

# News & Notes

VOL. XLVII No. 2 • FEBRUARY 2018



www.saanys.org

## Governor Cuomo's Proposed Budget

Governor Cuomo's opening remarks introducing his budget proposal stressed the unique and challenging aspects of this year's state budget. This year's budget is impacted by economic losses, devastating federal policies, and pending legal issues. Taken summatively, these factors will require New York to clearly define its priorities and get ahead of as many of the hurdles as possible.



Director of Government Relations Cynthia Gallagher delivering testimony at the Joint Legislative Public Hearing on the 2018-2019 Executive Budget on January 31.

An area that will be of particular interest to school leaders is the governor's focus on ensuring that state funding be targeted to the "poorest" school districts. This topic was mentioned in his State of the State address and again in his budget address. The prevailing think-

ing on this issue seems to be that if the state is directing funding to the poorest districts, that there should be some onus on the part of districts to ensure that state funding is directed to the "poorest" schools. The governor included a few more specifics in his budget presentation by proposing that districts submit plans indicating how funding will be directed to each school in the district. A similar type of accountability is required in ESSA and included in the proposed ESSA state plan as part of the reporting requirements for federal funding streams by school.

The governor set the context of his budget proposal by stating that the education budget constitutes the largest segment of the state budget and has seen a 36 percent cumulative increase since 2012. According to his data, New York is #1 in the Nation in terms of spending per pupil.

### The FY 2019 Proposes:

- An overall increase of \$769 million in state aid.
- An increase in Foundation Aid of \$338 million.
- \$15 million for prekindergarten expansion.
- \$10 million for after school programs.
- An increase of \$50 million for community schools.

### As Presented in the Budget Briefing Book:

Table 6: School Aid Increases

Category of Increase	Change in \$(millions)
Additional Foundation Aid	\$338
\$50 million in Community School Set-aside	
Reimbursement for Expense-Based Aids/Other	\$317
Fiscal Stabilization Fund	\$64
Expanded Prekindergarten for 3 and 4 year olds	\$15
Empire After School Program	\$10
Early College High Schools	\$9
Smart Start	\$6
Breakfast After the Bell	\$5
Expanded Advanced Placement Access	\$2.5
Other Education Initiatives	\$2.5
<b>TOTAL</b>	<b>\$769</b>

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## SAANYS Puts the Spotlight On Student Mental Health

Educators know that students are often bringing much more than backpacks and lunches to school each day, they are very often shouldering stress, trauma, anxiety, depression, or other mental health issues that can impede their learning and greatly affect their chances for positive outcomes. In fact, The U.S. Center for Disease Control and Prevention estimates that nearly 20 percent of children in the United States suffer from some level of mental health issue.

This spring members will see a number of supports coming from SAANYS in an effort to assist schools in providing needed services to students and families.

- March 1 and 22 – SAANYS presents, Your Role in Addressing the Growing Mental Health Crisis Among Students at the Greece Central School District. All educators from all districts are invited. Importantly, the New York State School Boards Association and the New York State Council of School Superintendents are supporting this event.
- The next issue of *Vanguard* magazine will be a special double issue on the topic of student mental health. Members are encouraged to contribute best practices.
- A page on the SAANYS website has been dedicated to the topic of student mental health – it can be found under the "Resources" menu. Guidance on new student mental health regulations will be posted here as available.
- SAANYS Region 5 hosted a local event for area educators on February 13 that included a presentation from the Mental Health Association of New York State.
- SAANYS is co-hosting the March 15 session of Your Role in Addressing the Growing Mental Health Crisis Among Students in Woodbury, presented by the NYS School Boards Association.
- Topics around student mental health will be a highlight at this year's statewide SAANYS Summer Camp.



Find information on these initiatives at saanys.org and on pages four and five within. ■

**Your Role in Addressing the Growing Mental Health Crisis Among Students**

See page 4 for more details

2-Part Series: March 1 & 22 3:00 pm - 6:00 pm

**SAVE THE DATE!**

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Registration Opening Soon!

Keynote: GEORGE COUROS

**SAANYS Welcomes New Unit:**

– REGION 5 –

Rondout Valley Administrators & Professionals Association

## LEGAL BRIEFS

### SAANYS Continues the Fight to Save Tenure



At the end of last year, SAANYS argued before the Appellate Division, Second Department in Brooklyn that the trial court erred in not granting SAANYS' motion to dismiss two lawsuits filed by public interest groups in New York challenging the state tenure and seniority laws. The plaintiffs in *Dauids v. State of New York* commenced their lawsuit in Richmond County Supreme Court, while the plaintiffs in *Wright v. State of New York* brought their lawsuit 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. SAANYS represents two building principals in the actions. SAANYS, along with co-defendants NYSUT, UFT, the City of New York, and the State of New York moved to dismiss the plaintiffs' complaints on numerous legal grounds.

In arguing the case before the Appellate Division, SAANYS was joined by the New York Attorney General's Office, New York City Corporation Counsel's Office, and private counsel representing NYSUT and UFT. At stake are administrators' valuable vested property rights. A finding that administrator/teacher tenure and/or the seniority and recall statutes are unconstitutional would mean that school administrators would also lose the rights to tenure and seniority-based layoffs and be subject to the political whim and caprice of their employing Boards of Education.

