

News & Notes

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www.saanys.org

SAANYS Presents Testimony on 2017-18 Executive Budget

On February 14, 2017, the Senate Finance and Assembly Ways and Means Committees held a joint session to hear testimony on the governor's proposed education budget. In addition to Commissioner of Education Elia and Chancellor Farina of the Department of Education for NYC, many associations presented testimony on behalf of their respective membership. The following is a summary of SAANYS' written testimony:

Total State Aid Allocation

The governor's proposed budget falls short of projected costs needed by districts to maintain current programs and services as projected. SAANYS is a member of the Educational Conference Board (ECB) which estimates that district costs will rise by \$1.7 billion or about 2.6 percent. A request for an additional \$1 billion, over the amount proposed by the governor, is needed to ensure that districts can maintain current levels of programming.

ECB Assumptions:

- 2.75 percent increase in salaries.
- 6.7 percent increase in health insurance costs.
- Reduction in pension costs per TRS rates.
- 2.2 percent increase in non-personnel costs.
- 1.26 percent increase in local revenues per tax cap.

A second objection to the proposed budget is that included within the proposed increase in state aid is a set aside for community schools. As not all schools are targeted to receive such funding, the actual increase in the proposed budget is approximately \$718 million. This amount is less than half of what SAANYS and other associations comprising the ECB project to be needed by school districts.

At a Glance: SAANYS Position on the Governor's Proposed Budget

- Request an additional \$1 billion in funding over the governor's \$1 billion – a \$2 billion increase over last year's allocation to districts is needed.
- Retain use of Foundation Formula for calculating school aid.
- A fixed property cap at 2-3 percent or make it the GREATER of the 2 percent cap or CPI.
- Increase aid for English Language Learners (ELL) and Multi-Language Learners (MLL).
- Increase aid for Career and Technical Education – increase \$3,900 per pupil special services cap and allowable BOCES salary for reimbursement.
- \$30 million for school leader professional development.

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A.G. Schneiderman and Commissioner Elia Issue Reminder that NYS Protects Transgender Students



Reprint of a joint press release from the NYS Education Department and the NYS Attorney General's Office

Attorney General Eric T. Schneiderman and New York State Education Department Commissioner MaryEllen Elia vehemently objected to the decision by President Trump and the federal Departments of Education and Justice to rescind guidance that clarified federal legal protections for transgender students. The attorney general and commissioner reminded school districts across New York State that – irrespective of the federal government's decision – they have independent duties under state and local law to protect transgender students from discrimination and harassment in their schools and at all school functions.

"The Trump administration's decision to rescind this guidance sends a dangerous and divisive message and threatens some of our most vulnerable young people," Attorney General Schneiderman said. "But in New York State, the law remains the law – and school districts have independent duties to protect transgender students from discrimination and harassment when they go to school. My office will use all the existing tools of federal, state, and local law to ensure that transgender kids are safe in their

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SAANYS on Blue Ribbon Advisory Committee for My Brother's Keeper



SAANYS is honored to be included on the Blue Ribbon Advisory Committee for the My Brother's Keeper initiative in New York State. Executive Director Kevin Casey attended the February 17 symposium in Albany, along with Commissioner Elia, Chancellor Rosa and members of the Board of Regents, and other committee members. Speaker Carl Heastie joined the symposium via video and said that the assembly majority will push for My Brother's Keeper to be fully funded in next year's budget.

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LEGAL BRIEFS

Commissioner Continues to Narrowly Interpret Administrators' Rights to Newly Created Positions

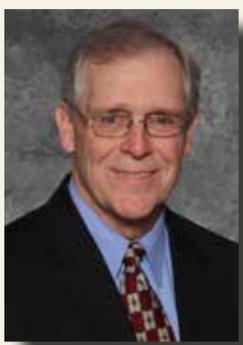
Some SAANYS clients have faced losing their position due to abolishment or excessing, only to learn that the district is creating a new position that looks similar to their position. These individuals have asked SAANYS to analyze and determine what, if any rights, they have to the new position. Recently, SAANYS received three decisions from the commissioner each upholding a narrow interpretation of the applicable law. This article addresses what the law is and what factors must be analyzed to determine a certified administrator's rights to a newly created position after their position has been abolished.

