Governor Andrew Cuomo’s State of the State and Executive Budget

Provisions Regarding Pre-K to Grade 12 Education

During the afternoon of Wednesday, January 13, Governor Andrew Cuomo delivered his joint State of the State Address and proposed Executive Budget for 2016-17. The overall budget amounted to $145 billion, with $23.5 billion directed to school building. The governor’s presentation stood in stark contrast to his 2015 presentations in two ways.

First, he was much more conciliatory in his remarks about K-12 education and about educators. For example, he referred to teachers who use their own resources for instructional supplies as “a beautiful sign of dedication.”

Second, his proposals were predominantly fiscal in nature, not programmatic, which is appropriate in the Executive Budget. However, SAANYS feels that statutory revisions are called for in regard to the program revisions included in the 2015 Budget Bill – provisions such as those pertaining to Failing and Persistently Failing Schools (a.k.a., constitutional lawsuit).

Legislature Holds Joint Budget Hearing

On January 27, Assembly Ways and Means Committee Chairperson Herman Farrell, Jr. and Senate Finance Committee Chairperson Catherine Young conducted a Joint Legislative Hearing on the 2016-2017 Executive Budget proposal. The hearing was well attended by Senate and Assembly members including Assembly Education Committee Chairperson Catherine Nolan and Senate Education Committee Chairperson Carl Marcellino.

Of the 26 organizations that provided testimony, primary attention and time (almost four hours) was directed to Education Commissioner MaryEllen Elia. The number and types of questions raised by legislators indicated continuing concerns regarding the development, administration, and uses of state assessments, especially in grades 3 to 8. Although the commissioner informed the legislators that a new vendor has been hired (Questar Assessment), that the test items developed by Pearson for this year’s assessments would be reviewed and revised/deleted if necessary, that the number of items included in the tests will be reduced in order to reduce the time for test administration, and that time limits for test completion will be extended; several legislators such as Assemblymember Edward Ra, remained incredulous.

SAANYS Kicks Off Grading Smarter Not Harder Learning Series Featuring Myron Duuck

A collaboration between Capital Region BOCES, Greater Capital Region Teacher Center, Leading Instruction for Today’s New York (SAANYS and the Magellan Foundation), and the NYS ASCD.

This series will kick off with a Blended Learning Conference with Myron Duuck on March 10. Later sessions with the author will include a book study, online sessions, a summer institute sponsored by SAANYS/LIFT NY, and follow up in district support by select BOCES statewide for implementation with staff. During the kick off session, Myron Duuck, author of Grading Smarter, Not Harder, will explore a number of topics with educators including: the purpose and implications of grading, grading homework is (and what it could be), and whether there is a place for a zero in student grades. He will also work with attendees to strengthen their grading practices in order to best benefit learners. See page 4 for more details and registration information.

Commissioner Elia Discusses Educational Priorities with State Senate

The Senate Education Committee was convened by Senator Carl Marcellino, committee chairperson, on January 20, 2016. The lone agenda item was discussion with Education Commissioner MaryEllen Elia. The commissioner began her presentation by summarizing her actions over the past six months since taking office, and her engagement of teachers, principals, parents, and stakeholders during her travels of approximately 20,000 miles across the state. She also summarized her extensive and broad experiences as an educator – from teacher, to school administrator, to school superintendent. Many senators expressed satisfaction with the commissioner’s approach to date, and felt that her education background bolstered their confidence and support of her proposed priorities.

In addressing committee members, Commissioner Elia said that she wanted to address the “big issues,” beginning with the annual professional performance review (APPR) system. In this regard, she focused on the recommendation of the governor’s Common Core Assessment System.

SAANYS Successfully Defends a Long Island Whistleblower

Recover Back Pay and Benefits

Mike Tweed, a probationary Long Island administration member, exposed a cheating scandal in his school district. Instead of being granted tenure based on his exemplary service, Tweed was retaliated against for reporting the criminal conduct by being denied tenure. During this time period, Tweed’s administrative unit was not affiliated with SAANYS, however, Tweed fortunately was an individual member and sought out SAANYS General Counsel Art Scheuermann, a former Suffolk County prosecutor, to defend him against the illegal action taken.