SAANYS' Deputy General Counsel Jennifer Carlson

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## Executive Viewpoint

Kevin S. Casey, Executive Director

### If Not Me, Who?

The legislative session is open, the governor's budget proposal has been delivered, and all the advocates have begun to scramble to try to obtain more money for particular causes, or to "play defense" and defeat or modify proposals deemed to be harmful to their (or their clients') interests. It is the season of numerous political fundraisers (especially important in an election year), solicitations from political journals to advertise political positions designed to get in front of lawmakers, and engaging lawmakers and their staff in what is

sometimes an education of the issues, and sometimes simply an explanation of positions taken and the rationale therefore. All are forms of lobbying.

The idea that an advocate would need to educate or explain the issues at hand is not being pejorative toward legislators or their staffs. It is in large part addressing the issue of volume. There are so many advocates and so many issues floating around that no one can be a master of them all. Advocates get to focus on what is important to them, but legislators do not have that luxury. There is also the reality that there are

many groups out there with competing interests and positions, with some of those positions being different from one another in subtle but important ways. It is during this time of year that I have renewed respect for those who can in fact process the constantly evolving details of an untold number of competing proposals on a variety of different subjects and keep it all straight.

SAANYS is a full participant in this seasonal spasm of activity. Cindy Gallagher, our director of government relations, along with our retained outside lobbyist, engages in lobbying various legislators. She also recently prepared and delivered testimony (available on our website) to the joint legislative meeting on the proposed executive budget. Our Government Relations Committee (GRC), made up of active members from across the state, develops a

legislative agenda which is discussed, debated, and ultimately approved by the SAANYS board of directors, also made up of practitioners. The GRC also lobbies the legislature on its own, and again lobbies at a later date in conjunction with the New York State School Administrators Consortium (NYSSAC), our partnership with school administrators from New York City, Yonkers, and Buffalo. NYSSAC also hosts a legislative breakfast with legislators to create an opportunity to communicate our priorities.

Our collaboration with others is not limited to NYSSAC. SAANYS is a member of the New York State Educational Conference Board (ECB), a coalition of major education stakeholder associations. Together, the ECB member organizations have produced formal position papers on school finance, medicaid, public education, English language

learners, and career and technical education. The ECB will formally present those papers to legislators and their staff this month.

All this time and effort goes into being seen and heard by those elected to make law. We advance the interests of school administrators as those interests are developed and defined by our members. It is by this process that your perspective is communicated and represented. It is by this process that you stand up for your profession, your schools, and your students. I know that the process may seem distant, and your influence uncertain, but I also know that your colleagues who engage in the process do it well on your behalf. If we as administrators do not advocate for our own interests, then who will? ■

## Governor Cuomo's Proposed Budget

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### More Specifics on Programs:

- Prekindergarten funding will focus on high-need districts not currently serving three and four year olds. The funding will be used to promote integrated and community based settings. The QualitystarsNY rating system will continue to receive \$5 million.
- Full-day kindergarten funding will be provided for some remaining districts that did not yet receiving funding for such conversion.
- The second round of

Empire After School programs will focus on districts with high rates of homelessness. Two million dollars will be targeted to high risk communities to deter potential gang activity or involvement.

- The Early College High Schools funding will support 15 new programs to provide opportunities to earn college credit while in high school.
- Six million dollars for the Smart Start program will be focused on expanding high quality computer science and engineering education. Grants will support

teachers with resources and professional development.

- Funding categorized as "other education initiatives" will include banning lunch shaming, supporting breakfast programs after the school day has begun, expansion of the Farm to School program, and increased use of locally grown foods at schools.

### Also Included:

- Alignment of charter school funding with public school spending.
- A three percent increase in aid to nonpublic schools for state-mandated programs.
- Alignment of state reimbursement of summer school special

education programs with wealth-equalized aid ratio used during the school year.

- One million dollars to expand the Master Teacher Program.
- Gang prevention education programs will receive \$1.5 million over three years.
- Funding (\$400,000) for a third round of Empire State Excellence in Teaching Awards.
- Authorization of BOCES non-component districts (including the Big 5) to participate in Recovery High Schools.
- A proposed two percent cap on major expense based aid categories.

Prior to addressing his education fiscal priorities, the governor laid out a series of tax reforms that SAANYS will carefully monitor as more details on these actions become known. For more information on the proposed budget please feel free to contact Cindy Gallagher at [cgallagher@saanys.org](mailto:cgallagher@saanys.org). ■

**SAANYS**  
**Personal Legal PLAN**

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 when you need *personal* legal advice and assistance.

**\$85** annually provides a simple will, power of attorney, health care proxy, living will, and unlimited advice via telephone. Enrollees will also receive certificates good for two free hour-long office consultations with a local referral attorney. For services beyond this package, discounted rates apply.

Contact Feldman, Kramer and Monaco, the law firm that administers the plan for SAANYS members, at **1-800-832-5182**

*Be prepared to present your membership ID #.*

## News & Notes

### School Administrators Association of New York State

#### Vol. XLVII No. 2

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# CAPITAL UPDATE

## Top Issues From the January Board of Regents Meeting

A Report from Cindy Gallagher, SAANYS Director of Government Relations

In the context of a concerning federal and state fiscal environment, the Board of Regents began their two-day meeting with a discussion on the approved ESSA Plan. The presentation by the commissioner focused on a general overview of the changes made and submitted to the USDOE. The following is a summary of the presentation, a copy of the overview can be found by scanning the QR code.



### ESSA State Plan

The approval of the plan results in an annual allocation of \$1.6 billion. That amount is subject to change, pending passage of a federal budget. The revisions made to the draft state plan were characterized by the commissioner as “clarifications and adjustments.” Clarifications were made to sections regarding measures of interim progress, professional development to staff providing services to gifted and talented youth, and assistance to those working with students classified as homeless for improving literacy.

