Passing the Gavel - Dr. John McKenna Inducted as SAANYS President

With hundreds of administrative colleagues looking on, the SAANYS presidency was passed from 2014-15 President Christine Foglia-Sands to Dr. John McKenna during the 44th Annual Conference of the School Administrators Association of New York State. Dr. McKenna, principal of Fletcher Elementary School in the Tonawanda Central School District, will serve as SAANYS’ president for 2015-16 until next October.

On the Scene at SAANYS15

SED Issues Survey For Feedback on Common Core

The New York State Education Department has launched a webpage, AimHighNY, for the purpose of providing practitioner and community feedback on the Common Core Learning Standards in English language arts/literacy and math. While addressing members on October 19 at the SAANYS Annual Conference in Rochester, Elia stressed that the survey provides an opportunity for every New Yorker to go online, review each standard and comment on what is liked, not liked, or offer a suggestion for a change to a particular standard. She asked all in attendance to take the survey and also to urge colleagues and their faculties to do the same. Later that day, SAANYS Executive Director Kevin Casey called on members to take advantage of this opportunity to provide feedback on the standards, providing the critical viewpoint of a school leader. Here are some considerations about the survey:

This is not a “quick” survey. It is designed to receive information at a deep level. For example, it does not request over-all opinions, but rather specific information about each standard. If you do not think a standard is appropriate, you will have the opportunity recommend revisions to the standard or to re-write the standard. You may also indicate that you support one or more standards as they are currently constructed, without revision.

You will not have to complete the entire survey in one sitting. You can save information and later add to it until you have completed the survey. continued on page 8

Chancellor Tisch to Step Down

After nearly 20 years on the New York State Board of Regents and serving as its leader since 2009, Regents Chancellor Merryl Tisch announced on October 26 that she will not run for reappointment to the board when her term ends in March. In comments reported by Chalkbeat New York, Tisch had this to say about her tenure, “I say we disrupted stagnation. We disrupted complacency and we tried to imbue the system with urgency. I say we took critical steps to reignite and reinvigorate change.” That sense of urgency has proven to be too much too fast for most, and Tisch’s tenure has been a turbulent one to say the least. Commented SAANYS Executive Director Kevin Casey, “The time has come for a shift in many aspects – a back up on testing, a critical look at the implementation of the Common Core, and hopefully a reexamination of the evaluation system. A shift in leadership at this time makes sense and we hope that the new chancellor will recognize the need for policy shifts and lead New York education policy in a reflective, thoughtful, and collaborative manner. We wish Chancellor Tisch well and thank her for her years of service.” continued on page 6

Legal Briefs

Protecting Your Terms & Conditions of Employment

Oftentimes, SAANYS members call the legal department because they know that the terms and conditions of their employment are being impacted, if not outright violated, but they are not sure what to do to protect themselves. If you are ever in such a situation, the simple answer is to call the legal department, but the following is a brief guide to help you understand what actions may be needed.

The first step when you are concerned that your rights are being violated is to look at your Collective Bargaining Agreement (CBA) to see whether it is a topic that has been negotiated. If there is a provision in the contract that has been violated, then the remedy is to go through the negotiated grievance procedure. Oftentimes there is a very short period of time in which a grievance can be started, or else it is waived, so it is very important to look at the contract and the grievance procedure as soon as a violation is suspected. How grievances are processed vary from bargaining unit to bargaining unit, it is important not to assume that because grievances are processed in a certain way for teachers that the process will be the same for the administrators in the same district.

If the perceived violation is not something that is covered within the CBA, continued on page 6

SAANYS Welcomes New Unit:

– REGION 8 –
Sidney Administrators Association

LEGAL BRIEFS
Executive Viewpoint  
Kevin S. Casey, Executive Director

Change Is in the Air

Lately there has been a distinct change in the tone of public discourse regarding education reform. I don’t want to say that the pendulum is swinging, because that implies we are returning to how things were prior to the latest round of reforms (which in my mind dates back to 2010), the year of the initial APPR law and the RTTT application) which I do not think will, or should, occur.

