The 2016-2017 State Budget

Though the governor and legislative leaders announced agreement of a 2016-2017 budget the night of March 31, passage of the budget did not occur until April 1. Governor Cuomo described the budget as “the best we have produced in decades.” A summary of important educational provisions follows:

School operating aid is set at $24.8 billion, an increase of $1.5 billion (6.5 percent). The full $434 million needed to eliminate the Gap Elimination Adjustment (GEA) has been allocated, and a $627 million increase (4 percent) is in place for Foundation Aid. The approved budget amounts fall short of the increases recommended by many educational organizations and the State Education Department, and increases reflected in the senate and assembly one-house bills, ranging from $2.2 billion to $2.5 billion. However, the final levels constitute a significant increase over the overall $991 million increase proposed in the governor’s executive budget, including $189 million for Gap Elimination Adjustment reduction, and $266 million for Foundation Aid. State aid budget runs may be accessed at: http://wallaby.telicon.com/NY/library/2016/20160401ZZ.PDF

Meet the Board of Regents Chancellor and Vice Chancellor

The Board of Regents elected a new chancellor and vice chancellor each of whom will assume their posts on April 1. See article on page 3 for more information on Dr. Betty A. Rosa, the new regents chancellor, and T. Andrew Brown, the new regents vice chancellor.

SAANYS Goes to Washington

The National Association of Elementary School Principals (NAESP) convened the National Leaders Conference in Washington DC on March 13 to 15. The conference culminated with a federal lobby day, for which SAANYS and the New York City Council of School Supervisors and Administrators (CSA).

SAANYS members included:
• John McKenna, president of SAANYS Board of Directors; principal, Fletcher Elementary School, Tonawanda, NY
• Thomas Payton, SAANYS delegate to NAESP, principal, Roanoke Avenue Elementary School, Suffolk, NY
• Jim Viola, director of government relations, School Administrators Association of NYS

CSA members included:
• Lizabeth Caraballo-Suarez, president of NYC Elementary School Principals Association; principal, PS 120 Carlos Tapia, Brooklyn, NY
• Pierre Lehmueller, executive director, NYC Elementary School Principals Association
• Herman Merritt, political affairs director, NYC Council of School Supervisors and Administrators

The New York team had a very full schedule of meetings with the following members (and staff) of our national delegation:
• Senator Charles Schumer
• Senator Kirsten Gillibrand
• Congressman Brian Higgins, District 26 – Erie, Niagara
• Congressman Hakeem Jeffries, District 8 – Queens, Kings

FMLA: When and How it Can be Used

Taking an extended period of time off in order to deal with a health issue is often a scary and confusing time. To take some of the worry out of the process, employers are entitled to up to twelve weeks of unpaid leave per year pursuant to the Family Medical Leave Act (FMLA). While FMLA leave is unpaid, it does require that all group health insurance benefits be maintained during the leave. Unfortunately, the promise of job security can also result in additional stress for those who are not familiar with the process.

FMLA is for individuals who either directly suffer or must care for a family member suffering from a “serious health condition.” This may either be something joyous, like the birth or adoption of a child, or an illness, injury, impairment, or physical or mental condition that involves inpatient care and subsequent treatment for the insipient care or continuing treatment by a health care provider. If it is an injury or illness, there are legal requirements as to the frequency and nature of the continuing treatment in order for an illness or injury to qualify for FMLA. An employer has the right to request medical certification to prove that an employee qualifies for FMLA. Additionally, if FMLA is used for a personal illness or injury, the employer has a right to request a medical certification that the employee is fit to return to work.

FMLA leave may either be requested by an employee or designated by an employer for a long term absence. If the employer designates a leave to be under FMLA, the twelve weeks does not commence until the employee is put on notice of such designation. For example, if an employee is out using sick leave
Last month I wrote of the manifestations of the education reform pendulum swinging back in the direction of practitioners. Greater practitioner involvement in the formulation of ESSA implementing regulations, state standards, and state assessments are all being vacated. The make-up of the Board of Regents, with all due respect to those who have recently vacated the board, is decidedly more practitioner-friendly than in the recent past. That may simply be the result of a greater emphasis on the educational experience of candidates for board positions resulting in a higher degree of empathy for “front-line” educators.