The first “adjustment” discussed was in regard to science in the elementary and middle grades, and science and social studies at the high school level. Whereas in the draft plan, science was used at the elementary and middle levels as an academic achievement indicator, they will now be considered as “another academic indicator.” At the high school level, science and social studies will now be used as “measures of school quality and student success.” These changes in turn impact the calculations used for determining composite levels of performance for accountability purposes.

Another revision made pertained to middle school

students who take Regents examinations in math and science. Their scores will be included in the elementary and middle performance index, consistent with the process used for determining the high school performance index.

In addition, the performance of high school students who take the New York State Alternative Assessments (NYSAA) are included in the performance index by using the credential received and score on ELA, math, and science NYSAA exams. Students earning a CDOS credential are also included in the performance index.

Schools will be identified as needing targeted support and improvement if: 1) the school has already been identified as a school needing targeted support and, 2) improvement and a subgroup of students performing at a level that would have caused a school to be identified for comprehensive support and improvement, if all the student groups had performed at this level.

End goal targets for chronic absenteeism and college and career readiness have been clarified – no more than five percent of students will be absent statewide or in any subgroup in any school.

The end goal for college and career readiness has been set at a performance index of 175 with corresponding interim goals. The index will now incorporate the performance of students with severe disabilities who participate in the New York State Alternate Achievement Assessments and students attaining a CDOS credential.

### Discussion Around the Table on ESSA

The conversation by members of the Board of Regents at the conclusion of the commissioner’s presentation focused on the following:

The members felt that the potential for increased transparency via reporting of funding sources for federal, state, and local expenditures at the building level would have a positive impact. The need for careful and consistent monitoring of the reporting was discussed, which led to conversations regarding the importance of providing clear guidance.

The Regents discussed at length the need for increased work with schools that receive transfer students from alternative programs without warning or transition planning. The complexity of this problem is demonstrated when Renewal schools, which are already challenged, receive considerable numbers of transfer students. The discussion underscored the need to build the capacity in schools receiving transfer students with high needs, as well as the need for improved and specific strategies for working with such students in their prior placements.

Another area that generated discussion was the required 95 percent participation rate of students in the statewide assessment program for accountability purposes. The discussion focused on districts not able to meet this requirement, despite many efforts to increase participation. Many high performing districts may in fact be identified as a targeted support school district. This has the potential of impacting the Board’s priority to direct as much funding as possible to districts with high needs.

### High School Equivalency Diploma

The new option for a High School Equivalency Diploma, provides students who have passed the Regents examinations in math, ELA, social studies, and/or science, the opportunity to substitute passing scores on a maximum of four of the five corresponding TASC subtests. In order for a student to take advantage of this provision, the student must have exited high school. Further details on this new option may be found by scanning the QR code.



### Mental Health Education and School Meals

Assistant Commissioner Renee Rider provided information regarding the new requirement to provide mental health education as part of health education. This requirement becomes effective July 2018. It is anticipated that the field will see a mental health curriculum developed by NYSED in June. This item can be found by scanning the QR code.



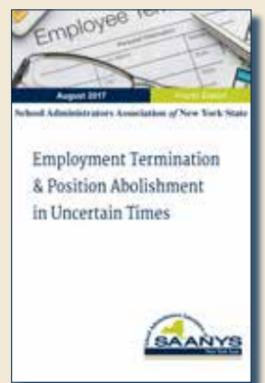
The Board was provided an update on the Child Nutrition Program in schools. New York has the fourth largest program in the nation and allocates \$34 million in state dollars to subsidize this federal program. The program has undertaken several improvements to ensure that the greatest number of families access this

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For more information regarding the SAANYS legislative agenda, the New York State Board of Regents, the Educational Conference Board, or other government relations concerns, contact Cynthia Gallagher, SAANYS director of government relations, at [cgallagher@saanys.org](mailto:cgallagher@saanys.org).

Visit [saanys.org](http://saanys.org) to view or download the school aid runs, which includes funding for fiscal year 2017-18 and the proposed funding for fiscal year 2018-19.



New Updated Edition Available for Download!

School districts and BOCES may pursue employee termination for either disciplinary or for budgetary and programmatic reasons. This guidebook, updated for 2017, is designed to describe generally the legal processes involved in termination and members’ related legal rights.

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# Your Role in Addressing the Growing Mental Health Crisis Among Students

BE INFORMED. BE AWARE.

Be a part of the conversation. Our public school students depend on it.



## ALL NYS EDUCATORS ARE INVITED

**MAR 1**

**Part 1 - 3:00 pm-6:00 pm**  
3:00 pm – Registration and refreshments  
Greece CSD, Odyssey Academy, 750 Maiden Lane, Rochester, NY

**Keynote and Welcome:** Ken Slentz, Superintendent, Skaneateles CSD and former NYSED Deputy Education Commissioner

### Panel Discussion: Where are we now in NYS?

- What is a 'trauma informed' school?
- Early detection and response
- Working collaboratively and building partnerships for student mental health
- Learning life competencies to support social and emotional health

This panel will feature leaders from the Office of Mental Health, NYS Association of School Psychologists, Mental Health Association of New York State, Engaging Schools and NYSSBA. An interactive small group session will follow to focus on next steps.

