SAANYS Hosts Congressman Tonko Constituent Meeting

On August 13, 2014, SAANYS convened the 2014 District 20 Constituent Meeting with Congressman Paul Tonko. The meeting was held at SAANYS headquarters located in Latham, New York. Thirteen school district representatives plus a number of staff, met with the congressman and three members of his office – Jeff Morgan, legislative counsel responsible for education and health care issues; Emily Duhovny, legislative aide responsible for education and career readiness; and Diana Bennett, field representative.

Congressman Paul Tonko (right) meets with SAANYS Executive Director Kevin Casey (center), Director of Government Relations James Viola (left), and local administrators at SAANYS Headquarters on August 13, 2014.

The agenda for the constituent meeting was comprised of two items:

- Improving the Nation’s Mental Health System
- College and Career Readiness

The first agenda item, mental health system, built upon information discussed at the 2013 constituent meeting...
By the time you receive this edition of News & Notes, I suspect that the challenges of gearing up for a new school year will largely have been met, and your schools are running smoothly. Perhaps it is because the educational environment has been so tumultuous over the past four years that I think the pendulum will swing back in the direction of a less contentious environment. I recognize that some will consider this optimistic, if not downright naïve.

I chose May 2010 as my starting point of tumult; it’s when New York State passed the APPR law and submitted its RTTT application. The last legislative session passed a law which, for two weeks, the legislature passed and then rejected. This legislation, if enacted, would allocate $200 million per year, to promote formal community partnerships to implement proactive/preventative measures to address the involvement of parents, siblings, and other family members, in addition to school personnel. The text of H.R. 4574 can be read at https://beta.congress.gov/113/bills/hr4574/BILLS-113hr4574ih.xml

The second agenda item, college and career readiness, included a discussion of the SAANYS recommendations for the next ESEA waiver (for the 2015-16 school year). The two recommendations are:

1. Recognition of a high school equivalency diploma as a form of successful school completion.

2. Basing the high school graduation rate on all students who remain enrolled in school and graduate with a high school diploma, or its equivalent, regardless of the number of years they take to complete their secondary education program.

The two recommendations are supported by the NYS Federation of School Administrators (SAANYS) colleagues in NYC, Buffalo, and Yonkers, the Council of New York Special Education Administrators, the NYS Association of Family and Consumer Sciences Education, and the NYS Congress of Parents and Teachers, Inc. (NYS PTA).

School representatives also took this opportunity to discuss their respective school districts’ experienes in phasing in common core standards, curricula, instructional materials, pedagogy, and assessments. All school district representatives expressed support for the common core standards, and all school district representatives expressed concerns regarding the manner in which the

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Congressman Tonko Meeting... continued from page 1 which more generally addressed matters of importance to schools and educators related to issues surrounding mental health. At this year’s meeting, Mr. Morgan reviewed new legislation, The Strengthening Mental Health in Our Communities Act (H.R. 4574). This legislation, if enacted, would allocate $200 million per year, for a six year period, to support comprehensive school-based mental health services and supports. The bill contains provisions to promote formal round two application. We all know what fol- lowed. Lawsuits, modifi- cation to the APPR law, RTTT award with its attendant conditions, tax cap, testing overload, poor common core rollout, public push back, further legislative modifications, etc. Just staying abreast of the constantly shifting and politically polarized educational landscape required considerable energy and attention.

At the very end of the last legislative session the legislature passed a law which, for two school years, mitigated the deleterious effects of the 3-8 ELA and math tests on those

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School Administrators Association of New York State

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A copy of each issue of News & Notes may be obtained free of charge to each SAANYS member, $7.50, if such members shall sign for such subscription to this publication.

School Administrators Association of New York State

By-107M.E:September2014

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SAANYS and ECB Recommendations About BNP Paribas Settlement

What is the $4 billion settlement all about?

