On November 4, the Smart Schools Bond Act of 2014 was passed by voters by a margin of 62 to 38. Later that same week, at a meeting in Saratoga Springs, Commissioner King told reporters that he did not have a timeline for the distribution of two billion dollars ($2,000,000,000) to provide access to classroom technology and high-speed internet connectivity to equalize opportunities for children to learn, to add classroom space and to expand high-quality pre-kindergarten programs, to replace classroom trailers with permanent instructional space, and to install high-tech smart security features in schools. On October 9, the SAANYS government relations committee met with the governor’s office to discuss the procedures that need to be completed by school districts in order to access their Smart Schools allocation. The committee learned that necessary forms and procedures are not yet developed, and remain unavailable as of the time of this writing (November 7). However, the governor’s representatives indicated that the funds would remain available for at least 2014-15, 2015-16, and 2016-17.

School District Allocations

Each school district will receive a pro-rata share of the referendum funds commensurate with their relative allocation of state aid. The projects will be fully state funded and there will be no local contribution required of the school district. Each school district currently knows its allocation, and the allocations are posted on Governor Cuomo’s website: http://www.governor.ny.gov/smart-schools-ny.

Uses of Smart School Funds

Funds received through the bond act may be used for capital projects related to educational technology equipment, including but not limited to, interactive whiteboards; computer servers; tablet, desktop, and laptop computers; high-speed broadband or wireless internet connectivity for schools and communities; capital projects to construct, enhance, or modernize educational facilities to accommodate pre-kindergarten programs and provide instructional space to replace portable classroom units; and capital projects to install high-tech security features in school buildings and on campuses.

Requirements to Receive a Smart School Grant

In order to receive a Smart Schools Grant, each school district must complete a Smart School Investment Plan describing how the bond act funds would be used. The format and content of the required investment plan is not yet available.

The investment plan is required to be developed in consultation with parents, teachers, students, community

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SAANYS Welcomes New Unit:

Greenburgh Central School District Administrators Organization

New York’s Leading Education Groups Outline Need for $1.9 Billion State Aid Increase in 2015-16

Educational Conference Board says with an improved fiscal condition, New York State can help schools ‘turn the corner’ after tough years.

New York’s major statewide education organizations issued a report on November 13, outlining the need for a $1.9 billion state aid increase for schools in the upcoming state budget, to continue current services and make progress on a number of critical new initiatives. The organizations comprise the New York State Educational Conference Board (ECB), and together represent parents, classroom teachers, school-related professionals, school business officials, school building and program administrators, superintendents, and school boards. The ECB report is titled “Turning the Corner: With an improved fiscal condition, New York can lead the way for sustainable educational progress.” SAANYS Director of Government Relations Jim Viola is pictured at the podium.

ECB organizations, including SAANYS, join together at a press conference in Albany to highlight successes of our public schools, advocate for support for our children, and present its report: “Turning the Corner: With an improved fiscal condition, New York can lead the way for sustainable educational progress.” ECMY Director of Government Relations Jim Viola is pictured at the podium.

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LEGAL BRIEFS

Vergara v. State of California, is currently on appeal, but has started a wildfire of attacks against tenure and seniority that quickly reached New York. In the wake of Vergara, two cases, backed by public interest groups, were filed in New York challenging the state tenure and seniority laws. Otowski v. State of New York was commenced in Richmond County Supreme Court and Wright v. State of New York was brought in Albany County Supreme Court. The two cases were consolidated into a single action in Richmond County Supreme Court. Both cases challenge the constitutionality of New York’s various statutes dealing with tenure, seniority, and APPR, on the basis that they allow for the retention of “ineffective teachers,” thereby denying students the “sound basic education” provided under the New York State Constitution.

These actions only named the State Education Department, Commissioner King, and the Board of Regents as defendants, leaving the very individuals protected

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Awards Program

SAANYS is proud to honor many exceptional New York State administrators with an annual awards program. This program was established to recognize educators who demonstrate outstanding leadership skills and have made exceptional contributions to the educational process.