Depending on the configuration of the school district under the Education Law (See *Education Law Sections 2510, 2573, and 3013*), an administrator whose position is abolished may be entitled to a newly created position provided the new and abolished positions share over fifty percent similar duties. However, the commissioner and New York courts have subsequently required additional elements be met before awarding the administrator the job. Foremost, the two positions must be in the same tenure. If they are not, the incumbent administrator will have no rights to the new position and will be placed on a preferred eligibility list for seven years. Critical to this analysis is to determine the existing tenure structure in the school district. For example, does the district maintain only a broad general tenure for all administrators or narrower tenure areas depending on building and/

A CALL FOR ANNUAL CONFERENCE PRESENTERS



See page 4 for more information on submitting a proposal.



Executive Viewpoint

Kevin S. Casey, Executive Director

A Time to Play

I recently heard a commentator note that there was tension between absolute positions on public policy and the ground level implementation of those policies. I laughed aloud when I heard this. "Tension" between absolutism and the messy reality of real people in an infinite variety of circumstances is a vast understatement.

Regardless of which side of the political spectrum an absolute policy originates, in my opinion it is doomed to failure. Remember NCLB's 100 percent student pro-

iciency, or the war on poverty's promise to eradicate hunger? It reminds me of when my children were very young and every single new person they met was either nice or mean, and there was no in-between. Such a binary world, without nuance, rarely works beyond age five.

I understand that simplicity aids clarity and clarity aids advocacy, most often for policy proponents. Policy opponents are often in the position of explaining their version of the impact of a proposed policy (lobbyists refer to this as

playing defense), often relying upon examples of the messy real world to make their case. This will sometimes defeat the proposed policy, but can also result in compromise and policy modification that pushes toward the center of the political spectrum.

To advocate for a particular policy, or to oppose it, requires being heard. There are some high profile examples of this, such as recent press releases from Commissioner Elia and Attorney General Schneiderman on protecting immigrant and transgender students. While released in the context of an update on existing law, the policy message being sent to Washington was clear. There are also solicitations from SED for input from practitioners on potential indicators of

school quality and student success for inclusion in the ESSA state accountability plan that will be submitted to the USDOE. I respectfully suggest that most SAANYS members have a direct interest in the content of that plan, and input into the SED survey is strongly recommended.

On March 8, members of the SAANYS Government Relations Committee (GRC) met with Commissioner Elia and her senior staff, and also lobbied state legislators on state level issues. Later this month, SAANYS will send a team of both staff and members to participate in the National Association of Elementary School Principals National Leaders Conference, which includes visits with federal elected representatives.

In April, a different team participates in a similar conference hosted by the National Association of Secondary School Principals.

I fully understand that our voice is one among many, but there are many like-minded voices. When spoken together they can raise the volume. I also understand that we are more likely than not to be playing defense, but at least we are in the game, and there are many deserving individuals and groups for whom we should play. Look around your schools and communities and you will see them in plain sight. I urge you to join us. ■

School Climate, Disciplinary Incidents, and the Link to Chronic Absenteeism

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

The Proposed New York State School Climate Index (SCI)

The New York State Education Department (NYSED) has begun a pilot program to evaluate school climate across the state and the potential effect it may have on the continuing problem of chronic absenteeism. Six districts and two BOCES/RICs have already volunteered (with others to follow) to participate in this project. The pilot will provide the state with valuable information,

initial data, and reports that will help drive a future statewide rollout and eventual creation of a School Climate Index (SCI). This new dimension will meld with current VADIR and DASA yearly reporting to NYSED. All of this is designed to improve school safety while reducing disciplinary incidents and absenteeism.

NYSED has chosen the United States Department of Education (USDE) to provide the valid and

reliable surveys necessary for the project. These surveys were released for use in 2016 and are free for schools to use. They consist of individual surveys for students (grades 5 and up), school personnel (both instructional & others), and parents, guardians, and the community. The proposed annual School Climate Index (SCI) will:

"Facilitate dialog and strengthen communication and collaboration among school administrators, staff, students, parents, and the community..."

"Incorporate task force recommendations for improving data collection that facilitates promoting safe and healthy schools, produce accu-

rate data, and strengthen how schools and SED can work together to compile information, track trends, and respond constructively to school safety and dignity indicators..."

"Provide school administrators with a multidimensional measure of school climate aimed at engaging students, staff, parents, and community..."

The School Climate Index (SCI), as a group, has a total possible point value of 500. Each of the Student, Personnel, and Parent surveys contains domains such as Environment, Safety, and Engagement, that are given scale scores with a total possible value of 300 (of the 500 points). Then the School Violence Index (SVI) is calculated against a new matrix to

provide an additional 100 maximum points (again of the 500). Finally, a new Chronic Absenteeism Indicator (CAI) calculation provides the final possible 100 points!