**MAR 22**

**Part 2 - 3:00 pm-6:00 pm**  
3:00 pm – Registration and refreshments  
Greece CSD, Odyssey Academy, 750 Maiden Lane, Rochester, NY

**Keynote:** Dr. Hal Lawson, Professor of Educational Policy and Leadership and Social Welfare, University at Albany

### Two Districts Tell Their Story:

Learn what you can do in your district to create solutions through training, partnerships, and advocacy strategies, from two NYS school districts, Cohoes CSD and Lyons CSD, that are doing the work and meeting with success at different stages of implementation. Their leaders will share their strategies and the important lessons learned along the way to implementation.

**MARCH 1 and MARCH 22, 2018**

Greece CSD  
Odyssey Academy  
750 Maiden Lane  
Rochester, NY 14615

3:00 pm-6:00 pm

### Cost covers BOTH sessions:

\$100 SAANYS members  
\$150 for non-members

Sorry, single session registrations not permitted.

**Who Should Attend:**  
All NYS current or aspiring educators.

For additional information, contact Karen Bronson at [kbronson@saanys.org](mailto:kbronson@saanys.org).

**REGISTER ONLINE**  
Register by 2/15/18 to guarantee attendance at [saanys.org](http://saanys.org).



# Financial Fridays



A SAANYS lunch & learn series

Webinar

Grab your lunch and join us the first Friday of each month\* at noon for Financial Fridays with AXA. These short 30 minute online sessions are meant to offer tips and ideas for securing your personal financial success.

## MAR 9 | Pension Maximization

Your New York State Pension is one of the most important assets you will have in retirement. Pension Maximization is a retirement planning strategy that can secure a maximum pension benefit for you, while still providing for a spouse/family benefit. This presentation reviews how the strategy works, the decisions that are required at retirement for pension plan participants, and the importance of planning early.

## APR 13 | Student Loan Forgiveness\*

There are a number of Student Loan Forgiveness options available to New York State educators, but sorting through all of them can be a challenge. Let us help you navigate the requirements by going over who may be eligible, how you may be able to qualify, all the way to how to submit the paperwork.

## MAY 4 | Social Security, Medicare, Long-Term Care Planning

The Social Security and Medicare system is one of the most important, and often misunderstood, retirement systems out there. This seminar provides helpful information about the Social Security and Medicare system and how to maximize your benefits. We will also discuss Long-term Care planning and how to coordinate benefits in the ever-changing retirement environment.

## JUN 1 | Planning for College

As costs rise faster than inflation, properly planning for educational expenses while balancing the need for day-to-day budgeting and long-term savings is critical. This seminar will provide a brief overview of the need to plan ahead for a college education and the types of planning vehicles available, including UGMA/UTMA, Coverdell savings accounts, and 529 plans.

Register online at [saanys.org](http://saanys.org)

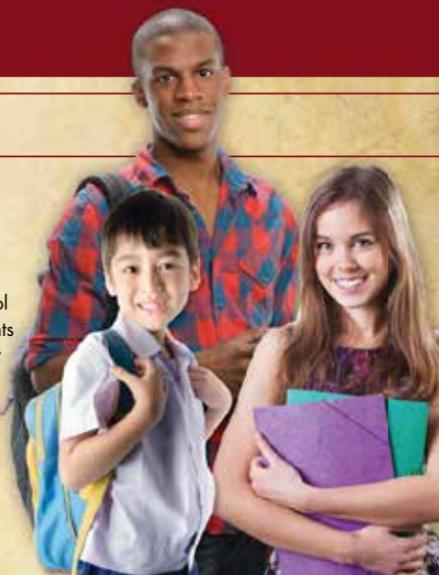
# Your Role in Addressing the Growing Mental Health Crisis Among Students

BE INFORMED. BE AWARE.

Be a part of the conversation. Our public school students depend on it.

Join the conversation about the mental health issues impacting our students. Share everyday challenges with educators, parents, school staff and mental and health professionals. Discuss what improvements can be made to identify and treat mental health issues. Learn what school boards can do to create solutions through training, partnerships and advocacy strategies that benefit schools, communities, students and families.

Thursday, March 15 | 8:00 a.m. — 3:30 p.m.  
The Fox Hollow, Woodbury



### Cooperating Organizations:

Mental Health Association in New York State (MHANYS) | Nassau-Suffolk School Boards Association (N-SSBA)  
New York Association of School Psychologists (NYASP) | New York State Council of School Superintendents (NYSCOSS)  
New York State Education Department (NYSED) | New York State Office of Mental Health (OMH) | New York State PTA (NYSPTA)  
Rural Schools Association of New York State (RSA) | School Administrators Association of New York State (SAANYS)

### Guest Speakers



**Mandy Habib**  
Psy.D., Co-Director,  
Institute for Adolescent Trauma  
Treatment & Training, School  
of Social Work, Adelphi University



**Caroline Axelrod Mendel**  
Psy.D., Associate Psychologist,  
ADHD and Behavior Disorders Center,  
Child Mind Institute



**Kenneth Slentz**  
Superintendent,  
Skaneateles Central  
School District



Register today at [www.nyssba.org/mh2018](http://www.nyssba.org/mh2018)

CTLE credit is available from NYSSBA for participation in this event.

*"Think left and think right, and think low and think high. Oh, the thinks you can think up if only you try."*  
-Dr. Seuss

*"I am not a teacher, but an awakener."*  
-Robert Frost

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# Lessons Learned 2.0

Experienced administrators sharing their hard-earned wisdom

March 13, 2018 | 4:30-6:00pm

SAANYS Headquarters

## Cost:

\$10 SAANYS members  
\$20 for non-members

## Who Should Attend:

All current or aspiring administrators eager to learn what only experience can teach.