For a complete list of the awards and criteria, as well as nomination forms, go to www.saanys.org/newsroom/criteria.asp.

For additional information, contact Susan Jaronski at Sjaronski@saanys.org

Application Deadline: January 31, 2015

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LEGAL BRIEFS
By now most of you are probably aware of the secretive Partnership for Educational Justice (hereinafter "Partnership"), founded by former CNN News anchor Campbell Brown, has filed a lawsuit seeking to have tenure and seniority laws in New York State declared unconstitutional (see tenure story on page 1). It is alleged that these laws deny many children the sound basic education to which they are constitutionally entitled. It has been widely reported that this lawsuit is being funded by hedge fund managers and charter school proponents, although the Partnership declines to reveal the individuals and/or entities that are providing its funding. Nevertheless, Campbell Brown is married to Don Senor, a former official in the Bush White House who is now a hedge fund manager. He served on the board of directors of StudentsFirstNY, a pro-charter school group founded by Michelle Rhee. Further, Brown herself serves on the board of directors of the Success Academy, a large New York City network of charter schools. The Success Academy website describes Brown as “...a passionate advocate for school choice and education reform.” The chair of the Success Academy Board of Directors is Daniel S. Loeb, CEO of a ten billion dollar hedge fund, and co-founder, with Michelle Rhee, of StudentsFirstNY. I am willing to bet the Partnership does not engage in bake sales to raise its money.

I can’t help but think that the causal link between tenure and student achievement will be difficult for plaintiffs to establish. Wealthy, high-achieving districts have the same tenure and seniority laws as low-achieving districts, so how can the tenure laws be the source of the differences in student achievement? What about poverty? What about disengaged teachers or massive program and staffing cuts? Why does Education Week’s Quality Counts study consistently find New York’s education system among the top three in the nation, along with Maryland and Massachusetts, two other states with strong teacher tenure laws? As pointed out by Law Professor Erwin Chemerinsky, if the plaintiffs were correct, states without strong tenure protections – such as Texas, Alaska, and Louisiana – should be flourishing. There are not. Further, plaintiffs do not acknowledge that tenure is merely due process, or that the legislature recently put strict limits on hearing duration, or that the APPR provides an accelerated dismissal procedure for those educators deemed ineffective by the evaluation system. To plaintiffs, these are inconvenient truths.

The teacher tenure and seniority laws under attack by the hedge fund charter school proponents are the same laws that are the source of tenure and seniority rights for a variety of administrative titles in New York State. In order to represent the interests of administrators, and on behalf of representa- tive members, SAANYS has entered this lawsuit. SAANYS alone is bearing the burden of protecting administrative tenure and seniority rights in this litigation. There is no other organization representing administrators in New York State that has done likewise. It will be a long and difficult undertaking, but necessary to fulfill our obligation to our members. We will not sit on the sidelines while our fate is decided by others.
Getting a Jump on the Legislative Season

With a growing number of issues to address during the 2014-15 legislative session, SAANYS and the other members of the New York State Educational Conference Board (ECB)* have together, begun to meet with legislative offices and the Division of the Budget to present background information and legislative priorities. Based on a careful analysis of projected school district costs and revenue flows, the ECB organizations have individually and collectively recommended a total state aid increase of $1.9 billion for 2015-16. (See story starting on page 1.)

In order to maintain current programs and services for students in 2015-16, a state aid increase of $1.2 billion is necessary. This increase will address additional costs such as employee salaries, health benefits, pension costs, and Consumer Price Index growth. But, the status quo includes a 30,000 reduction of classroom teachers and a proportionately greater reduction of school administrators than of teachers. Class sizes have increased; educational opportunities and student support services have decreased.