The signs of a different attitude are at various levels. President Obama recently updated the guidelines for standardized tests. He essentially said he wants to fix over-testing by limiting testing to 2 percent of learning time. I think we all recognize that the calculation of 2 percent is not the nice, neat, simple computation it might appear to be, but the sentiment is in the right place.

In fact the USDOE even went so far as to state “the administration bears some of the responsibility” for the over-testing. There has been similar activity on the state level. Governor Cuomo has recently said we need to do more to reduce the over-emphasis on testing. The governor just hired Dr. Jere Hochman as his latest deputy secretary for education. Dr. Hochman is a highly respected former superintendent who has been critical of reform policies that have created a “culture of testing.” Further, the governor has created his own Common Core Review committee, which will likely give him cover for shifts in his policies.

I know the governor is the same person who markedly increased the impact of state tests on teacher and principal evaluations, and so far there is no indication that the governor is looking to modify that position. It remains my belief that the conversation in education brought on by the various reforms will continue until such time that there is an evaluation system that teachers and principals believe is fair and in which they have confidence. We are currently a long way from that.

At the level of SED there are also changes. Chancellor Tisch is not seeking another term on the Board of Regents (BOR) after her term ends in March. She now acknowledges that new evaluations should not have been linked to the new assessments that are tied to new standards, all at the same time. In the meantime Commissioner Elia is seeking a practitioner-review of standards and tests, and is looking to reduce testing time and to release more test questions more quickly. These are positive steps. These steps are not in the right direction, but still do not get at the evaluation system.

At the BOR meeting in October there was discussion about a Regents’ workshop to develop recommendations to be presented to the legislature regarding improvements to the APPR law. I would like to see that happen for a couple of reasons. First, it would put the positions of the individual regents regarding the APPR on public record, which is something we have long overdue. More importantly, it would be a step toward the BOR reclaiming its franchise over education policy that it has to some extent ceded to the governor and the legislature by its lack of assertiveness regarding its own authority, and by not listening to parents’ or practitioners’ objections to the scope and speed of change that was being forced upon them. I believe that most legislators (as opposed to the governor) would prefer that educational policy issues remain with the Regents. That won’t happen without the BOR being responsive to the public, because the public will petition the legislature if relief is not forthcoming from the BOR.

I am well aware that the flawed evaluation system is statutory, imposed upon most of us by a seemingly undemocratic state budget process. Nevertheless, now is the time for the BOR to provide clarity as to its positions regarding APPR. It is time to acknowledge the elephant.

Awards Program

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

For a complete list of the awards and criteria, as well as nomination forms, go to: www.saanys.org/about-us/awards.

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

Application Deadline: January 31, 2016

NASSP Assistant Principal Deadline: November 20, 2015

Dimensions of an Educational Data Assessment and Management System

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

This is the time that districts must look seriously at institutionalizing a comprehensive assessment data management system with the ability to create, print, and administer tests on paper, as well as use them securely online. This system needs to not only link to whatever student management system (SMS) the district has, but also integrate program information on students from any other database that may be required. These points represent a prerequisite or starting point in the eventual selection of a particular product and vendor.

Other vital considerations are that this system be graphically, user-friendly, and “non-threatening” to teachers. Such a solution must easily handle all NYS assessment data along with any and all publisher/locally developed assessment data. The product must be dynamic with the ability to use item-level student responses that are reflected against a “true” answer key – all in real time to calculate scores and levels. It must include items to the Common Core State Standards (CCSS) and display depth of knowledge (DOK) codes for use in reporting. Those reports, charts, graphs, and export files need to be powerful/informative drivers of institutionalization.

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Contact us now for a proposal.
On October 14, SAANYS Director of Government Relations James Viola delivered testimony to the Assembly Education Committee. Below is a summary of the recommendations as outlined in the testimony.

Annual/Bi-annual Evaluation of Struggling Schools and Persistently Struggling Schools

1. More time should be allocated to Struggling Schools and especially to Persistently Struggling Schools to demonstrate improvement. Moreover, some degree of professional discretion should be permitted in judging as “successful” some performance areas that are close to meeting targets, but do not fully meet the established goal. Evaluation employing a binary, pass (achieving all targets) or fail (missing any target, by any amount) system is not recommended.