On June 30, 2014, the French bank BNP Paribas signed a Consent Order under New York Banking Law §44, pleading guilty to conspiring to violate the International Emergency Economic Powers Act and the Trading with the Enemy Act, and to falsifying business records. In connection with these charges, from at least 2002 to 2012, BNP Paribas admitted to processing U.S. dollar-dominated transfers in a manner designed to conceal relevant information regarding Sudan, Iran, and Cuba that would permit regulators to determine whether the transactions were consistent with New York State and U.S. laws. Also, from at least 2002 to 2009, BNPP allowed sanctioned countries and entities to access the U.S. financial system and engaged in billions of dollars’ worth of U.S. dollars-based financial transactions that undermined U.S. sanctions and embargos. Settlement provisions address future company operations, disciplinary measures for 45 employees, and monetary penalties of $2,243,400,000 to the NYS Department of Financial Services, and $1,050,000,000 to the New York County District Attorney. The total amount of financial settlements the state will receive from banks and insurance companies will exceed $4 billion.

What are the possible uses of the settlements?

SAANYS and the other members of the Education Conference Board (ECB)* wrote to Governor Cuomo and legislative leaders to remind them of the “massive programmatic cuts and personnel reductions” that have been filed by districts and deemed valid by the State Education Department.

Senator John Flanagan and other state republicans have paraded an “expansive plan” for the use of settlement funding, including the complete elimination of the Gap Elimination adjustment.

Governor Andrew Cuomo said that his office will continue to monitor the economy before announcing any plans for the use of the funds. In regard to the funds, the governor said, “…we have some building to do. We could do more for infrastructure. We could do more to invest in education, and we could do more to cut taxes.”

“The Education Conference Board is comprised of the following organizations: Conference of Big 5 School Districts, NYS Association of School Business Officials, NYS Congress of Parents and Teachers, NYS Council of School Superintendents, NYS School Boards Association, NYSEUT, and SAANYS.

The ECB letter to Governor Cuomo is posted on the SAANYS website. For more information about the possible uses of settlement funds, contact James Viola, director of government relations, by e-mailing JViola@saanys.org.

1. Accelerate the elimination of the Gap Elimination Adjustment. Approximately $1 billion is being withheld.
2. Direct additional funds to the Foundation Aid formula. An additional $4.7 billion is owed to school districts under reforms enacted in 2007 to resolve the Campaign for Fiscal Equity litigation.
3. Pay state aid claims. New York State owes school districts $253 million in prior year state aid claims that have been filed by districts and deemed valid by the State Education Department.

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 James Viola, SAANYS director of government relations, at JViola@saanys.org.

Congressman Tonko Meeting...

continued from page 2

• Albany City School District – Kimberly Wilkins, principal, Christopher Bronson, principal, Burnt Hills-Ballston Lake Sr. High School;
• Burnt Hills-Ballston Lake School District – Christopher Bronson, principal, Burnt Hills-Ballston Lake Sr. High School;
• Burnt Hills-Ballston Lake School District – Colleen Wolle, principal, O’Rourke Middle School;
• Guilderside School District – Allan Lockwood, principal, Guilderside Elementary School;
• Schenectady City School District – Diane Wilkinson, principal, Schenectady High School;
• Schenectady City School District – Christopher Shank, principal class of 2015, Schenectady High School;
• Schodack School District – Mike Bennett, assistant superintendent for curriculum and instruction and pupil personnel services;
• South Colonie School District – Christopher Robilotti, executive principal, South Colonie High School;
• Stillwater School District – Mario Fernandez, principal, Stillwater High School.
Here at SAANYS we are always looking for ways to meet you where you are in order to provide an array of services to support you and your work. Professional development is one of the components we are constantly striving to enhance and upgrade to ensure that we are responsive to your needs and schedules.

Like everything else in our world, PD options and formats are changing rapidly, and it is important that we continually explore approaches that provide choice, variety, and opportunities to tailor offerings to the needs of our members.

With that in mind, SAANYS will continue to offer a spectrum of PD opportunities, including traditional face to face workshops that we run in locations around the state (check out the Legal One NY offerings and Bill Daggett events coming up), increased online opportunities (Google hangouts, Google hangouts, Google hangouts, book studies, and webinars), Assistant Principal Academies, after school series, and an annual conference that promises to be outstanding.

What you may not be aware of is how you can contact SAANYS and specifically request a workshop tailored to the needs of your district or region. If you can guarantee attendance of 12 or more and are willing to extend the invitation to participants in surrounding areas, you benefit by shaping the program and then

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Great Books

4:00pm-5:00pm  Three Thursdays

No time to read these great books?