In New York, it is extremely rare for probationary administrators to successfully challenge a denial of tenure. In the last known case, in 2003, SAANYS successfully tried such a case entitled, Kunjbehari v. Wyandanch Union Free School District et al v. Sufolk County Supreme Court, in which a building principal was wrongfully denied tenure after a fourth year of probation. It was proven at trial that the superintendent and board of education had discriminated against him because of his union activities. In that case, the plaintiff received almost one half million dollars in back pay and benefits.

In the current case, several litigations were employed. First, SAANYS grieved the district’s termination decision because the school district had failed to follow the collective bargaining agreement’s (CBA) evaluation procedure. This litigation culminated in the recent arbitration award that is the basis of this article. And, second, SAANYS filed a federal constitutional lawsuit.
Sponsor Opinion piece by Dr. Bruce H. Crowder, most critical.

Soft effect of others is the milieu, the importance of social and economical continue. In our current Core and testing, teaching, action. Regardless of the education thinking and may be acknowledged or recommended by the State could be significant of all is the number of factors.

In my view the most significant of all is the governor's state aid proposal, an increase which is less than half of what might be requested by the governor's proposal. In the absence of statutory change, SED is engaged in a regula-tory jujitsu in order to prevent 3-8 tests from having consequences over the next four years. It is also seeking to review standards, develop new tests, release and analyze results, modify test times, incorporate a new test vendor...all while the commissioner maintains a punishing schedule of thruway diplomacy designed to demonstrate that SED really is listening to the field. Time will tell if these changes will calm the educational waters. These are all steps in the right direction, but are still incomplete. Just ask anyone whose student performance scores may not include a 3-8 test. They still fall into the statutory matrix.

It is the partial temporal patchwork nature of the fix that keeps the opt-out proponents active. Poten-tially raising the stakes of opting out is the fact that the Every Student Suc-cesses Act (ESSA), while re-visited many years ago, the re-lease and analysis of the results, modify test times, incorporate a new test vendor...all while the commissioner maintains a punishing schedule of thruway diplomacy designed to demonstrate that SED really is listening to the field. Time will tell if these changes will calm the educational waters. These are all steps in the right direction, but are still incomplete. Just ask anyone whose student performance scores may not include a 3-8 test. They still fall into the statutory matrix.

For What Purpose Is a Moratorium? Sponsor Opinion piece by Dr. Bruce H. Crowder, Educational Vistas, Inc.

The reprieve from the audacious impact of APPR may be acknowledged as a time to reset education thinking and action. Regardless of the politicizing of Common Core and testing, teaching, learning, and assessment continues. In our current social and economical milieu, the importance of high learner expectations in core subjects and the soft effect of others is most critical.

It is time for a new foundation for teaching, learning, and assessment. That foundation begins with the identification of high learner expectations at every grade and subject. There may be a need for organized abandonment, as stated by management guru Peter Drucker, to make teaching, learning, and assessment a more appropriate fit for the realities of today. Clearly, yesterday’s curricula may not meet the new criteria for learning.

It was the hope that Common Core would be the basis for that new foundation. However, if Common Core is an explosive designation with negative political, negative baggage in your district, then you are compelled to replace it. And, whatever replaces those high expectations must be vetted publically. This is the proposal.

Following a new foundation of learner expectations, the real work begins for educators who historically have been trapped within classrooms in which they cry for the opportunity of released time for innovation and development. While expre-sing a need for a new foundation for learning for the Every Student Succeeds Act (ESSA), while re-visited many years ago, the re-lease and analysis of the results, modify test times, incorporate a new test vendor...all while the commissioner maintains a punishing schedule of thruway diplomacy designed to demonstrate that SED really is listening to the field. Time will tell if these changes will calm the educational waters. These are all steps in the right direction, but are still incomplete. Just ask anyone whose student performance scores may not include a 3-8 test. They still fall into the statutory matrix.