Currently, 343 school districts still do not receive the level of aid this year that they received in 2008-09. The Foundation Aid formula that was designed to provide adequate and equitable support to schools is underfunded by $4.7 billion. The Gap Elimination Adjustment (GEA); and phase-in of the state’s Foundation Aid formula has been stalled since 2008-09. (GEA); and phase-in of the state’s Foundation Aid formula formula. The report comes after a period of years in which state aid has been reduced, flat, or otherwise inadequate, to help schools continue essential services while also adapting to state-mandated education reforms. A little more than $1 billion in state funding remains withheld from schools through the Gap Elimination Adjustment (GEA), and phase-in of the state’s Foundation Aid formula has been stalled since 2008-09.

The ECB Report Includes Three Recommendations

• First, the state aid increase in the 2015 state budget should fund the continuation of current school programs and services, recognizing limitations on the ability to fund those costs created by the tax cap.

• Second, the state should accelerate a plan to end the Gap Elimination Adjustment and return to a functioning Foundation Aid formula.

• Third, an overall state aid increase of $1.9 billion would help school districts make meaningful progress on new initiatives – including teaching, training, and curriculum development, to meet world-class standards; expanding access to career and technical education programs; and allowing districts to continue to develop and grow pre-kindergarten programs.

“Education is not the filling of a pail, but the lighting of a fire.”
– William Butler Yeats

**SAANYS provides members with an elite collection of local and national discounts from thousands of hotels, restaurants, movie theaters, retailers, florists, car dealers, theme parks, national attractions, concerts, and events through Abenity. Go to saanys.org and enter the Members Only section.**
NEW!

SPECIAL EDUCATION SERIES - COURSE 1
Program and Placement and Section 504
Special education law is extremely complex and disputes in this area often result in litigation. This course will help you better understand how to provide all students with a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE), and properly address complex issues related to developing student IEPs, student placement, and program. You will also gain a deeper understanding of the legal requirements related to Section 504, including developing 504 plans, addressing student allergies, and meeting the needs of student athletes who qualify for Section 504 protection.

SPECIAL EDUCATION SERIES - COURSE 2
Due Process, Discipline, and Changes in Placement
This online course will help you better understand how to provide all students with a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE), and properly address complex issues related to discipline and due process. Viewers will gain a deeper understanding of the legal parameters for determining whether or not student behavior is a manifestation of a disability, the student’s rights and responsibilities, and the importance of due process. You will learn how to provide all students with a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE), and properly address complex issues related to discipline and due process.

BULLYING PREVENTION
The NY Dignity for All Students Act (DASA)
New York State’s Dignity for All Students Act seeks to provide the state’s public elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, a school bus, and/or at a school function. This online course will help you understand best practices related to bullying prevention and legal requirements for addressing bullying and cyberbullying.

Three hours of professional development credit for each course.

Register today!

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.

For more information or to register, go to saanys.org.
For me, the heart and soul of the conference was the twelve practitioner workshops presented by our members. I had the opportunity to stop into each and every one, and was so impressed by the level of preparation and quality of the presentations. In one room, we heard the story of a district’s journey with data – how bringing all staff into the process and providing learning opportunities to support, not only interpretation, but use of data to improve student learning, actually happened over time. So much to learn from these real life experiences! In another room, a discussion about how to use PE, health, and FACS curriculum as a pathway to Common Core was in progress, with a great example of how to use body mass index as a starting point for a lesson that hit both literacy and math standards. The necessity to understand how behavior impacts academics, was the topic in a third session, while the characteristics of a growth mindset left attendees anxious to read the book in a fourth.

A popular buzz phrase right now in PD is “The answer is in the room.” From Ed Camps, to Google Camps (I am writing this from the train I am taking to attend the SAANYS/NYSNCTATE Google Camp in Long Island!), to NYSED Network Team Trainings, this phrase is rising to the top as a mantra, that reminds us to tap into the collective learning and experience all around us. The rapid changes we have all experienced over the past few years has made us all learners, with stories to tell and experiences to share. The outstanding event at the Sagamore provided the perfect setting for just that! Get ready to tell your story, because we are going to ROCK Rochester in 2015.