Facilitators:
Lisa Meade
Shawn Hunziker
Bonnie Tryon

Busy administrators may not have time to read all the books they would like to read, yet really want to know about the “big ideas” in books like these that are having such an impact on learning. Register to join this Google Hangout group to learn about these books and share ideas with colleagues. Great Books Google Hangout does not come with any understanding that the participants have read the books or ever will – although you will certainly be more motivated to do so after the appealing overview, that this brief but powerful series will provide. The focus is on the predominant themes in the books and, even better, where the connections might be.

REGISTER ONLINE
www.saanys.org/events

September 25
Mindset by Carol Dweck

October 2
Explicit Instruction by Anita L. Archer and Charles A. Hughes

October 9
Crucial Conversations by Kerry Patterson

Cost: $75
Register today!

SCHOOL ACHIEVEMENT INSTITUTE
Positioning for Success: Proactive Steps for School Leaders

STRATEGIES
FOR BUILDING AND DISTRICT LEADERS

Why Attend?
• Build awareness of emerging trends that will have a major impact on schools
• Understand the real meaning of both college AND career readiness and how to build a culture to support BOTH
• Learn what you can do at the organizational, instructional leadership and teaching levels to put a system-wide approach in place to improve student achievement

DR. BILL DAGGETT
Founder and Chairman, International Center for Leadership in Education

Thousands of school districts have sought Daggett’s guidance for planning and implementing systemic change. He has collaborated with education ministries in several countries, the Council of Chief State School Officers, the National Governors Association, and numerous national organizations. Dr. Daggett currently serves on the education advisory boards for NASA, USA Today, and Scholastic Achievement Partners. He is also the founder and chairman of the Successful Practices Network.

Cost: $75 for SAANYS members
$100 for non-members

REGISTER ONLINE
www.saanys.org/events

Professional Development Update....

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receiving several free admissions for your group of twelve or more. For example, East Greenbush hosted a PD event on August 25 consisting of two workshops: Building a Common Core Culture and Effective Feedback Around Instruction. By beginning with a known team of attendees and then inviting both members and non-members from surrounding areas, we start with sufficient attendance to run the workshop, the hosting district or region benefits, and all win by an opportunity to meet with colleagues both within and outside of their districts.

SAANYS is in the process of updating and greatly expanding our SAANYS PD on Demand Catalogue as a primary resource for you to use as you consider your PD needs. SAANYS is also developing a needs assessment survey that will give members an opportunity to let us know what topics, times, and formats work best for you and your busy schedules. Facilitated conversations, roundtable discussions, and ‘camp’ approaches where topics of interest determine the agenda are some examples of “non-workshop workshops” that we hope to offer more of in the future. If you have an idea or a question about a potential PD event for your group, give us a call and we will go from there.

All the best to you for the 2014-2015 school year!
Contract Grievances: Who Controls a Grievance?

Terms and conditions of employment are controlled by collective bargaining agreements (CBAs). Violations, misapplicatiions, or misinterpretations of such contracts are handled through the CBAs grievance procedure, if there is one. Otherwise, such breaches are litigated in court as a breach of contract action. This article focuses on the arbitral process found in many contracts, and whether individual unit members or only the unit can prosecute contract grievances.

Questions often arise about when an alleged contract grievance may proceed to the arbitration stage and who decides that it will be so prosecuted. The source of right involving contract grievances is the CBA, and particularly, whether the CBA has a negotiated grievance procedure. Some CBAs do not provide for arbitration for settlement of contract disputes at all. The only way to challenge breaches of those CBAs is to sue in court. Other CBAs contain grievance procedures that do not culminate in arbitration. In those cases, either the superintendent of schools or board of education is the final decision maker as to whether the grievance has merit or not. Similarly, some CBAs have arbitration, but it is only advisory, meaning that the decision of the arbitrator is not binding on the parties. Any grievance procedure that does not result in binding arbitration is viewed less favorably by SAANYS in litigating contract violations.