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The statements and opinions expressed herein do not necessarily imply or reflect the opinion or philosophy of the School Administrators Association of New York State.

value the importance of what it is they need to do. All the intent in the world goes now to the support of time and finances.

We have a window of opportunity. Let us hope that those who hold the power and the resources understand what this opportunity can mean. Dr. Bruce H. Crowler is a senior researcher for Educational Vistas, Inc. He is a former NYS assistant commissioner for Quality Assurance and the Education and Accountability Program (EAP). Dr. Crowler may be reached at bcrowder@edvistas.com.
Governor Andrew Cuomo’s State of the State and Executive Budget

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Struggling and Persistently Struggling Schools) and the state Annual Professional Performance Review system.

A summary of provisions related to prekindergarten-to-grade 12 education follows:

- **School Aid to Schools** – The governor proposes to increase state aid by $2.1 billion over two years, with an increase of $991 million in 2016-17. This is unacceptable. SAANYS, as well as other educational organizations and the State Education Department are all calling for an increase of at least $2.2 billion for one year, 2016-17. In fact, it is estimated that $1.7 billion is needed in 2016-17 just to continue current school programs. SAANYS is pleased that Governor Cuomo has determined to provide budget runs that will provide school districts a basis to continue budget planning. However, the governor’s recommendation for school operating aid, including Gap Elimination Adjustment and Foundation Aid allocations, will result in state aid decreases for some school districts.

  - **The GEA** – The governor calls for the end of the gap elimination adjustment – over two years – with $189 million allocated for this purpose in 2016-17, which is less than half of the $434 million still owed. SAANYS supports the state senate in asserting that the GEA should end in 2016-17; this reduction in state fiscal support must end now.

  - **Foundation Aid** – The governor never mentioned Foundation Aid during his presentation. In his budget, $266 million is allocated in additional Foundation Aid, which is currently $4.4 billion underfunded. SAANYS asserts that the Foundation Aid Formula should be meaningfully increased for 2016-17; this is fiscal support that is owed.

  - **Property Tax Cap** – Several times during the address, the property tax cap was heralded as a success, and no revisions are apparently contemplated – including for 2016-17 when the cap will be only 0.12 percent. If needed and appropriate adjustments are not made to the property tax cap methodology, then more state school aid is essential, and is included in the $2.2 billion increase requested by SAANYS.

- **Mandate Relief** – The proposed budget includes one provision that is intended to reduce state mandates for school district BOCES. It is recommended that a new waiver process be allowed to allow school districts, BOCES, and approved private special education programs to petition SEF to continue fiscal support from certain special education requirements.

- **Education Tax Credit** – $150 million would be allocated in 2016-17 for an education tax credit for eligible contributions to scholarship organizations and private schools. Under the state constitution, each student is entitled to a sound, basic education, and public schools are the vehicle by which we meet this obligation – and public schools are underfunded. The $150 million should not be diverted from public schools.

- **Instructional Materials and Supplies** – Recognizing that many teachers spend their own money on materials for their classrooms, Cuomo proposes that a refundable credit equal to the cost of instructional materials purchased by a public, charter, or private school educator, up to a maximum of $200, with an aggregate cap of $10 million.

- **Common Core Standards and State Testing** – Governor Cuomo indicated that last year his office and the state legislature implemented essential reforms to reduce testing, increase parent participation, and to empower continued on page 7

Task Force to put a moratorium in place, effective in the current school year and running through 2018-19; and the follow-up regulatory enactments enabled by the Board of Regents in December 2015. She did not recommend or mention the need for any amendment of Section 3012-d of Education Law.

In terms of student assessment, the commissioner summarized her actions to engage parents about their concerns and recommendations, and of her intentions to continue engaging parents. She said, for this year, tests will be shorter, that the department has secured a new test vendor (Questar Assessment, Inc.) to ensure a match between test content and standards, and that educators will have a greater role in test development. In stemming the incidence of students opting out of state assessments, she said that teachers, principals, and superintendents are the people that parents must listen to; “they need to be part of the solution.”