EdVistas is working with multiple districts and the Nassau BOCES RIC to post these surveys online in our SurVate secure-survey product for access by any and all participating schools. Custom reports will provide the valuable information necessary to meet the NYSED stated goals and objectives of the project. Stay tuned for future progress report. ■

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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CAPITAL UPDATE

SAANYS Presents Testimony on 2017-18 Executive Budget

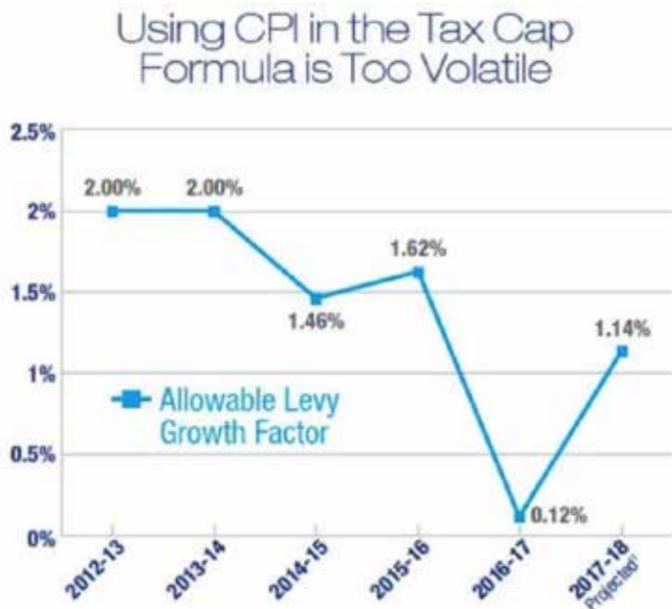
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Foundation Formula

The proposed budget removes the use of the foundation formula developed following the Campaign for Fiscal Equity (CFE) court case. That formula provided a stable way to develop district allocations and drive the greatest amount of aid to districts most in need. Abandoning the foundation formula, would mean that future state aid to school districts will be based on 2017-18 allocation with one time increases as determined by the governor. SAANYS strongly opposes the repeal of the foundation aid formula and supports a commitment to a three-year phase-in of the current formula. It is essential that school leaders have a stable fiscal structure so that they can adequately prepare for needed programming and services.

Property Tax Cap

The 2 percent tax cap has not been 2 percent for the last four years (see graph below). This year's cap is set at 1.26 percent. The property tax cap is based on the lower of 2 percent or the Consumer Price Index (CPI). The CPI is based on the average cost of items such as food, clothing, shelter, fuel, transportation fares, and charges for doctor and dentist services, and many other costs that are bundled together to provide an average percent.



¹ Change in Consumer Price Index, Monthly average for Jan.-Oct. 2015 vs. Jan.-Oct. 2016
Source: Office of the New York State Comptroller, U.S. Department of Labor, Bureau of Labor Statistics

SAANYS recommends that the property tax cap be set at 2 percent or the greater of 2 percent of the CPI. Reinstating the foundation formula and resetting the tax cap will increase stability in terms of being able to predict future state operating aid.

Priority Areas

SAANYS advocates for the following priority areas, should funding be increased:

English Language Learners

On average, districts in New York saw a 22 percent increase in English Language Learners (ELL) or Multi Language Learners (MLL). Many of our colleagues on Long Island and other pockets of our state have seen percentages well above the 22 percent average. Meeting the needs of English language learners requires additional staff, academic supports, assessment modifications, and other support services. SAANYS recommends the following:

- Restart the foundation aid phase-in.
- Adjust upward the ELL/MLL weighting to accommodate needs going forward.

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Schneiderman and Elia Issue Reminder that NYS Protects Transgender Students

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schools and are provided equal access to all programming and facilities consistent with their gender identity.”

“Our most sacred duty as parents, educators and leaders of state agencies is to protect all of the children in our care,” said State Education Commissioner MaryEllen Elia. “Transgender youth are valued members of our schools and communities across New York State, yet statistics show that more than half of them will attempt suicide at least once by their 20th birthday. So we must do everything in our power to create learning environments that are safe and welcoming for all. The guidance we have developed with Attorney General Schneiderman and our partners underscores the value we place on respecting all students and indeed all people.”

The attorney general and commissioner remind school districts that the federal government’s decision to rescind federal guidance does not eliminate the significant body of law – including cases involving provisions of the federal Title IX - that holds that denying a student access to facilities or programming consistent with that student’s gender identity could amount to sex discrimination under federal law.