Includes a copy of *The Administrator's Handbook*

For additional information, contact Karen Bronson at [kbronson@saanys.org](mailto:kbronson@saanys.org).



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Hot Issues in Special Education Law: From Discipline, Bullying and FAPE to Service Animals and Robots

**MARCH 9, 2018**

Plainview Holiday Inn, Plainview, New York  
8:30 am - 1 pm | Registration fee - \$150 SAANYS members, \$175 non-members

Register online at [saanys.org](http://saanys.org)

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Sexual Harassment Tipping Point - From Hollywood and D.C. to our Public Schools

**MARCH 16, 2018**

Plainview Holiday Inn, Plainview, New York  
8:30 am - 1 pm | Registration fee - \$150 SAANYS members, \$175 non-members

Register online at [saanys.org](http://saanys.org)

## Call for Presenters

Submission Deadline: **MARCH 31, 2018**

This year's theme, *Leading and Learning NOW*, focuses on what the challenges and opportunities are, and more importantly, how we can navigate changing seas in new and innovative ways. We are seeking practitioner workshops that focus on the many aspects of NOW in our schools, from the perspective of all of our varied leadership roles. What are you learning? What are you trying? What's working, and what did you learn from what didn't? Tell your story, and share your expertise with colleagues from across New York State at this year's conference, at the peak of fall in beautiful Lake Placid. George Couros, author of *The Innovator's Mindset: Empower Learning, Unleash Talent and Lead a Culture of Creativity* and The Principal of Change blog, will be there with us to set the tone for what promises to be a memorable professional and personal experience.

Access the submission form at [saanys.org](http://saanys.org). For more information contact Karen Bronson at [kbronson@saanys.org](mailto:kbronson@saanys.org).

## REGIONAL EVENTS

Find out more details and register at [saanys.org/events](http://saanys.org/events)

### REGION 10 - WHAT NO ONE TOLD YOU ABOUT THE CRITICAL ASPECTS FOR EFFECTIVE BARGAINING UNIT LEADERSHIP

March 29 | 4:00-6:00pm | Maplewood Suites, Liverpool

Join us as SAANYS Deputy Executive Director Don Nickson discusses the role of the unit president and the specific tasks that lead to an effective unit. Open to current unit presidents and one other unit officer. RSVP before March 10 to Chick Quattrini, [hq1953@gmail.com](mailto:hq1953@gmail.com).

### REGION 11 - NEGOTIATIONS WORKSHOP

March 7 | 8:00-9:30am | Rush Henrietta Transportation and Operations Center, Henrietta

Join us as SAANYS Deputy General Counsel Jennifer Carlson discusses issues surrounding successful negotiations. For more information contact Joseph Pustulka at [joe\\_pustulka@webstercsd.org](mailto:joe_pustulka@webstercsd.org).



## SAANYS Professional Development Update



For information on any SAANYS professional development event, contact Karen Bronson at [kbronson@saanys.org](mailto:kbronson@saanys.org).

I think the absolute earliest sign of spring, when we are in the midst of the deep freeze, is the mention of Girl Scout Cookies. Today I was happy to see that it is time to think about those Samoas, Mints, and certainly the new Smores.... This is a good thing to think about as the snow falls and the wiper blades freeze ... truly a harbinger of spring.

What better time, then to get the word out about this year's SAANYS Summer Camp?

Last year, we held a three-day Summer Camp here at SAANYS in July. This year, we are expanding upon that with three SAANYS

Summer Camps to be held around the state, so save the dates for a great opportunity to connect with your colleagues and have fun doing it:

- **JULY 10-12** at Capital Region BOCES, Latham
- **AUGUST 2-3** at Monroe II BOCES, Spencerport
- **July 24-25** at Nassau County BOCES

The goal is to provide opportunities to learn and share with colleagues on topics that will be of interest and importance in the upcoming 2018-2019 school year. These workshops are open to ALL educators and teams are encouraged to attend. Topics will include:

- Why are the numbers of students with mental health issues on the rise, and what can we do about it? What is Adverse Childhood Experiences (ACE) Study and how can it help us support students with trauma related issues in our schools?
- What does a 'culturally responsive' school look like, and how can we as teachers and leaders promote a school culture that supports ALL students?
- What are the NYSED Next Generation Learning Standards? How do they differ from past standards, and what are the key actions we can take over the 2018-19 school year for understanding and implementation?
- How can we ensure that we match new pedagogy to keep pace with new technology for maximum benefit to learning?

The cost will be \$100 per day for SAANYS members and \$125 for non-members. This is a sampler of hot topics, so you can pick and choose the days that are most relevant



to you. Options for ongoing support will be provided. Watch for the Save-the-Date flier and more detailed information on the SAANYS website soon!

On another note, there are two locations for big Student Mental Health workshops coming up in March:

MARCH 1 and MARCH 22: location is Greece Central School near Rochester. Two afternoons from 3-6:30pm. See [saanys.org](http://saanys.org) for complete information.

MARCH 15: location is Fox Hollow, Jericho Turpike, Woodbury, NY from 8am-3:30pm.

SAANYS is presenting these events in collaboration with NYSSBA. Both locations will feature keynotes and workshops on various aspects of this vitally important topic.

Register today at: [www.saanys.org](http://www.saanys.org). ■

# LEGAL BRIEFS

A Message from the SAANYS Legal Department



Elliot Raimondo  
SAANYS Counsel  
eraimondo@saanys.org



## The Approval of Employment Terms

A frequent question that we field here in the SAANYS Legal Department from new and existing members alike, is who gets to approve a new Collective Bargaining Agreement (CBA) or add-ons to already existing terms and conditions of employment, such as Memorandums of Agreement or Understanding (MOA/MOU). These agreements and past practice collectively govern employee/employer labor relationships.