Integration, Data-Driven Decisions, and Where to Begin: From Zero to Hero

Opinion piece by Scott B. Crowder, CEO, Educational Vistas, Inc.

We have been talking about bringing it all together for the greater good and informed decision making for a long time. Yes, we all know we need to do it... but how? If it were easy, we would have done it already. But, it’s not. It is a difficult task that may only be accomplished by creating and following a proven process.

Most NYS school districts have between six and eight major “intermediate” databases that may extend to multiple programs. Each database may be a part of one of the six leading Student Management Systems (SMS). These individual programs communicate with one another. Resulting in disconnected and isolated, “in use” connectivity. Where you and your district are with these electronic relationships will determine the relative ease or difficulty in moving from the status quo to the land of integration, with the promise of one-button report production, data-on-demand, no data duplication, powerful analytic tools, and milk and honey.

Let’s start at the beginning. It is said that “if you don’t know where you’re going, then any road will take you there.” This is where planning and process comes into play. There are two ways to move forward. Either self-audit or partner with someone who specializes in this kind of work. Hint: It is hard to be a prophet in your own land.

Once the review process is complete and a report of all criteria necessary to begin has been created, then and only then, will you know where all the bodies are buried. This is critical to a successful data integration project. Next, the end-result must be clearly identified. What does the end product need to do, and what mandatory reports must it contain? These are but a couple of attributes that you will include as part of your district data warehouse. Using this end-to-beginning analysis process will now allow you to flow chart the project with great detail.

If you treat the SMS as the “mother of all databases,” and once data integrity, accuracy, and completeness is confirmed, then an action plan may be established. Rate each database by level of overall importance, and start at the top – allocate funds, build a team, create a schedule, and start the work. This will take between one and three years to complete. It is time and money well-spent!
SAANYS Enters the Fight to Save Tenure...

under the statutes without a vote. Accordingly, NYSTL, UFT, the City of New York, and several individual teachers, petitioned the court to become defendants and are now named parties. Interestingly, neither of the lawsuits mentioned the fact that school administrators are also bound by the same laws that are being challenged. A finding that teacher tenure and the seniority and recall statutes are unconstitutional would mean that school administrators would also lose the rights to tenure and seniority-based layoffs. Therefore, on behalf of representatives members, SAANYS has also intervened in this important litigation and is actively defending the rights of all administrators to earn the due process protections afforded under these statutes. SAANYS and all of the other defendants have filed motions to dismiss the lawsuits and, under the current scheduling order, will have oral argument as to why the cases need to be dismissed in mid-January 2015. Prior to the decision in Vergara, changes to tenure and seniority systems throughout the United States came primarily through legislative action within each individual state. Given the complexity of public education, courts throughout the country have recognized that such matters remain best left to the people’s elected representatives. This is because the courts are ill-equipped to resolve the social, political and economic issues, and resulting controversies surrounding public education. The legal term for concepts such as this is “political question” and it is one of the basis used by SAANYS in its motion to defeat these meritless lawsuits. As any faithful reader of News & Notes over the years has learned, New York’s legislature is continuously revising the education law surrounding the retention of qualified teachers and administrators. In the past five years, SAANYS has provided its members with continuous updates on changes made by the legislature on topics such as the APFR system and Section 3020-a hearings. Additionally, the lawsuits fail to connect the state to the implementation of the statutes, as ultimately it is the local school boards who have the power to grant or deny tenure. Bring about disciplinary hearings to tenured educators, and implement layoffs. In the past twelve years, the New York State Court of Appeals has rejected other attempts to strike down these and other education law statutes on constitutional grounds, because of the very same defects in the pleadings. Furthermore, the plaintiffs have no standing to bring the lawsuits. With the exception of one plaintiff in Wright, no other plain- tiff in either action even alleges their child has been instructed by an effective teacher, thereby precluding any alleged in- jury. Additionally, not one plaintiff is in the “zone of interest” of the challenged statutes. Specifically, the legislative history and case law surrounding each of the challenged statutes clearly states that the purpose of the statutes in question is to protect educators, not students or their parents. SAANYS supports the concept of tenure and the current system of managing layoffs for all educators, not just administrators, and will continue to vigorously defend these rights. Without these rights, educators will be subject to the political whims of their employing districts and will be forced to make the difficult choice between self-preservation and what is educationally correct. While SAANYS is confident that our members will continue to put the needs of students above their own, SAANYS has no intention of having its members placed in such a position without a fight. Keep an eye on upcoming issues of News & Notes for updates on this important litigation as they arise, and feel free to contact the SAANYS Legal Department if you have any questions.