I am curious to see what manifestations, if any, will become evident at the legislature. The governor’s budget proposal thankfully had few education policy items, but his proposed state aid increase was about half of what SEC asked for or what the Education Conference Board (of which SAANYS is a member) said was required. This year the state budget negotiations again came down to the wire, and again rumors were rife. I heard different things about GEA elimination, Foundation Aid and receiverness, but the sad truth is that despite the best efforts of Preet Bharara, only a handful of people truly knew what was being discussed behind closed doors at the Capitol. The evolving budget proposal had items coming and going without many legislators themselves knowing what was included, excluded, or why. Consistent with the recent past, legislators were presented with a 10,000 page budget as they were voting on it. There was no time at all to digest it and make informed decisions. The state budget development process has not been improved one iota, and it’s not pretty.

One on-going nagging concern of mine is that the recent moratorium on the use of state test scores takes the pressure off of them to fix the adverse consequences of a botched reform. I believe SEC, under its new leadership, will do what it can, but don’t forget that one of the root causes of some of the most significant problems in today’s schools is a statutorily mandated evaluation system that does not work, and it is only the legislature that can change that statute.

Despite the positive changes referenced above, the big pendulum of legislative and gubernatorial acceptance of the need to make fundamental modifications to what they have wrought has not yet swung. I’m not sure if the recommendations of the governor’s Common Core Commission reflect a changed attitude toward public education or constitute a delaying action to allow public fervor surrounding education to cool. At the end of the day the discord that is so prevalent in education today cannot be fully addressed without modifying, or eliminating, the current APPR statute. The pressure may be off for now, but absent significant statutory change, it will be back. This difficult chapter in educational history is not yet concluded.

When does it end?

The undersecretary said she hoped to move toward more building/teacher based assessment procedures in Kuwait that were focused on individual student work and achievement.

Fatma Ebrahim AlKandari - Undersecretary of General Education, Ministry of Education, Kuwait
Hanay AlMagawbi - Researcher Technician in General Education, Ministry of Education Kuwait
Qutaiba AlRabe - Assistant Manager - Office of International Programs, Kuwait Foundation for the Advancement of Science (KFS).

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New Leadership and New Membership: At the March Meeting of the New York State Board of Regents

Although important, substantive regulatory amendments were discussed and enacted at the March 21-22 meeting of the State Board of Regents, the most notable actions at the meeting had to do with board leadership. It was the last meeting for Chancellor Merryl Tisch and Vice Chancellor Anthony Botta.

Regents Leadership and Appointments

Dr. Tisch was a Regents member for 20 years; was elected vice chancellor in 2007, and has served as chancellor since 2009. She strongly advocated for New York State’s participation in the Race to the Top program, including the adoption of common core standards, common core-aligned tests, new annual professional performance review requirements for teachers and principals, and increasing the number of charter schools. She is regarded by many, including herself, as trying to accomplish too much too fast.

Board members recently elected Dr. Betty Rosa (Judicial District 12; Bronx) to the chancellor position—fifteen members voted in favor; two members abstained. She worked in the New York City Department of Education, beginning as a bilingual paraprofessional and teacher and advancing to reading coordinator, to assistant principal, and principal, and culminating with her appointment to Superintendent of Community School District 8, in the Bronx. In her remarks in accepting the position, she thanked the outgoing chancellor and vice chancellor for their dedicated work, and thanked family members for their ongoing support and encouragement. She also spoke of the need to reconceptualize the work that needs to be done to bring about greater equity for children. She spoke of the need to “align your methods of teaching to students’ methods of learning…We’re continued on page 7

The 2016-2017 State Budget

Community Schools received an additional $75 million allocation in high needs school districts, for a total allocation of $175 million. The budget bill includes “community schools aid set-asides” in the foundation aid allocations for 225 school districts.

Education tax credits are not included in the final budget. The governor’s proposed executive budget included state-wide expansion of four tax credit programs. It is possible, however, that one or more of the four tax credit programs included in the governor’s proposed executive budget will be reintroduced later during the current legislative session.