If you are a SAANYS individual contract member, the answer is that you do. You are the sole negotiator between yourself and the district, with respect to terms and conditions of employment. Many times in an individual contract situation, the employer will adopt a take it or leave it approach to the

contract. While this may work for the new employee it is always a good bet that once you have achieved some staying power in the position you should move for an increase in benefits to your contract.

In the case of most other SAANYS members, terms and conditions of employment are governed by your CBA encompassing the position and those other positions that share a community of interest with yours. Most often this community of interest is based upon similar supervisory roles at the employer (whether over programs/people) or shared certification/hiring requirements. Roles sharing a community of interest combine to form the membership titles of an employee organization,

commonly referred to as the “association” or “unit,” to which you are a member and which negotiates the group CBA.

The New York State agency, the Public Employment Relations Board (PERB), that governs employee organizations under the Civil Service Law, has taken the approach that the negotiation, approval, or modification (MOU/MOA), of CBAs is an internal organization matter. This means that apart from a few structural requirements, the individual group determines the content and approval process of the CBA. The internal requirements for the approval of CBAs and modifications to such are contained in a group’s by-laws or constitution, a governing document. Every group upon formation must have a governing document regulating the internal workings of the group, such as election of officers and approval of terms and conditions of employment (sample governing documents are available upon request from SAANYS). The base rule for this governing

document is that it must not be deliberately discriminatory, arbitrary, or founded in bad faith.

The governing document will control how group

*With respect to complete CBAs, before a new one or extension of one is approved or ratified, the officers are required to disclose the terms of the agreement to the group membership.*

officers and a negotiating team are selected. In most SAANYS’ units, this process is done by election, though there are cases where a group of positions will have a guaranteed seat at the table, *i.e.* the governing document will state that one of the elementary principals must be an officer of the group. In most cases, the officers or negotiating group will be given the power to independently deal with the employer over terms and conditions of employment. The legal requirement for this “dealing” with the employer being once again that it must not be deliberately discriminatory, arbitrary, or founded in bad faith, against any

members.

With respect to complete CBAs, before a new one or extension of one is approved or ratified, the officers are required to disclose the terms of the agreement to the group membership. Ratification of the agreement does not require a vote and may be done by another process, so long as the process is fair. Further, courts have held that

non-members of the group governed by the group contract, *i.e.* agency fee payers, have no affirmative right to participate in a ratification vote if there is one. The presumption being that the group has already worked for the best interests of all titles during negotiations. While there is no legal requirement for a subsequent ratification vote, this is the best practice for units to avoid allegations of improper conduct. In the case of contract modifications, such as MOAs or MOUs that may settle a PERB charge, grievance, or address a new situation that may come up, there is no affirmative duty to present the agreement to the unit membership. In practice, the leadership of the group will approve and negotiate the agreement, especially when it only affects one individual, or a sub-component of the group.

The caveat to this whole process is that at all times the officers of the group may not act purposefully deceptive, in that a member may request a copy of the governing documents, or existing CBA or modification to such at any time. Further, members are allowed to request other pertinent employment information from the officers at any time and receive a reasonable and timely response. The exception to this being that the officers are under no obligation to disclose information relating to course or conduct during collective negotiations or individual employment matters, most often relating to discipline. In fact, disclosure may be legally prevented in some cases.

As always, if there are any questions regarding the process of approving a CBA and its modifications please do not hesitate to contact the SAANYS Legal Department. Further, it is common for governing documents to be lost or misplaced over time. If this is the case, and the individual group cannot produce the documents, please contact SAANYS for further guidance. ■

## SAANYS Continues the Fight to Save Tenure

*continued from page 1*

and General Counsel Arthur Scheuermann have worked on the case for the past three years. At oral argument, Scheuermann addressed the “political question” associated with the plaintiffs’ constitutional challenge. SAANYS argued to a panel of judges who comprise the second highest court in New York, that changes to tenure and seniority systems in NY have come primarily through legislative action. Given the complexity of public education, NY courts have recognized that such matters remain best left to the people’s elected representatives. To that end, Scheuermann cited a little known fact that in the mid-1970s, administrative tenure was abolished by the New York Legislature for one and one-half years with disastrous results. The panel of judges was especially interested in this fact and how SAANYS at the time, through its legislative action and efforts, successfully advocated for the re-enactment of administrative tenure legislation in 1975.

Scheuermann went on to argue that the courts are ill-equipped to resolve the social, political, and economic issues, and resulting controversies, surrounding public education. As any faithful reader of *News & Notes* over the years has learned, New York’s Legislature is continuously revising the Education Law to make the processes and procedures surrounding the retention of teachers and administrators fair for both the educators and their employing school districts. In the past five years, SAANYS has provided its members with continuous updates on changes made by the legislature on topics such as the APPR system and Section 3020-a hearings, which further illustrates that the legislature and not the courts should “legislate” public education and what constitutes a sound and basic education.

Finally, Scheuermann pointed out that the tenure and disciplinary laws leave the implementation of those statutes to local school boards, which alone have the power to grant or deny tenure, bring about disciplinary hearings against tenured educators, and implement layoffs. 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. In the past fifteen years, the 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. A decision by the Appellate Division is anticipated in June 2018. ■

## LEGAL HIGHLIGHTS

The SAANYS Legal Department - Working Tirelessly for Members Statewide

Below are just a few highlights of our many current and pending cases.