The commissioner repeatedly stressed the need for higher standards and expectations, and pointed out that 71 percent of those responding to the department’s common core survey expressed support of the standards – but added that revisions are necessary. She explained that the survey results will be reviewed by the department and by external practitioners to determine what needs to be revised and what should be revised. She said that there are benefits to having “common standards,” but added that, “not everything has to be common.”

The commissioner then segued to the topic of jobs, and the importance of college and career readiness. She said that the department is working closely with the SUNY and CUNY systems to ensure that successful high school completers are prepared to succeed in higher education without the need for remediation. Also, included in the department’s recommendation to increase school operating aid by $2.4 billion is funding to expand Career and Technical Education (CTE) programs and professional development.

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Joint Budget Hearing

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In terms of the budget, there was strong consistency across SED and each of the organizations comprising the Education Conference Board. For 2016-17, all remarked upon the inadequacy of the governor’s proposal to raise state school aid by $991 million ($2.1 billion over two years) and to allocate $189 million to the Gap Elimination Adjustment (with the intent to eliminate it in two years). Each organization rejoined with recommended state aid increases ranging from $2.2 billion to $2.6 billion. Rationale supporting the requested budget increases includes:

- An increase of $1.7 billion is needed for the continued operation of current programs and services.

- A very low property tax cap of .012 percent is set for this local tax levy. This is equivalent of cutting aid by approximately $308 million to school districts outside the Big Five.

- Foundation Aid should be increased in a meaningful and fair manner.

- The full Gap Elimination Adjustment should be retired by the allocation of $434 million.

The State Education Department and ECB organizations were also in sync in regard to the need to provide funding to Struggling Schools (a.k.a., Failing Schools) and establishing reasonable, research based timelines for Struggling and Persistently Struggling Schools to post demonstrable improvement. SAANYS also recommended that accountability procedures not be implemented in a “tunnel vision” manner, focused only upon the performance of Struggling and Persistently Struggling Schools.

SAANYS has received reports that in light of the Governor’s proposed budget, school districts are eliminating counseling and social work programs and releasing teaching personnel, and closing schools that are predominately minority schools. In verbal and written testimony, SAANYS rhetorically asked whether the receivership intervention will be considered successful if a Struggling School achieves its performance targets but performance deteriorates in other schools?

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For more information regarding the SAANYS legislative agenda, the New State Board of Regents, the Educational Conference Board, or other government relations concerns, contact James Viola, SAANYS director of government relations, at JViola@saanys.org.
**SAANYS Professional Development Update**

We are happy to say that the Locally Grown PD Series is up and running and ready for your registration!

Locally Grown PD is happening in fifteen locations across New York State in the month of March. Fifteen timely and convenient workshops will be presented by your colleague practitioners in locations from Farmingdale to Fredonia and Western Suffolk to West Seneca! Check out the dates and locations, and mark your calendars to get together with colleagues in your region to share collegial expertise and ideas. All workshops are held from 4:30pm-6:30pm and all include an optional online or individual follow up with presenters after the workshop itself. We are even trying to identify the best pizza closest to each site to be delivered to participants and presenters. Registration is $10 on the website. Full information, workshop descriptions, and presenter information is on the SAANYS website, but don’t delay because these will be here before we know it!

- **MARCH 3:** MILLBROOK CSD, LIVERPOOL CSD, JERCHOS, WHITEBORO CSD
- **MARCH 8:** ARLINGTON CSD
- **MARCH 9:** ARLINGTON CSD, ERIE 1 BOCES
- **MARCH 10:** CARMEL CSD, BROOME-TIoga BOCES
- **MARCH 15:** ARMINGDALE CSD, TONAWANDA CSD
- **MARCH 30:** LATHAM
- **MARCH 31:** WEST SUFFOLK BOCES, WHISW BOCES, SLL BOCES

Are traditional grading systems looking more and more obsolete by the day? Look forward to more good things around the topic of Grading Smarter NotHarder, with events coming up through a collaboration with NYASCD, Capital Region BOCES, and Greater Capital Region BOCES:

- **MARCH:** Blended Learning Conference in six locations around NYS
- **MARCH –MAY:** Book Studies with the Author: Myron Dueck, author of Grading Smarter NotHarder
- **MAY:** Online discussion sessions with Myron Dueck
- **JULY:** Summer Rethink Grading workshops in Buffalo and Syracuse
- **Through DECEMBER:** On-site, in school support for implementation steps

The goal of this multifaceted event is to delve into a complicated issue in depth over time and in multiple formats that suit your learning style. The components provide sustainable support that allows you to get some traction as you think about this important topic. Check out our SAANYS website for complete information on this ground breaking learning opportunity!

**SAANYS’ Magellan Foundation is an approved NYSED provider for this 6-hour workshop to fulfill harassment, bullying, and discrimination prevention and intervention training required for certification/licensure under the Dignity for All Students Act (The Dignity Act).**

**FOR DISTRICTS OR REGIONS DASA REFRESHER WORKSHOP**

A 3-hour face-to-face DASA Refresher Workshop with Dr. Michael Johnson will ensure that you and your colleagues are up to date on the latest information and approaches for dealing with issues and situations to support all students under the Dignity Act. This interactive workshop will focus on situational problem solving and discussion around DASA topics.

New Sed guidance on transgender, gender non-conforming as well as all aspects of meeting DASA/or requirements will be covered.

**FOR INDIVIDUALS COMPLETE DASA CERTIFICATION WORKSHOP**

Teachers and administrators with initial certification who need DASA certification may take the 3-hour online portion of the workshop in addition to the three hour face-to-face workshop to become DASA certified.

**DISTRIBUTIONS OR REGIONS INTERESTED IN HOSTING THIS DASA WORKSHOP IN THEIR SCHOOL OR DISTRICT MAY CONTACT**

kbronson@saanys.org for information regarding costs and desired dates.

**Kickoff Event! Blended Learning Conference with Myron Dueck**

**March 10 - 8:30am - 3:00pm**

**Cost:** $135 (includes book* and lunch**) **

During this blended learning session, Myron Dueck, author of Grading Smarter, Not Harder, will explore a number of topics with educators including: the purpose and implications of grading, what homework is (and what it could be), and whether there is a place for a zero in student grades. He will also work with attendees to strengthen their grading practices in order to best benefit learners. Along with working virtually with Myron, attendees will work with each other and an in-person facilitator, to help make the best practices explored a reality when returning to the school building or district office.

**Workshop Facilitator:**

Dr. Michael Johnson has over 30 years of public school experience including serving as an administrator at the elementary, middle, and high school levels. Dr. Johnson is a NYSED approved DASA trainer.

**Grading Smarter NotHarder**

**A SERIES ON RETHINKING TRADITIONAL GRADING WITH AUTHOR MYRON DUECK**

**MULTIPLE LOCATIONS!**

More information and registration at saanys.org/events.

- Capital Region BOCES
- Erie 2 BOCES
- Putnam Northern Westchester BOCES
- Western Suffolk BOCES
- West Genesee School District

See article at left for more upcoming events.
What is an Edcamp Format?

An “unconference” without keynotes; a beginner strand is preset, with advanced topics to be determined by the attendees themselves on the morning of the event. Four exciting, interactive, practical sessions will result, with a focus on all things Google.

Schedule for the Day

8:00 am - 8:30 am Registration
8:30 am - 8:45 am Opening
8:55 am - 9:00 am Session Presentation
9:05 am - 9:45 am Session 1
10:00 am - 10:45 am Session 2
10:45 am - 11:00 am Coffee break
11:10 am - 11:45 am Session 3
11:55 am - 12:45 pm Lunch
1:00 pm - 1:45 pm Session 4
1:50 pm - 2:30 pm Session 5
2:35 pm - 3:30 pm App Smackdown
Closing Remarks

Topics include but are not limited to:
1. Chromebooks in the Classroom
2. Google Apps Management
3. Google + Hangouts
4. Understanding Google Classroom
5. Going Google
6. Customizing Chrome to make your life awesome!
7. Google Scripts
8. Google Apps for Mobile Devices
9. Deep Dive with Drive
10. Google App Smackdown

Google CAMP

March 16
Minisink Valley CSD
2320 US-6
Slate Hill, NY

Register early to reserve your spot!