Charter schools will receive $54 million for an increased per student allocation of $430. This constitutes a three percent increase over the current per student allocation of $414. Measures to withhold funding from charter schools that “cream students” (e.g., enrolling low percentages of high-needs students) are not included in the budget.

Delinking increased state aid and the APPR September 1, 2016 due date by which school districts are required to transition to §3012D-compliant APPR systems was not implemented in the enacted state budget.

The governor advanced the idea of reinstating priority school and receivership status to approximately 70 schools that met their performance targets, but such action was rebuffed by the legislature late in the budget negotiations. The Education Conference Board, including SAANYS, strongly advocated against the governor’s proposal, which would have been inconsistent with the statute enacted as part of last year’s budget bill. In the end, no changes in this regard are included in the 2016 budget bill.

School safety plan requirements ($2601-a), for school districts having only one school building now authorize the commissioner of education to develop an appeals process from duplicative requirements of a district-wide school safety plan. For all school districts, the district must certify to the commissioner of education that all staff has completed annual training on the emergency...continued on page 8
Happy spring!

through the LIFT NY Grant.

check out the website. Attending the kickoff session is not

If you would like to join in the online sessions in May,

looking forward to the follow up events.

at six sites from Long Island and Westchester to Albany

and an in-person facilitator. Nearly 200 attendees gathered

around the state where attendees worked with each other

work with Myron (from his school office in British Co-

format. This was a blended session that combined virtual

The second reason why this was an exciting event was the

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assessment, unit plan design, and alternative homework

to grading systems. Strategies around target setting,

and motivate students and lend more clarity and fairness

Along with these concerns come real strategies to engage

• “Homework clubs” where groups of students take

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members of the co-op is only one of many examples

of homework that is done by someone else (other

students or parents), so devoting huge amounts of time
to grading it is questionable at best.

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online conversations with the author.

The second reason why this was an exciting event was the
format. This was a blended session that combined virtual
work with Myron (from his school office in British Co-
lumbia) with real sessions on the ground in six locations
around the state where attendees worked with each other
and an in-person facilitator. Nearly 200 attendees gathered
at six sites from Long Island and Westchester to Albany
and Buffalo to take part in the workshop, ending the day
looking forward to the follow up events.

If you would like to join in the online sessions in May,
check out the website. Attending the kickoff session is not
a prerequisite, and the cost is underwritten by SAANYS
through the LIFT NY Grant.

Happy spring!
**Signs Matter: Early Detection**

Online Suicide Prevention Training for K-12 Educators

Educators are in a unique position to identify students who may be suffering from mental health conditions or who are at risk for suicide. This research-based program shows how teachers can reach out to students they’re concerned about and connect them to the help they need.

**Training includes:**
- An overview of the most common mental health problems and how they manifest in the school setting.
- Expert analysis of real-world scenarios at elementary, middle and high school levels.
- A review of legal requirements and policy considerations.
- Resources for understanding the school’s role in suicide prevention.

Signs Matter: Early Detection fulfills many state’s requirements for educators to have two hours of instruction on suicide prevention and bullying.

Register online at legaloneny.org

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**Scenes from the Recent Locally Grown PD Workshops Held Throughout New York State**

**Locally Grown PD**

**March 2016 | 4:30 PM-6:30 PM**

Dan Shornstein and Allison Lauchaire present the Unclog the RTI Process in Arlington on March 8 as part of the Locally Grown LiFT NY series.

Lisa Meade presents From Administrator to Connected Lead Learner at WSHWHE in Saratoga on March 24.

**View the Locally Grown follow-up session online at saanys.org/professional-learning/webinars.**

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**SAANYS MentorCoach Service**

The Roots of Success

In an effort to assist members in achieving the 175-hour professional development requirement, SAANYS provides completion certificates for conference and seminar attendees that can be used as verification of professional development hours.

Go to www.highered. nydeptcertятиp. htm for complete information on requirements.