### REGION 1

SAANYS revised proposed changes to the administrators unit’s grievance procedure.

### REGION 2

SAANYS drafted an affidavit and position statement to NYSTRS related to whether negotiated increases should be considered regular compensation for pension purposes.

### REGION 4

SAANYS finalized language in a successor CBA.

### REGION 5

SAANYS represented a unit at a PERB pre-conference hearing.

### REGION 6

SAANYS conducted a seminar for labor relations specialists and negotiators on recent trends in tax laws, health care insurance, pension changes, and other negotiation topics.

### REGION 7

SAANYS analyzed a CBA regarding specific contractual days for purposes of TRS eligibility in Final Average Salary Calculation.

### REGION 8

SAANYS assisted a unit president with regard to district restructuring to assure that no transfer of work duties outside of the unit occur and that no impact bargaining occurred.

### REGION 9

SAANYS negotiated a settlement for administrators who had received overpayments relating to certain stipends that dated back over ten years.

### REGION 10

SAANYS assisted a member to assure compliance of settlement agreement terms regarding payout.

### REGION 11

SAANYS wrote a Response to District Offer of Proof in a PERB case.

### REGION 12

SAANYS worked with a member on a stage one grievance regarding the district’s attempted recoupment of sick time granted to the member 13 years ago.

Contact a SAANYS Attorney

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## Online Practice Tests Support NYS CBT ELA & Math Success!

Sponsor Opinion Piece by Scott B. Crowder, CEO, Educational Vistas, Inc.

Last year's operational CBT was a triumph in so much as the technology worked well, and schools that participated found it fairly easy to administer and support. Questar Assessment, Inc. took the feedback that district personnel provided and used it to further improve the Nextera Test Delivery System for 2018.

The list includes:

- Highlighted section remains highlighted across an ELA passage that spans multiple questions
- Highlighter and Notes will be saved when user pauses test
- Math Reference Sheet is undocked and can be resized or moved
- All Constructed Response boxes and Notes boxes can be resized
- Improvements to functionality and clarity of zoom
- Pause All Tests or Individual Tests
- Internet Connection Status for all students
- Importing data based on enrollment
- Ability to add new students through a template upload process
- Ability to create classes and move students through a template upload
- Simplified functionality to set Not Tested Codes for students

We at Educational Vistas, Inc. have seen an exponential increase in the number of our client districts moving

*continued on page 8*

## Top Issues From the January Board of Regents Meeting

*continued from page 3*

program, including electronic matching of eligibility records. Staff at SED expressed appreciation to the governor for his strong focus on student hunger through his five point "No Student Goes Hungry Program" proposed in the Executive Budget. The link to this item can be found by scanning the QR code.



### Culturally Responsive Practices

The Board heard an update on the work being undertaken to sustain culturally responsive practices. The goal of the Board is to infuse culturally responsive practices into all district and school instruction and engagement practices. SED will convene an advisory group to develop a set of principles that will ultimately result in an implementation plan and development of resources. New York is one of the first states to undertake this type of widespread approach. More information is available by scanning the QR code.



For more information on any of these items or to discuss these items further, please contact Cindy Gallagher, director of government relations at [cgallagher@saanys.org](mailto:cgallagher@saanys.org) or call (518) 782-0600. ■

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Bellmore, if the principals do not complete collective bargaining prior to the end of the school year in which the contract expires, management will not pay retroactive money to base salary, which prompted the team to negotiate raises (2 percent) now. Again, SAANYS always suggests that negotiations should start ONE YEAR before the CBA expires.

### Wantagh Supervisors Association, Region 2

The Wantagh Supervisors Association negotiated a successor CBA led by Unit President Chris Widmann and member Jenn Keane, with assistance from SAANYS General Counsel Art Scheuermann.

The new four-year agreement restructured the current salary structure that had been tied directly to the teachers' salary schedule, with an additional stipend for their administrative duties. This was a concession, but made easier because most unit members were at the teachers' top step. In year one, every member (with the except of two members who received additional equitable amounts based on additional duties) received a \$1,500 increase to base before computation of two percent. Two percent increases were also negotiated for each of the next three years. In addition, the team negotiated longevity into the CBA of \$2,000 at 15 years in the position and another \$2,000 at 20 years of service in the same position. The payments are continuous and cumulative, and hence, pensionable, though not added to base salary. Also, the parties negotiated a \$2,000 annual stipend for having a doctorate or attaining one in addition to other remaining stipends. The unit also negotiated a \$2,000 increase to in-service training and conference expense reimbursement, \$1,300 increase in the amount of the sick leave buyout upon retirement, and providing probationary employees with \$10,000 worth of group life insurance. ■