Separate and apart from existing federal law, New York State’s Dignity for All Students Act expressly requires all school districts in New York to prohibit discrimination and harassment, on school property or at a school function, on the basis of a student’s gender identity or expression. Based on this, SED issued guidance to all New York State school districts in July 2015, entitled “Guidance to School Districts for Creating a Safe and Supportive School Environment For Transgender and Gender Nonconforming Students,” that covers much of the same subject matter of the federal guidance that was rescinded on February 22.

That guidance can be found by scanning the QR code.



SED’s guidance encourages districts to take proactive steps to ensure that transgender and gender nonconforming students experience a safe and welcoming learning environment free of discrimination and harassment. With respect to transgender students, the guidance specifically covers how school districts should address the use of names and pronouns;

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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.

Congratulations Retiring Members

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SAANYS Professional Development Update



For information on any SAANYS professional development event, contact Karen Bronson at KBronson@saanys.org.

The word is out! We are ALL IN for what promises to be another outstanding annual conference on October 22 and 23 at the elegant Otesaga in Cooperstown. If you joined us at the Sagamore last year, you know how terrific it is to be attending a conference at a destination that stands on its own as a premier destination in our state. Cooperstown not only offers a prime location for the beauty of the fall season, but lots to do as well... The Baseball Hall of Fame will actually be the location for the always popular Networking Reception on Sunday evening. Ommegang Brewery is

right nearby, as is the Farmers Museum, a great reason to bring the family along.

This year's theme, *All In* focuses on the all-important challenge of reinventing and broadening our repertoire to meet the needs of ALL students and tap into the strengths of ALL of our educators and school communities. You know best that schools like yours are seeking strategies that acknowledge differences while insuring equity. Moving through resistance to innovation to accomplish this is never easy. The collaboration, teamwork, and willingness to take the actions that this balance requires is central to our efforts as school leaders, and at the heart of this year's conference theme.

Last year's first ever Ed Camp was a big hit and we are looking forward to Ed Camp II on Sunday along with opt-in luncheons and learning labs, a powerful keynote address, and the induction of SAANYS' new president, Joyce Carr. This busy day will be capped off with the evening's festivities at the Hall of Fame.

Every year we look for ways to constantly improve our conference and be responsive to suggestions we receive from attendee feedback. This year, we are looking forward to some schedule changes to bring more content to Monday's program. In addition to the conversation with the commissioner, Monday will feature three workshop sessions instead of two, with the third session featuring the legal and legislative presentation as well other choices such as a panel of practitioners with experience and success in implementing the Brockton approach shared in Sue Szachowicz' powerful keynote last year.

Be sure to check out our website for more information. You will also find information for the Call for Presenters to the right on this page. If you or you and your colleagues have an idea for a practitioner workshop by all means, send it in, and mark your calendar for what promises to be another outstanding SAANYS conference! ■



A CALL FOR ANNUAL CONFERENCE PRESENTERS SUBMISSION DEADLINE | MARCH 31, 2017

What better place than Cooperstown, the town baseball calls home, to celebrate teamwork and collaboration? How do we get everyone on the team and working together in new ways to ensure wins for ALL of our students?

IMPORTANT Information items prior to your submission:

- Your workshop will be scheduled for Monday, October 23. • Workshops are 75 minutes in length.
- You may present alone or with a partner or team. Teams may include teachers.
- Presenters must be registered attendees for at least one conference day.
- Workshops should be built around activities that promote active participation and interaction with attendees.
- Workshops need to identify 2-3 'takeaways' that are practical applications that attendees can readily implement in their schools.
- Powerpoint slides and workshop materials will be posted on the SAANYS website following the conference.
- Hardcopy handouts are optional.

Proposals **MUST** include the following sections:

- Presentation title.
- 50 word summary to be used in the conference program.
- A brief overview of the content of your presentation.
- Goals of the presentation.
- Identify 2-4 tools, ideas, or strategies participants will take away from the workshop.
- Opportunities for interaction and reflection that are part of the presentation.
- Describe your qualifications, experiences, and accomplishments related to the presentation topic.



Visit saanys.org or scan the QR code for more information and to access the submission form.

PLEASE NOTE THAT PREFERENCE IS GIVEN TO PROPOSALS FROM MEMBER PRACTITIONERS. Presenters associated with a commercial enterprise must agree to have their company or organization participate as a corporate sponsor and must present with a SAANYS member.

PRESENTERS ARE REQUIRED TO REGISTER FOR AT LEAST ONE DAY OF THE TWO DAY CONFERENCE. Presenters will be responsible for the cost of registration, meals, housing, and travel. (Registration is covered for the day of the presentation only.)