Moreover, there are many considerations involved in CBAs that contain binding arbitration provisions. Paramount with any grievance procedure is ensuring any grievance is timely advanced to arbitration within the grievance time frame. Also critically important, is who can prosecute a grievance at arbitration. The answer may not be as easy as one would think. First, check the CBA to see if it is stated as to who has the right to advance a grievance to the next level, particularly when it only impacts one member of the bargaining unit. Some CBAs are silent as to who has the right to file a demand for arbitration or otherwise advance a grievance. Other CBAs grant the right exclusively to advance a grievance to arbitration to the unit alone, to each member individually, or to either/both to prosecute. In the first instance, SAANYS recommends review of the CBA to determine who has the right to file a demand for arbitration.

Since the CBA is negotiated and enforced by the unit, SAANYS recommends that the unit have complete grievances at the arbitration/litigation phase in order to avoid questionable grievances going to arbitration. If an individual member were allowed to advance a meritorious grievance to arbitration, it could be dangerous for the unit if the grievance is lost, creating an unfavorable precedent, especially if the unit was against the individual member filing for arbitration in the first place.

Surprisingly, some CBAs are silent as to grievance ownership at the arbitration stage, or any stage for that matter. Therefore, the unit leadership would also be wise to check its constitution and by-laws to see if there is a process set forth for processing grievances. Furthermore, some constitutions and by-laws call for a “grievance committee” to process all grievances. Others call for a majority vote of the unit to proceed beyond any step involving the board of education. If the constitution and by-laws are silent, look at what has been the past practice associated with contract grievances. If the unit has not filed grievances before, and hence, has no past practice, we recommend that the unit set up an internal process in its constitution and by-laws. Then in the next round of collective bargaining, negotiate a clear procedure regarding ownership of grievances, especially at the arbitration stage. Without explicit guidelines for who decides when to arbitrate a grievance, many units could potentially arbitrate grievances that lack merit. An arbitration on average costs around $10,000 in fees and attorney time. Hence, the decision to proceed to arbitrate also has financial consequences.

It is always recommended that a unit promptly call the SAANYS legal team if there is a suspected grievance, for an analysis of the merits and who may advance the grievance. Additionally, should your unit wish to set up an internal process for grievance adjudication, SAANYS would be happy to assist, including providing a sample constitution and by-laws.

LEGAL BRIEFS
A Message From Rebekah Staats, SAANYS Counsel
RStaats@saanys.org

SAANYS Elementary Principal of the Year Co-authors:
The Power of Branding

This book, coauthored by Tony Sinanis, the SAANYS/NAESP 2014 Elementary Principal of the Year from Jericho Central School District, explores the idea of why branding schools is important, the benefits of branding a school, and gives leaders an action plan for branding. Branding is a way for leaders to make students’ learning visible to the entire education community in order to share best practices, celebrate achievements, and make sure that the education community is focused on the student.

This book will give leaders:
- An understanding of why branding is so important to students’ success.
- Stories of how branding has brought positive impacts to schools.
- Tools to start telling your school story.

“Great leaders are intentional about everything they do. Tony and Joe’s message stresses the importance of being intentional in telling the great stories of schools. Focusing on the positive things happening in schools gives leaders more drive and has a tremendous impact on school culture. This book is a powerful resource for leaders looking to promote the positive things happening in their schools to the community.”

-Todd Whitaker

SAANYS Attorneys

Contact a SAANYS Attorney

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24

During normal business hours, call 516-782-0600 to speak with a SAANYS attorney. After Hours Pager:
1-800-978-6055
Be sure to include your area code when leaving your number.

SAANYS Career Center

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.

Cambridge Administrators Association, Region 6

The Cambridge Administrators Association has completed negotiation of a three-year agreement with the Cambridge Central School District to cover the period from July 1, 2014 through June 30, 2017. Salary increases are 2 percent during each year of the contract as well as improvement in longevity adjustments to begin after five consecutive years of employment and to be received after 5, 8, and 12 years of service. An increase in member contribution to health insurance premiums from 10 percent to 17 percent will occur during the term of the contract. The agreement also includes an option for health insurance buy-outs of $4,500.00 (family), $3,100.00 (two-person), and $1,500.00 (Individual). These amounts will be reduced to $3,500.00, $2,500.00, and $1,500.00 by expiration of the contract. Other provisions include an option for each member to be compensated for up to five unused vacation days each year and some adjustment to responsibility stipends. Negotiators Colleen Lester and Tammy Silvernell were assisted by SAANYS Labor Relations Specialist Jennie Pennington.

