safety**.
- ❖ Normal social frictions that don’t involve power imbalances or harassment of a protected class may not be Jack Reid violations.

# Best Practices Cont'd

**Data Minimization**: Keep your clinical session notes **separate** from bullying reports.

- Clinical notes focus on internal student support like social-emotional needs, behavioral health, and ongoing interventions, therapeutic reflections, etc.
- Reports focus on objective, external facts: the **Who, What, When, and Where**.

**Stay informed** about evolving federal, state laws, cases, and Department of Education guidance.

# Appellate Division Confirms State Law Mandating Landlord Participation in Section 8 is Unconstitutional



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# Questions



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# Workplace 2026

## Annual Labor & Employment Law Conference

Date	Location
Thursday, June 11, 2026	Albany
Thursday, May 21, 2026	Corning
Thursday, June 25, 2026	Long Island
Thursday, June 18, 2026	New York City
Thursday, June 4, 2026	Rochester
Tuesday, June 23, 2026	Saratoga Springs
Thursday, May 28, 2026	Syracuse
Tuesday, June 9, 2026	Westchester

Registration for all programs will be available starting Spring 2026

## NYS Budget Negotiation Updates

Gabriel Oberfield, [goberfield@bsk.com](mailto:goberfield@bsk.com)

## The 'Jack Reid' Law, and Implications for School Psychologists

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Curtis Johnson, [cjohnson@bsk.com](mailto:cjohnson@bsk.com)

### Sexual Harassment Prevention Training

To combat harassment in the workplace, every New York State employer must provide harassment prevention training for all employees annually.

For more information on Bond's online sexual harassment training [click here](#) or email [bondonline@bsk.com](mailto:bondonline@bsk.com)

# Thank You

The information in this presentation is intended as general background information.  
It is not to be considered as legal advice.  
Laws can change often, and information may become outdated.

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