REGIONAL EVENTS

Find out more details and register at saanys.org/events

PENFIELD - REGION 11 - AWARDS CEREMONY

April 27, 2017 | Midvale Country Club, Penfield

Save the date! Celebrate the excellence in your district. We honor administrators at the elementary, middle, and high school level (not just for principals, ALL school administrators!) District Level Administrator, Civil Service Administrator (new this year), Friend of Education, and Retiree award.

GLENVILLE - REGION 6 - SPRING CELEBRATION OF EDUCATION AND RECOGNITION DINNER

April 27, 2017 | The Waters Edge Lighthouse Restaurant

Award recipients will be honored at the Region 6 Spring Celebration of Education and Recognition Dinner.

FARMINGDALE - REGION 2 - UNIT PRESIDENTS DINNER

May 10, 2017 | 5:30-8:00pm | Verona Ristorante

Unit presidents (or designee) and one other unit officer or member are invited to attend this dinner meeting. SAANYS staff will review current statewide issues and initiatives impacting administrators and bargaining units. Unit representatives will be given time to share and discuss local issues, concerns, and priorities.

REGION 12 - AWARDS DINNER

SAVE THE DATE! | May 17, 2017 | 5:00-8:00pm

This program may now be covered under BOCES CoSer!

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



SIGNS MATTER: EARLY DETECTION

Online Suicide Prevention Training for K-12 Educators

Educators are in a unique position to identify students who may be suffering from mental health conditions or who are at risk for suicide.

This research-based program shows how teachers can reach out to students they're concerned about and connect them to the help they need.

Training includes:

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

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



afsp.org/signsmatter

Help More of New York's High School Students Bring Learning Home



There are an estimated 5 million families in the U.S. with school-aged kids who do not have access to the internet at home. Without this modern lifeline, it's difficult for them to complete their homework, connect with teachers, or apply for college and jobs. That means millions of students are falling behind in school, and in life. America's children deserve better, and businesses like Sprint can make a difference.

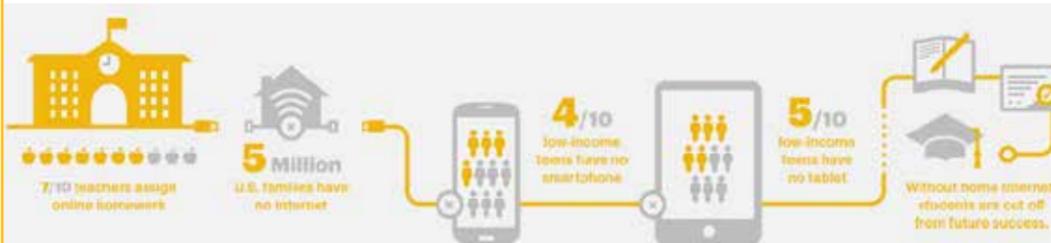
Sprint



To help close the "Homework Gap," Sprint and the Sprint Foundation launched an unprecedented initiative called the 1Million Project. Over five years, we will connect 1 million high school students by providing them with a free device and free wireless service during their high school years.

If you know of any local high schools or school districts in New York that could benefit from this program, please encourage them to visit sprint.com/1MillionProject to learn more about specific program criteria and apply online.

The 1Million Project starts at the beginning of the 2017-2018 school year and runs for five years. Sprint is encouraging eligible schools to apply by March 31.



2017 NAESP Election For Vice President



David N. Wick
Columbia Falls, Montana



Dwight C. Cooper
Reardon, Washington

**Cast your vote between
March 29 - April 11 at
naesp.org.**



Nominate a Colleague for a Region 2 Award



Celebrate the Excellence in Your District

This award recognizes any SAANYS member in Region 2 (Nassau County) who has rendered exceptional service on behalf of education. Nominees may be any individual SAANYS member within Region 2 affiliated with a district or BOCES.

The successful candidate is expected to attend the awards ceremony at the SAANYS Region 2 Annual Unit President's Dinner on May 10th.

Nominations due no later than March 30

To download a nomination form visit:
<https://saanys.org/about-us/regions/region-2/>



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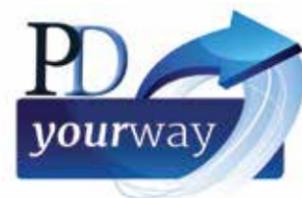
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Workshop Topics:

- Financial Planning for Success
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- Social Security – Beyond the Basics
- Pension Maximization
- Family Love Letter – Estate Planning With a Heart!