Cost: $99/$125 includes Google Chromecast

All attendees are eligible for door prize drawings, to be held during the closing remarks.

FREE WEBINARS w/ Educator and Author, Eric Sheninger

February 23
4:00 pm - 7:00 pm
Communication Branding and Public Relations

March 15
4:00 pm - 7:00 pm
Professional Growth and Development

FREE for Job Seekers!

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.nyed.gov/ceptrif/pdpl.htm for complete information on requirements.
Know Your Rights, Alternative Disciplinary Procedures

Most if not all tenured certificated administrators and permanent status civil service administrators are familiar with the fact that they are entitled to hearings before formal disciplinary action is instituted. However, depending upon your specific Collective Bargaining Agreement (“CBA”), negotiated on your behalf, there may be another form of grievance/disciplinary procedure available to you.

Alternative disciplinary provisions can be extraordinarily helpful. For civil service administrators, this can be particularly helpful. A negotiated disciplinary procedure may provide a binding resolution with more expansive discovery and a longer time for the hearing to take place, as opposed to what is afforded under Civil Service Law §75. For certificated administrators, some options may include a multi-tiered disciplinary process similar to a grievance process that would allow for a better understanding of the allegations and evidence the administrator faces before a formal hearing actually takes place. These items are what you may want to consider building into your CBA, if they do not already exist.

However, for every good point there is a bad – SAANYS has recently come across alternate disciplinary procedures in several CBAs that actually afford less due process than an administrator would otherwise be entitled to under the applicable statute. As SAANYS would never condone such clauses, we have discovered that most of these clauses are extremely old and typically were drafted due to a district’s inability to remove a problematic employee through the statutory processes. Oftentimes these clauses are over looked come time to negotiate a successor CBA because they aren’t used, but it is important to look for and remove any such negative alternate disciplinary procedures in order to avoid their potential use by the district and anxiety filled litigation to enforce your unit members’ rights to a full due process hearing.

By way of an example, a September 1, 1994 amendment to Education Law §3020-a provided that any district with a CBA containing an alternate disciplinary procedure must allow the tenured teacher or administrator to decide whether to use the statutory process or the one negotiated. Any CBAs enacted prior to the date of the amendment that contained an alternative disciplinary procedure that remained unaltered would use such negotiated procedure in lieu of the statutory process. Most school districts simply employed this procedure and did not avail themselves of the Education Law §3020-a procedure. The understanding throughout the state was simply that if the CBA provided for the alternative disciplinary procedure then the Education Law §3020-a option was not available. The court of appeals has cleared this misunderstanding up for us in the recent case of Kilduff v. Rochester City School District.

In Kilduff, the school district’s CBA with the teachers’ union contained a decades-old provision requiring that all discipline, other than termination, be submitted to the grievance and arbitration procedure in the CBA as an alternative to the procedures required by Education Law §3020-a. According to the district’s thinking, because the alternate disciplinary procedure had not been altered since 1994, this clause, which provided for less due process than the statute, must be used. Not so, according to the appellate division fourth department and the court of appeals, which held that because there were clauses within the CBA that had been altered through negotiations, not only the alternative disciplinary procedure, the CBA was no longer grandfathered and the district was required as a matter of law to offer the employee the choice of the alternate disciplinary procedure or a hearing under §3020-a.

The moral of the story for all members is this: If you find yourself in this position, you may select which procedure you would like to avail yourself of if your CBA has one of the provisions similar to the one spoken of above. But remember, you must request it in writing if you want to elect to go through the alternative disciplinary procedure provided in your CBA.