2. Changes in school performance should not be done in a piecemeal, “tunnel vision” fashion. The performance of the Struggling Schools / Persistently Struggling Schools should be completed in juxtaposition to the performance of all other schools in the district. Will this program be considered successful if the performance of the Struggling School improves, but the performance of several other schools within the school district deteriorates?

3. Changes in performance should be analyzed at the student level. To what extent have the students who attended the Struggling School in 2014-15 benefitted from the interventions? Have students who attend other schools within the school district been impacted?

4. A review procedure/mechanism that is more timely and especially to Persistently Struggling Schools to ensure the continued availability of funds year-to-year.

Community Schools

1. Persistently Struggling Schools and Struggling Schools should be prioritized and supported for the establishment of Community Schools. Such funding should be factored into their Foundation Aid allocation or in another similar funding mechanism that will ensure the continued availability of funds year-to-year.

2. High need communities in which Struggling and Persistently Struggling Schools are located should be prioritized for state grants and programs to boost local economies, drive down unemployment, address gang activity, and better support adults and out-of-school youth.

Funding

1. All school districts in which Struggling Schools or Persistently Struggling Schools are located should receive an enhanced allocation under the Foundation Aid Formula.

2. Sufficient additional funding should be provided for each Struggling School and Persistently Struggling School to support the implementation of required and necessary interventions. Other schools within such school districts should not sustain cuts to the support previously received.

Capacity of SED

1. The 20 Persistently Struggling Schools should be prioritized for the provision of on-site oversight and support by the State Education Department, or by personnel of a regional school support center network. Such procedures may be scaled-up to include the remaining 124 Struggling Schools when (if) interventions are demonstrated to be effective in Persistently Struggling Schools and SED has sufficient field-based capacity.

Capacity of School Districts

1. Rather than designate the superintendent to act as a receiver or appoint an independent receiver, appoint an education expert who has been mutually vetted and selected by the State Education Department and the school district to work with school leadership on a multi-year basis to establish systems and initiatives.

2. School districts with more than one Struggling School or Persistently Struggling School should be permitted to implement certain procedures, such as community engagement hearings, on a multi-school basis.

continued on page 8
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Register at www.legaloneny.org

SAANYS: Protecting Our Terms and Conditions of Employment

continued from page 1

then it must be determined whether the issue is something that could be brought for review before the Public Employee Relations Board (PERB). The most typical types of cases that are brought before PERB are:

(1) Transfers of bargaining unit work: This typically occurs when a district either creates a new position or distributes the duties of an abolished position. In such events, it is important to look at the duties to see if they have been previously performed adversely by the bargaining unit.

(2) Mandatory subjects of bargaining: These are topics that directly impact wages, hours, or working conditions. Any subject that impacts these three areas cannot be changed from the status quo without first being negotiated.

An example that commonly arises is when a district unilaterally announces that employees may not take time off during certain days, particularly when students are not in session. Often, the last two weeks of August. Sometimes a mandatory subject of bargaining is also covered in the CBA. In such situations, SAANYS will file both a grievance and an Improper Practice Charge with PERB, which will typically wait to see how the grievance is resolved before taking action.

(3) Past practices: Past practices are often confusing to people because sometimes what is in the CBA is not adhered to by the unit and district for a number of years. If the subject matter of a past practice is covered by the contract, then either party has the right to revert back to the negotiated terms at any time. For example, if there is a clause in a CBA that administrators do not need to report on snow days and did not have to use leave accruals, then the district cannot require you to report without negotiating the change in the past practice with the bargaining unit. If sometimes administrators are required to report on snow days and sometimes are permitted to stay home without loss of leave accruals, then there is no past practice. (However, you may still have a right to claim extra holiday wages as a mandatory subject of bargaining.)