In exchange, the unit agreed to work one additional day at the end of the school year. The unit also agreed to remove a position, the director of special education, from the bargaining unit because the district could not recruit desired candidates given the salary restriction. In exchange for giving up this position, the unit is guaranteed a four-year no-layoff provision for bargaining unit members. In order to correct previous step increase anomalies, a new step (13) was added to the schedule. Members will receive a 3 percent salary increase in the first year. After the first year, unit members agreed not to move on step for the next three years of this four-year contract, in exchange for a 2 percent increase to the salary schedule. In addition, the negotiating team added three new longevity steps at 18 years, 30 years, and 40 years. SAANYS has always been there for members who need advice or assistance from legal counsel on job-related matters. Now, SAANYS has partnered with the law firm of Feldman Kramer and Monaco to help guide you through this complex legal journey and feel free to contact the SAANYS Legal Department if you have any questions.
New York’s Leading Education Groups Outline Need for $1.9 Billion State Aid Increase in 2015-16...

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recommending a functioning state aid plan.”

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“When the state’s finances gaining strength, it is no longer possible to justify the continued existence of the Gap Elimination Adjustment, or the lack of an adequate, working Foundation Aid formula. So many educators say they fear their schools will never again be able to offer the opportunities students in the past had. It’s time for state education funding to guarantee all our public schools can offer their students the opportunities any of us would want for our own children,” said New York State Council of School Superintendents Executive Director Robert J. Reidy.

“Intelligence plus character—that is the goal of true education.” – Martin Luther King Jr.
Cohoes Principal Association, Region 6

The Cohoes Principal Association (CPA) was represented at the bargaining table by members Jackie Dechairo and Deanna Kelly. They were assisted in negotiations by SAANYS General Counsel Art Scheuermann and Labor Relations Specialist Mike Dawkins.

For each year of the new three-year contract, members will receive a flat $2,250 to base salary every July 1. Longevity steps were revised from 3, 7, and 12 years of service down to 3, 5, and 10 years of service. Under the new contract, members can now use $300 toward SAANYS dues, which constitutes a non-taxable fringe benefit. Personal days were increased from 4 days annually to 6 days, after 20 years of service.

Cohoes Administrator Association, Region 6

The Cohoes Administrator Association (CAA) was represented at the bargaining table by Lisa Schlenker, Cheryl Rabinowitz, Dawn Scannapieco, and Marielena Hauser. They were assisted in negotiations by SAANYS General Counsel Art Scheuermann.

In the new three-year contract, members receive a flat $2,500 to base salary on July 1, 2014; $2,000 on July 1, 2015; and $1,900 on July 1, 2016; along with revised longevity amounts twice during the contract period. Prior to the new contract, members received longevity as follows: after 5 years - $800; 10 years - $900; 15 years - $1,000; and 20 years - $1,200. Longevity is cumulative. Under the new contract, as of July 1, 2014, each longevity step increases by $400. On July 1, 2016, the longevity amounts for the 15th and 20th longevity steps will increase by $200.

If you are interested in participating in the ELI, you can find details on how to apply at www.SuperintendentofSchools.com.