While this decision affects only those school districts that had alternative disciplinary procedures pre-dating September 1, 1994, it serves as a reminder to all that the §3020-a process cannot be negotiated away. Always remember your tenure is a right, not a privilege, and it cannot be taken from you without the proper procedure.

As always, if you ever find yourself in a position where you are facing discipline, and particularly if your employer wants to utilize an alternate disciplinary procedure, call the SAANYS Legal Department and we will provide you with representation and guidance throughout the process.
against the school district and individually sued the superintendents and every member of the board of education for their egregious conduct. The lawsuit is scheduled for trial in June of 2016.

Concerning the arbitration case, the administrators’ CBA required the evaluation of non-principal administrators to follow the following procedures: (1) to jointly develop goals by October 15; (2) to provide continuous formative evaluation and feedback throughout the school year in the form of one-on-one evaluation meetings; (3) to document by written memo any serious performance issues that could result in a negative evaluation; and, (4) to issue a final annual evaluation. In conjunction with these specific performance promotion, School Law has relied on past practice and relevant board policies to show that the school district treated Tweed like a pariah in following the established evaluation procedure for administrators.

For example, both the superintendent and Tweed’s direct supervisor, an assistant superintendent, failed to meet and jointly agree on mutual goals by the contractual deadline, as had been done in Tweed’s two prior probationary years of employment. From the start of his tenure-bearing year, Tweed was not provided with any goals and how the evaluation process was being largely ignored. Tweed’s direct supervisor failed to schedule the goals-setting meetings over the summer as done in his prior two years of employment. Unlike prior years, Tweed’s goals were not finalized by the end of the summer. Instead, Tweed’s jointly developed goals were late by over two months and were only completed on December 20, 2014. The two month delay was a clear violation of the contract.

Due to the lateness of the goal setting, the evaluative period was abbreviated. However, neither the superintendent nor assistant superintendent held any evaluation meetings with Tweed. When confronted about this glaring violation of the CBA’s evaluation procedure, both the superintendent and assistant superintendent claimed that they had evaluated Tweed. However, there were no formal interaction, as had been done in Tweed’s prior two years of employment. Unlike prior years, Tweed’s goals were not finalized by the end of the summer. Instead, Tweed’s jointly developed goals were late by over two months and were only completed on December 20, 2014. The two month delay was a clear violation of the contract.

The CBA also required that Tweed receive a written memo if a serious problem in performance should ever arise that could cause a negative final evaluation. In this case the superintendent and assistant superintendent never documented any issue with Tweed’s performance. In fact, the assistant superintendent of human resources, who oversaw all aspects of personnel, testified that he was certain Tweed would be awarded tenure because of his outstanding work and the absence of any complaints or criticisms about his performance.

Despite the lack of documented performance issues, the superintendent denied tenure based on five trumped-up performance deficiencies. The arbitrator, Robert Simmelkjaer, saw through the baseless reasons for the denial of tenure and found that Tweed’s supervisors’ lack of calendar entries and documentation demonstrated different intentions. As the arbitrator wrote:

[1] am ... not persuaded the administrator could have amassed five (5) performance issues ostensibly unrelated to his jointly developed goals that did not rise to the level that “could cause a negative final evaluation,” yet collectively warranted a negative tenure recommendation. Inconceivable the fault did not lie to document anything.

Accordingly, Arbitrator Simmelkjaer found the district failed to document Tweed’s alleged performance concerns and found a third violation of the CBA’s evaluation procedure. Given the clear and convincing evidence that Tweed’s evaluators failed to comply with the CBA, past practice, and pertinent board policy, Arbitrator Simmelkjaer ordered Tweed be reinstated to a fourth year of probation, be awarded back pay and benefits, and directed to be made whole because of the school district’s violations of the CBA.

Tweed’s administrative bargaining unit, the Glen Cove School Employees Service Association, has since joined SAANYS.
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- Similar to last year, the proposed budget includes $8.4 million to be allocated to the State Education Department to support multiple versions of tests, to allow for the release of test items, and to reduce the need for field testing.