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Visit https://saanys.org/professional-learning/pd-on-demand/ for more information.
FMLA: When and How it Can be Used

for three weeks with no return in sight when the employer designates the leave to be under FMLA, the twelve weeks would start on week four and not on the date of the first absence.

One of the biggest points of confusion with FMLA is the concept that it is unpaid. If an employee has accrued leave time or there is another provision within the applicable CBA providing for paid leave, an administrator may be paid through these methods while on FMLA leave at the designation of either the employer or the employee. This being said, the employee is the only party who may decide whether accrued time runs separately or concurrently with the unpaid FMLA leave. In other words, if an employee has eight weeks’ worth of accrued time, he or she does not automatically have twenty weeks available to take off. Only the employer may decide whether there will be twenty weeks (eight paid and twelve unpaid) or only twelve weeks (eight paid and four unpaid).

FMLA frequently arises in situations of maternity/paternity leave. Both the birth parent and the spouse are eligible to take FMLA to care for a newborn. However, in situations where spouses are employed by the same employer, the amount of leave that may be taken due to the birth is limited to a combined total of twelve weeks. Further, in situations relating to childcare leave for the non-birth parent, whether an administrator may utilize sick leave will be limited to what has been negotiated within the applicable collective bargaining agreement (CBA). Some CBAs provide for unlimited use of sick leave in order to care for family members, while others limit the use to a certain number of days per year. Should you fall under the latter, then any additional paid time off will have to come through the use of accrued vacation or personal time.

Upon return from FMLA leave, an employee must be restored to his or her original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee’s use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave, nor be counted against the employee under an attendance policy.
New Leadership and New Membership: At the March Meeting of the New York State Board of Regents

about students not adults." In later remarks, Dr. Rosa expressed strong doubts about the state assessment system, and sympathized with parents participating in the state assessment opt out movement. Dr. Rosa received a B.A. in psychology and a master of science degree in administration and supervision from the City College of New York and holds a second master of science degree in bilingual education from Lehman College. She also received an Ed.M. and Ed.D. in administration, planning, and social policy from Harvard University.

Effective April 1, Dr. Tisch’s at large seat on the board will be filled by Luis Reyes, who will then begin his five-year term. Dr. Reyes is a research associate at the Center for Puerto Rican Studies and, for decades, taught Spanish and education courses at the CUNY institutions at Lehman, Brooklyn, Baruch, and Hunter. He also served on the faculty of Long Island University, the Brooklyn Campus; earned a Ph.D. from Stanford University, and authored articles in publications including the Harvard Educational Review, Journal of Latinos and Education, and the Bilingual Research Journal. From 1990 to 1998, he was also a member of the New York City Department of Education.

Anthony Bottar (Judicial District 5: Herkimer, Jefferson, Lewis, Oneida, Onondaga, Oswego) was elected to the Board of Regents in 1996 and has served as vice chancellor since 2012. In remarks at the Regents meeting he expressed that throughout his tenure as a Regents member he was guided by his conviction to “increase educational opportunities for all students and to improve outcomes.”

Board members unanimously elected T. Andrew Brown (Judicial District 7: Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne, Yates) to the vice chancellor position. He is the founder and managing partner of the Rochester-based law firm Brown Hutchison LLP, specializing in civil litigation. He has also been a mediator and arbitrator on commercial and employment panels of the American Arbitration Association since 1996, and was also former general counsel of the National Bar Association. Regent Brown received his law degree from the University of Michigan Law School and earned a B.A. in political science from Syracuse University.

Effective April 1, for a five-year term, the 5th Judicial District will be served by Elizabeth Smith Hakanson who has an education career spanning more than 30 years, including teaching at the high school and middle school levels in the Syracuse City School District. From Syracuse University, she earned a M.S. degree in student personnel administration in higher education and an A.B. degree in arts and sciences and education social studies.

Readers will also recall that Regent Charles Bendit resigned from his position following the board’s February meeting, with a year remaining in his five-year term. He is succeeded by Nan Eileen Mead, who will serve a one-year vacancy for the board’s 1st Judicial District (Manhattan).