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Commissioner Continues to Narrowly Interpret Administrators' Rights to Newly Created Positions

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or district-wide responsibilities?

The next required element is whether the majority of the duties of the new position are similar to those of the administrator's former position. This requirement is found in the statutory language.

Lastly, the commissioner has introduced a third element into this analysis that is related to the second one. Specifically, the commissioner considers in comparing the similarity of the two positions, the degree of comparable skill and experience required to carry out the duties and responsibilities for each position. With this last element, the commissioner will find against the incumbent administrator if the certification requirements for the two positions are different.

It is critical to understand

that school districts do not blindly abolish and create positions. The superintendent and board of education sit down with counsel and analyze how to create new positions, often times so that incumbent administrators do not have any legal right to the new position. SAANYS would be remiss in not pointing out that school district counsel frequently recommends courses of action that adversely affect incumbent administrators' tenure rights under the guise of reorganization. Hence, it is critical to alert SAANYS immediately when there is a discussion of a possible abolishment or excessing.

SAANYS will need to review the school district's current tenure configuration, this will require analysis of the effected administrator(s)' appointment letter, board resolu-

tion appointing them to a probationary tenure and the relevant board minutes, their tenure letter, board resolution granting them tenure with the related board minutes, and any additional documents establishing the tenure areas in the school district and of the positions involved. SAANYS will also need to review the effected administrator's job description and interview that person to determine exactly the actual duties he/she performs and what percentage of time is devoted to executing them. Next, SAANYS will need to analyze the job description for the newly created position, and interview individuals who had previously performed those duties and what percentage of a normal administrator's work day was devoted performing those responsibilities.

What these decisions demonstrate:

These cases demonstrate that the "more than fifty percent similar" test under *Education Law §§ 2510 and 3013* can be a difficult standard to overcome. Two recent decisions issued by the commissioner in December 2016 involved the same Central New York administrator. In the first appeal, the administrator served as the director of professional develop-

ment until the district decided to abolish her position and create a new director position called director of educator effectiveness, training, and library media. The

It is critical to alert SAANYS immediately when there is a discussion of a possible abolishment or excessing.

commissioner denied the appeal determining that the new director position was substantially different from the petitioner's former position. The commissioner found that the new position required a majority of the work-time be devoted to tasks related to the new state APPR mandates, which the abolished position did not. Note, this particular appeal was commenced in 2012. The commissioner further held that the new director position involved broader, district-wide responsibilities, and functions originating from other positions other than the petitioner's former job. As an example, the commissioner noted that the former position did not require certification in mathematics instruction, while the newly created position did. Under these circumstances, the commissioner of education found that petitioner failed to meet her burden of establishing that the

two positions were similar. Approximately one year later, the same board of education met and abolished the position of director of educator effectiveness, training, and library media (the previously new director position) and replaced it now with the new position entitled director of educator effectiveness and math. The original petitioner again contended under

the education law that she should be entitled to this new position in that it was more than fifty percent similar to her former job as director of professional development. The commissioner dismissed the petitioner's second appeal, concluding that her former director position and the newly created director of educator effectiveness, training, and library media shared duties that were less than fifty percent similar. The commissioner noted that many of the same duties of the director of educator effectiveness, training, and library media were simply transferred to this newest director position, including the duties associated with the library media, the mathematics instruction, and the district-wide responsibilities relating to the APPR mandates. The commissioner held it was well within the board of education's authority to

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Important Information Regarding the Teacher and School Leader Incentive Program (TSL) Grant

SAANYS is aware that the State Education Department is soliciting school district participation in a new federally funded grant opportunity known as the Teacher and School Leader Incentive Program (TSL) Grant, a grant designed to improve student achievement and outcomes in high-need schools for the low-income student population. While SAANYS applauds all such initiatives, SAANYS has several suggestions for administrative bargaining units approached by district representatives to participate in the grant process.

Foremost, the TSL Grant Application and supporting documentation should be examined carefully by administrators. SAANYS will assist units in this vital review. It is imperative to understand the role and duties of principals and other administrators in the grant writing, implementation, subsequent reporting, as well as the effect of the administrators' performance on the proposed performance-based compensation system (PBCS) and Annual Professional Performance Review. Remember such topics are typically required to be negotiated by the district with the administrators' union and unit support of participation in the grant should not be granted absent an express acknowledgement by the district of the mandatory negotiability of impacts on both compensation and performance review. Based on the US Department of Education stated priorities, administrative units may also need to address potential transfer of bargaining unit work and/or work load impact bargaining. SAANYS stands ready to help units navigate the TSL Grant. ■

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SAANYS Presents Testimony on 2017-18 Executive Budget

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- Short term targeted funding streams in order to account for increased costs that districts have been shouldering over the past few years.
- Support the Board of Regent's proposals for increased funding for translation of all required assessments in the eight most common home languages of ELL/MLL students. Additionally, SAANYS would support budgetary requests for test development and resumption of Languages Other Than English (LOTE) examinations to be used in the Pathway 4+1 option for LOTE.