For PERB actions, there is a 90-day rule from the time you discover the violation in which to file a Notice of Claim with the school district. This puts the district on notice of the dispute and gives an opportunity for it to remedy the situation before a formal Improper Practice Charge is filed with PERB, which must be done within four months of discovering the alleged violation. Case law indicates that a Notice of Claim is not a prerequisite to an action with PERB, but we recommend that you file a Notice of Claim with PERB, as it exists to protect the interest of the party bringing the complaint. When a Notice of Claim is filed with PERB, the remedies in impact bargaining can be anything from further distribution of the additional duties, to more support services, or additional monetary compensation. There’s a statute of limitations for demanding impact bargaining. It is typically recommended that enough time pass so the impacted individual can gather data to quantify the number of hours the additional duties have added, but that impact bargaining is demanded within one year of the duties being added in order to avoid claims that the individual has lived with the duties without complaint.

These are the three primary ways terms and conditions of employment can be safeguarded. As always, the SAANYS Legal Department is here to answer any questions, guide you in the right direction, and vigorously enforce your rights. Due to potentially tight statutes of limitations, it is always best to contact SAANYS if you suspect a violation so it can be addressed promptly.

Dr. Justin Patchin

Professor and Research Director

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LEGAL BRIEFS

A Message From
Jennifer Carlson, SAANYS Deputy General Counsel
JCarlson@saanys.org

Protecting Your Terms and Conditions of Employment

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When it comes to the future of professional development for educators, one clear theme is the truth that the expertise of the practitioners matters most. It has never been more apparent that “the answers are in the room” and that was nowhere more apparent than at the practitioner work shops at our annual conference in Rochester on October 18 and 19.

Actually, the learning began in full force the day before our SAANYS conference at the Google Camp we co-sponsored with NYSCATE on Saturday, October 17 at the spiffy new Hilton Garden Inn right next to our conference location, the Hyatt in downtown Rochester. From the outset, three different strands to accommodate three different levels of Google familiarity and expertise (beginner, intermediate, and advanced) were announced and the workshops developed accordingly. My fellow Google greenhorns and I requested sessions on the basics – what is Google Drive? How do we set up a Google calendar?

The combined expertise (and patience) of Carm Seitz, Mike Amante, and Dustin Andrus made the day fun and informative and we all left feeling much more familiar with the gifts of Google and how they can make a real difference in both our personal and professional communications. Three Google Camps are coming up (December 14 at Erie 1 BOCES, January 29 at Central Valley and March 16 at Minisink Valley) so check out the details on our web-site. What a great kickoff this day was for our own annual conference.

For me, the highlight of the annual conference is always the practitioner workshops, and this year was no exception. This year there were fifteen workshops to choose from over three sessions, one on Sunday and two on Monday.

On Sunday, attendees learned about the new National Core Art Standards, strategies to make the evaluation process more efficient, and an innovative model to build teacher leaders. They interacted in activities designed to enhance teachers’ professional growth through an EdCamp model and revitalize collaborative data teams through inquiry, focused analysis, and reflective dialogue.

Monday’s morning session topics ranged from developments in adult education to collaborative leadership and data as a pathway to good things like increased creativity, trust building, and improved communication with parents. A team from Cuba Rushford shared great examples of how teachers in their district were using blended learning to increase student motivation and achievement at the same time that participants packed the room to learn breakthrough Coach techniques to reduce their workload in order to provide more time to be in classrooms and interact with teachers and students. The afternoon session featured a lively demonstration of strategies to actively engage teachers in faculty meetings as well as insights on understanding how the vital relationship between principals and school counselors can be enhanced to bring counselors in as true partners in school initiatives. Financial planning and examples of ways to “uncloud” the RTI process kept attendees engaged while down the hall, school leaders on overload learned how important it is to “just breathe” along with some techniques to make sure we’ve been doing it right!

I had the pleasure of visiting almost all of the practitioner workshops and without exception found them to be excellent examples of the strong expertise of our members. We hope to feature some of these same workshops in other venues around the state in the future, so stay tuned.

For more information on any of the workshops, please visit saanys.org/events.
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Zaner-Bloser is an educational curriculum and digital resources provider in language arts, reading, and 21st century learning. We develop flexible solutions and services that improve results and inspire students to become lifelong learners.

Public Hearing on Struggling Schools and Receiviship

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Prekindergarten

1. School districts containing one or more School...or Persistently Struggling School should be...supported into their Foundation Aid allocation or in another similar funding mechanism that will ensure the continued availability of funds year-to-year.

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