In addition to being a financial services industry professional for almost 20 years, she has extensive experience as a public education advocate with demonstrated success in increasing parent engagement, relationship building, and community advocacy and development. She holds leadership positions in New York City public education advocacy organizations including the Chancellor’sParent Advisory Council, Community Education Council District 3, and Community School District President’s Council. She earned a graduate certificate in community advocacy from the City University of New York, Empire State College, and a B.A. degree in politics from New York University.

Establishing a New CDOS Graduation

In April 2013, the Board of Regents adopted regulations containing procedures through which students with disabilities may exit school with a CDOS Commencement Credential as a supplement to a regular high school diploma or, for a student with a disability who is unable to earn a regular diploma, as the student’s exiting credential. At the Regents March 2016 meeting, the board took emergency action to add sections 100.5 and 100.6 of regulations to establish a Career Development Occupational Studies (CDOS) graduation pathway option, culminating with a Regents high school diploma.

continued from page 3
New Leadership and New Membership: At the March Meeting of the New York State Board of Regents

continued from page 7

CDOS graduation pathway is available to all students, beginning in June 2016. The new “4+CDOS Pathway to a high school diploma” will allow students to graduate with a Regents diploma when they have demonstrated the state’s standards for academic achievement in math, English, science, social studies, and the state’s standards for essential work-readiness, knowledge, and skills necessary for successful employment after high school. There are two options by which students may meet the CDOS criterion:

Option 1:
• Develop a Career Plan.
• Demonstrate achievement at the commencement level of CDOS learning standards.
• Complete at least 216 hours of CTE coursework and / or work-based learning, with at least 54 hours in work-based learning experiences.
• Complete an employability profile.

Option 2:
In lieu of option 1, meet the requirements for a nationally recognized work readiness credential such as one of the following:
• National Work Readiness Credential
• SkillsUSA Work Force Ready Employability Assessment
• National Career Readiness Certificate WorkKeys – (ACT)
• Comprehensive Adult Student Assessment Systems Workforce Skills Certification System

Expanding Appeals of Regents Examinations

The Regents unanimously passed an emergency action item amending section 100.5(d)(7) of regulations, relating to appeals of Regents examinations passing scores. Effective June 2016, the amended regulation extends the range for which an appeal may be granted, from 62 to 64, to 60 to 64; and deletes the criterion that the student has a 95 percent attendance rate. The remaining criteria that must be met by students in order to be granted such an appeal are:
1. Have taken the Regents examination under appeal at least twice.
2. Present evidence that the student has taken advantage of academic help.
3. Have a passing course average in the subject area.
4. Be recommended for an exemption to the graduation requirement by the teacher or department chairperson.

Annual Professional Performance Reviews

Near the close of the full board meeting Regent Judith Johnson strongly expressed the need to include the annual professional performance review (APPR) system as an agenda item for the next Regents meeting, on April 18 and 19. She said there remains a need to review all aspects of APPR requirements including the timeline for all school districts to transition to section 3012-d systems, as well as the system’s “matrix” and component requirements. Commissioner Elia agreed to include APPR as an agenda item, but also pointed out that school districts will have had 18 months to put the new system in place and that the department is working with superintendents in this regard.

For more information regarding the Board of Regents or actions taken at their March meeting, contact James Viola, director of government relations, at jviola@saanys.org.

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response plan. The building level emergency response plan shall be kept confidential; and the district emergency officer (superintendent or designee) is responsible for ensuring staff understand the district-level safety plan, for communicating between school staff and first responders, and for annually updating the building-level emergency response plans.

Fire and emergency drill requirements have been revised. At least 12 drills must occur between September 1 and December 31. Eight of such drills must be evacuation drills, four drills must be lock-down drills.

The State Education Department is allocated $8.4 million to create and print more versions of state assessments and to release “a significant amount” of test questions; $1 million is allocated for professional development of teachers, principals to help improve the quality of instruction; and $2 million is allocated for My Brother’s Keeper, an initiative for improving outcomes for boys and young men of color.

“`To succeed in life, you need three things: a wishbone, a backbone, and a funnybone.”’ — Rob McIntyre

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