Career and Technical Education

Access to career and technical education is an important path for many students. Over 93 percent of students enrolled in schools with CTE programs graduate from high school, while the graduation rate for all students is approximately 79 percent. Therefore SAANYS recommended:

- Increase state aid to the recommended \$2 billion level, which will allow schools to more adequately provide career and technical programs.
- Increase the \$3,900 per pupil cap on the special services aid for the Big 5 and other non-component school districts.
- Increase the portion of BOCES salaries that qualify for reimbursement from the 1990 level of \$30,000.

Community Schools

While SAANYS is supportive of community school funding, we are cautious that proposed funding is a set aside within foundation aid allocations. SAANYS recommends that all previous aid be released to districts owed previously allocated community schools funding, and that the foundation aid be distributed in a fair and balanced approach.

Pre-kindergarten

The governor has proposed a \$5 million increase for pre-kindergarten, as well as a process for merging the current seven funding streams that support various versions of

pre-kindergarten programs. SAANYS concurs with the goal of blending the programs but also recommends that:

Districts be ensured that no allocation would be decreased in the process of merging funding streams.

The timeframe for merging be expedited. As proposed, the process would extend to 2021, which is unnecessary. The field does not need to wait until some programs expire due to artificially applied expiration dates. The same concepts used to blend one program, could be used to blend all seven.

Kindergarten

SAANYS also proposes that kindergarten be a required component of the pre-k through 12 public school system. Kindergarten was first established in New York City in 1890 and every district in the state provides kindergarten programs. It is important that as pre-kindergarten becomes fully accessible, kindergarten be a required component. It would be difficult to have a robust pre-kindergarten program, without the continuity and assuredness of having kindergarten firmly in place.

School Leader Professional Development

Funding for professional development of practicing school leaders is essential. The scope of responsibilities and needed areas of expertise demanded of school leaders has grown exponentially. School leaders need the most current thinking on best practices, effective management processes, and models for school improvement. Professional development is essential for on the job effectiveness and the retention of excellent school leaders.

Conclusion

On your behalf, SAANYS requested that both the senate and assembly support an education budget that provides stability, sustainability, and support. Educators across the state need a firm and stable foundation on which to make improvements and anticipate student needs. When the fiscal foundation is undermined, educators have fewer and weaker tools on which to build a solid structure. Our school leaders need to rely on the state policymakers to provide them with the fiscal resources to implement programs that we have made priorities. ■

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2017 CALENDAR



MARCH

Women's History Month

Music in Our Schools Month

Youth Art Month

National Middle Level Education Month

Mar 10 *Anniversary of Harriet Tubman's Death*

Mar 11 *Johnny Appleseed Day*

Mar 12 *Daylight Savings Time*

Mar 16 *First Black Newspaper in U.S. Published*

Mar 17 *St. Patrick's Day*

Mar 20 *First Day of Spring*

Mar 21 *International Day for the Elimination of Racial Discrimination*

Mar 22 *World Water Day*

Mar 23 *Anniversary of Patrick Henry's Speech*



APRIL

National Autism Month

National Poetry Month

School Library Month

Apr 1 *April Fools' Day*

Apr 2 *International Children's Book Day*

Apr 7 *World Health Day*

Apr 9-15 *National Library Week*

Apr 12 *Anniversary of First Man in Space*

Apr 13 *Thomas Jefferson's Birthday*

Apr 16-22 *National Student Leadership Week*

Apr 16 *Easter*

Apr 17-21 *Public School Volunteer Week*

Apr 17-18 *Passover*

Apr 17 *Patriot's Day*

Apr 18 *Anniversary of Paul Revere's Ride*

Apr 22 *Earth Day*

Apr 23-29 *Administrative Professionals Week*

Apr 23-29 *National Volunteer Week*

Apr 23-29 *Week of the Young Child*

Apr 23-24 *Holocaust Remembrance Day*

Apr 27 *Take Our Daughters and Sons to Work Day*

Apr 29 *National Arbor 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.