# 2018

# CALENDAR



*National African American History Month*

*National Children's Dental Health Month*

**Feb 11** *Thomas Edison's Birthday*

**Feb 12** *Abraham Lincoln's Birthday*

**Feb 13** *Mardi Gras*

**Feb 14** *Lent Begins*

**Feb 14** *St. Valentine's Day*

**Feb 15** *Susan B. Anthony's Birthday*

**Feb 16** *Chinese New Year*

**Feb 17** *National PTA Founders Day*

**Feb 19** *Presidents' Day*

**Feb 20** *Frederick Douglass Day*

**Feb 22** *George Washington's Birthday*

**Feb 23** *W.E.B. DuBois's Birthday*



*American Red Cross Month*

*Irish American Heritage Month*

*Middle Level Education Month*

*Music in Our Schools Month*

*Women's History Month*

*Youth Art Month*

**Mar 3** *Adoption of U.S. National Anthem*

**Mar 4** *First Woman to Serve in Congress*

**Mar 5-9** *National School Breakfast Week*

**Mar 5-11** *National Foreign Language Week*

**Mar 8** *International Women's Day*

**Mar 10** *Anniversary of Harriet Tubman's Death*

**Mar 11** *Daylight Savings Time*

**Mar 11** *Johnny Appleseed Day*

**Mar 14** *Albert Einstein's Birthday*

**Mar 4** *First Woman to Serve in Congress*

**Mar 4** *First Black Newspaper in U.S. Published*

**Mar 17** *St. Patrick's Day*

**Mar 20** *First Day of Spring*

**Mar 22** *World Water Day*

## Contract Settlements

NOTICE: Please send copies of your unit's settlements in the event that SAANYS did not negotiate the contract. This information is important and is helpful to fellow SAANYS members.

### Alexandria Administrators Association, Region 7

With the assistance of SAANYS Negotiator Michael Robinson, the Alexandria Administrators Association successfully negotiated the extension of their current collective bargaining agreement set to expire June 30, 2018. The ratified agreement contained the following new terms and conditions:

- Two-year duration: July 1, 2018 through June 30, 2020.
- A 3.75 percent general salary increase for returning unit members each of the two years.
- Reorganization of administrative titles and responsibilities with no adverse effect on tenure or seniority of affected unit members.
- A salary adjustment of \$2,250 for administrators affected by the reorganization.
- Increase of unit member contribution to healthcare from 12 percent to 14 percent over the duration of the agreement.

### North Bellmore Principals Association, Region 2

Unit President Faith Skelos and member Jeff Rosol informally negotiated a new two year rollover contract with consultation provided by General Counsel Art Scheuermann. A rollover contract is limited usually to an annual increase, which here was 2 percent per year, with all other terms remaining the same, including health insurance cost sharing. In North Bellmore, teacher collective bargaining had been sluggish with the increasing likelihood that a new teacher deal would not be completed before the end of the school year, thereby negatively affecting prospective principal negotiations. While it is generally recommended to wait until the completion of teacher negotiations before the administrators start negotiations, in North

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“ During the most difficult time in my professional career, the services provided by SAANYS were invaluable. The team was attentive to every detail, responsive to my every concern, and successfully advocated for me over many months.

I will be forever grateful to SAANYS for helping me regain my sense of self-worth and purpose. The strength they provided when I didn't have any allowed me to move forward with my life. ”

– Member Noelle Rennolds

A message from a  
SAANYS corporate  
sponsor



Castle Learning was the vision of two New York State teachers and a computer programmer who wanted to leverage technology to help students prepare for end-of-year testing. Fast forward to today! Web-based Castle Learning is leading the way in supporting daily classroom instruction.

The educational demands on teachers and students require resources which can help students academically grow and increase teacher effectiveness throughout the school year. These priorities are a primary mission of Castle Learning!

The Castle Learning Team is made up of former and current educators focus on content design, application and data analysis to help drive and differentiated instruction. The technology platform provides instant feedback to assist all users including students, teachers, parents, and administrators.

Castle Learning's new student portal help meet the new demand for Personalized Instruction. The resource is available 24/7 from any Internet-connected device. The student can receive teacher assigned activities or conduct a session in a self-study mode. The self-assessment allows the student to analyze their academic achievement.

The Castle Learning Team focuses on keeping content current, aligned and rigorous. The technology is flexible to select from pre-design sessions or develop assignments from the ground up. Castle Learning's teacher platform provides easy differentiation and easy-to-read assessment data.

Over one million students and thousands of teachers are using Castle Learning regularly as part of their academic assets. Over 70 percent of the New York State Public School Districts make Castle Learning a resource tool for their students and teachers. The Castle Learning Team is proud to be a Top 100 DA Educational Product which helps keep the teacher's toolbox current and relevant! ■

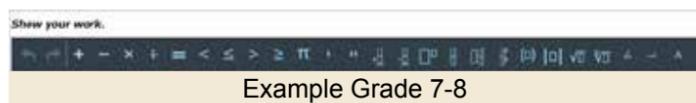
## Online Practice Tests Support NYS CBT ELA & Math Success!

continued from page 7

from paper-based NYS assessments to CBT this year. The enhancements listed above will help make the transition to CBT even smoother for all districts who participate. It is NYSED's goal to have all 3-8 ELA and math testing computer-based by 2020-2021. The savings in material costs and labor expenditures will be enormous. Add to this the accelerated scoring process and near-immediate access to data for reporting purposes and you have all of the elements that make this decision the obvious choice!

The only area that must be addressed is the fact that students need time to experience the CBT environment outside of the actual NYS assessment periods to become both familiar with the look and feel of the process and to become comfortable/competent with the embedded tool bars. This is especially true for math. We want our students tested on the content and NOT on the technology.

Fortunately, we have mimicked the NYS CBT testing process within our DataMate assessment program. Now, any district/school can allow their students to take the ELA and math "practice" tests which are comprised of the public released items from the prior year (or any subset thereof). By linking to any student information system (SIS), the grade/course/section assignment of the testing windows is effortless. The math assessments even use the same exact set of math formula tool bars as Nextera.



Today, student assessment success requires not only command of the content and concepts but also multiple experiences with the testing environment prior to the high-stakes administration period. Please contact Educational Vistas, Inc. at [info@edvistas.com](mailto:info@edvistas.com) to see how easy it is to sign up. ■

*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.*

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