- The proposal includes no additional funds for SED for the provision of professional development.

- Pension Forfeiture – Article 5 of the state constitution states: “After July first, nineteen hundred forty, mem-


mbers of any class, or office of the state, or of a civil division thereof shall be a contractual relationship, the benefits of which shall not be dimin-

ished or impaired.” (New. Adopted by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.) An amendment to the state consti-

tution is now proposed so that a “public official” con-


victed of a crime related to public office that is deemed to constitute a willful breach of the contractual rela-


tionship between the individual and a pension / retirement system of the state or of a civil division thereof – that as a result of such a breach all benefits, rights, and


privileges under the pension / retirement system shall be forfeited. SAANYS has reached out to the governor’s of-


ci ne for a definition of “public official” and to ascertain whether it would include school administrators, teacher-


ers, or other school employees. As of the time of this


writing (January 21, 2016) the requested clarification has not been received.

- Charter Schools – Direct state aid to charter schools would increase from $25 million during the current year to $27 million in 2016-17. The budget bill includes no language specifying accountability procedures or procedures to guard against “creaming.”

- Constitutional Convention – The governor proposes $1 million appropriation for the department to build a commission to develop a blueprint for a constitutional convention. SAANYS has strong reservations about this allocation and the advisability of holding a constitutional conven-


tion. It is our recollection that when the governor first ran for office, his platform included a constitutional convention, and that one of the express purposes of the convention was to review and possibly propose amend-


ations related to individuals already receiving public education pensions.

SAANYS has already engaged the governor’s office to clarify the contents of the Executive Budget and to raise possible alternatives for consideration. Formal testimony


was presented before a joint meeting of the legislature on January 27 (see page 1 ), and teams of school administra-


tors met with legislators and with the governor’s office on February 9. For more information about the proposed Executive Budget and plans to engage legislators and the governor’s office, contact James Viola, director of govern-


ment relations, at jviola@saanys.org. n

- School Choice – The governor posits three recommenda-


tions:

o Changes are recommended to clarify the dif-


ference between local SED and school-level safety plans, especially in regard to protecting confidential information, and would require that all school staff receive mandatory annual train-


ing on such plans. Each school district would be required to designate a school or district em-


ployee as chief emergency officer to coordinate emergency-related training, and for emergency communica-


tions.

o It is proposed that requirements related to school fire drills be modernized by replacing a small number of the 12 fire drills currently required with preparation for other types of emergency situations, such as lock-down drills.

o The State Education Department, rather than the state legislature, would be authorized to forgive the state aid withholding school districts oth-


erwise face, for holding fewer than 180 days of class, if the shortfall is due to school closure in an emergency situation after a credible threat to student safety.

- State Education Department – The proposed budget level funds State Education Department personnel and operations.

A message from a SAANYS corporate sponsor

Amplify is reimagining the way teachers teach and students learn in K-12 education. Our products and services lead the way with data-driven instruction and set the standard for next-generation digital curriculum and assessment.

With headquarters in Brooklyn, New York, Amplify is led by digital education experts and has provided innovative technology to the K-12 market for more than a decade. As a pioneer of mobile assessments and instructional analytics, we have supported more than 200,000 educators and 3 million students in all 50 states as they began their digital transition.

Amplify’s suite of assessment products, for grades PreK-12, help teachers measure student progress and close learning gaps so that all students achieve proficiency.

Amplify curriculum products engage and challenge students, and were developed specifically with college and career readiness in mind. Amplify ELA, for grades 6-8, is an interactive core curriculum that brings complex texts to life, and inspires students to read more deeply, write more vividly and think more critically. Core Knowledge Language Arts, for grades PreK-5, carefully sequences background knowledge with foundational skills to help build vocabulary and comprehension.

Amplify Science, for grades K-8, inspires students to read, write, talk and argue like scientists to gain a better understanding of the world, as they learn and gain the skills needed to master the NGSS.

The Amplify professional services team, with years of classroom experience, helps schools implement digital solutions as well as develop strategies for using data to drive student achievement.