Wappingers Administrators Association, Region 4

The Wappingers Central School District and the Wappinger's Administrators Association negotiated a successor collective bargaining agreement covering the period from July 1, 2016 – June 30, 2019. The negotiating team was spearheaded by Unit President Ric Dominick, and members of the team included Ursula Platz, Angelina Alvarez-Rooney, Terrance Thompson, Jim Daley, Lizzette Cintron, and Todd Mensch. Under the terms of the new agreement, the base salary for each unit member shall increase by 2 percent per year and the parties introduced longevity into the CBA starting with a ten-year longevity of \$1,000 payment added to base salary before the annual salary increase, which longevity is based on administrative service within the district. The district also will increase its annual contribution toward association members' IRC 403(b) accounts by \$200 per year. The district will further increase its contribution toward the established welfare fund by \$50 per year to bring the total amount for each member to \$1,750 by the end of the contract. Finally, the district agreed to pay administrators \$100 per night for attending overnight field trips.

In exchange, the CBA now requires an appropriate dress provision. Unit members, as representatives of the district, must dress appropriately in accordance with their assigned duties. It is recognized that casual attire may be proper if the unit member's assigned duties warrant it. ■

Schneiderman and Elia Issue Reminder that NYS Protects Transgender Students

continued from page 3

sex-segregated programming and school facilities; and student privacy and confidentiality.

Regarding the bullying and harassment of transgender students – and other students protected by DASA – the attorney general and commissioner also released guidance to school districts in August 2016 on how to ensure compliance with DASA's requirements. That guidance set forth detailed procedures for the timing and execution of school district investigations into complaints of bullying and harassment on school property or at school functions.

That guidance can be found by scanning the QR code.



Following the rescinding of federal guidance by the Trump administration, the attorney general and commissioner strongly encourage districts and their school attorneys to review SED's guidance on protecting transgender students, as well as the agencies' joint guidance on how to ensure districts comply with their duties under DASA as to all students.

The Attorney General's Office is committed to ensuring access to equal educational opportunity. To file a complaint, contact the Civil Rights Bureau at (212) 416-8250, civil.rights@ag.ny.gov or visit www.ag.ny.gov. ■

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—Vincent van Gogh*



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Commissioner Continues to Narrowly Interpret Administrators' Rights to Newly Created Positions

continued from page 6

abolish and redistribute administrative responsibilities.

In the final case decided by the commissioner at the end of 2016, she denied that the former director of pupil personnel services had rights to the newly created position of director of special education. In this particular case, the petitioner, the former director of pupil personnel services, contended not only that she was entitled by law to the new position on the grounds that the two positions encompassed more than fifty percent of the same job responsibilities, but also that the school district improperly abolished her position in order to circumvent her tenure rights. The commissioner rejected these arguments and held that the petitioner failed to establish that the two positions were in the same tenure area. The commissioner also noted that the position of director of pupil personnel services required various supervisory responsibilities with substantially broader experience, while the director of special education focused solely on special education needs within the district.

These three recent commissioner decisions illustrate that school districts have the advantage in abolishing and then re-creating positions. The impacted administrator has the burden of establishing the three required elements to prove that the majority of the duties of the two positions are similar. The petitioner is up against a school district which also understands the law and, often deliberately designs a new position to ensure that it is in a different tenure area than the abolished position, that they do not share the majority of the same duties, or require different certifications, skills, or experience. Nonetheless, SAANYS will review and analyze such cases and advocate before the commissioner and in New York supreme court any case which merits litigation. ■

Notice of Appeal Puts Receivership Funds in Limbo

Politico New York's Keshia Clukey

Turnaround grant funding for schools on the state's receivership list will remain on hold, after the Division of the Budget said it would appeal a judge's ruling that the funds be released. The notice of appeal, filed February 3, automatically puts a stay on the December decision, essentially freezing the funds and potentially impacting up to \$69 million for "persistently struggling" schools across the state. If the appeal is not sorted out quickly, the schools may lose the funds entirely because under the receivership law, they can only be allocated through March 2018, said Wendy Lecker, senior attorney for the Education Law Center, a nonprofit representing the plaintiffs. "It really is outrageous that they would do this and deprive these kids," Lecker said. "[The State Education Department] prematurely stripped these schools - many of which have been failing for more than 10 years - of their designation and removed them from the program before the first year of their improvement plans were even completed," budget spokesman Freeman Klopott said in an emailed statement. "To suggest that these schools are still eligible for the funding even though they were removed from the program is contrary to the law and accordingly, the state is appealing the court's decision." ■



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