Middleburgh Administrators Association, Region 6

The Middleburgh Administrators Association recently completed a negotiated agreement with the Middleburgh Central School District covering the period from July 1, 2015 through June 30, 2018. The agreement provides for salary increases of 3 percent for each year of the contract. Health insurance contributions by members will increase to 20 percent of the premiums for all unit members by the expiration of the agreement. Presently, employees contribute 10 percent, 15 percent, or 20 percent of the premium, based on date of employment. One-time payments of $2,000.00, $1,500.00, and $500.00 will be provided in recognition of the differentiated increases. Other provisions include an increase in the amount of compensation for unused vacation days from $200.00 to $300.00 for each unused day, an increase in tuition reimbursement from $100.00 to $300.00 for each credit hour, and clarification of the procedure for Medicare reimbursement for retirees. The Middleburgh Administrators Association negotiating team of Maura Green and John Gallo, was advised by SAANYS Labor Relations Specialist Jennie Pennington.

Rensselaer Supervisory Personnel Association, Region 6

The Rensselaer Supervisory Personnel Association recently completed a three-year agreement with the superintendent of the Rensselaer City School District covering the period from July 1, 2014 through June 30, 2017. The agreement provides for base salary increases for each unit member of $2,500.00 during 2014-2015, 2 percent during 2015-2016, and 2.25 percent during 2016-2017. In addition, longevity amounts will increase by $500.00 beginning with ten years of service to the district. The “professional credit” flexible amount to be used for dues and/or the cafeteria plan will increase to $1,200.00. Health insurance opt-out amounts will increase slightly. Compensation for supervision of summer school will be $350.00 per day. The Rensselaer Supervisory Personnel Association was represented by President Karen Urbanski and SAANYS Labor Relations Specialist Jennie Pennington.

Schalmont Administrators Association, Region 6

The Schalmont Administrators Association has completed negotiation of a three-year agreement with the Cambridge Central School District to cover the period from July 1, 2014 through June 30, 2017. The agreement provides for salary increases of 2 percent in each year of the contract. Health insurance contributions by members will increase to 20 percent of the premiums for all unit members by the expiration of the agreement. Presently, employees contribute 10 percent, 15 percent, or 20 percent of the premium, based on date of employment. One-time payments of $2,000.00, $1,500.00, and $500.00 will be provided in recognition of the differentiated increases. Other provisions include an increase in the amount of compensation for unused vacation days from $200.00 to $300.00 for each unused day, an increase in tuition reimbursement from $100.00 to $300.00 for each credit hour, and clarification of the procedure for Medicare reimbursement for retirees. The Schalmont Administrators Association negotiating team, Joby Gifford and John Gallo, was advised by SAANYS Labor Relations Specialist Jennie Pennington.

Academic Intervention Service Requirements for 2014-15

Deputy Commissioner Cosimo Tangorra has released the 2014-15 ELA and math cut scores for the provision of Academic Intervention Services (AIS). Upon review, the cut scores appear to be the same as those that were in place for 2013-14. In the field memo, which can be downloaded at saanys.org, the deputy commissioner indicates that, “The department will further recommend [to the Board of Regents] that those students scoring at or above these scale scores but below level three proficient be required to receive academic intervention instruction and student support services during the 2014-15 school year...”

The information contained in this field memo-randum was scheduled to be presented to the board of regents for approval at their next meeting, on September 15 and 16. By November 1, 2014, school districts are required to either post on their respective websites, or provide written information to parents regarding their uniform process for determining whether to provide AIS to struggling students during 2014-15.
Congratulations Retiring Members

Janice Arifian
David Arinone
John Anderson
Thomas Anguish
Lori Ayers
Beatrice Bailey
Rosamary Baum
George Beckworth
Mary Sue Bennett
Christopher Bourne
Julie Burger
Michael Burns
Carrmen Campos
Timothy Chavara
Mary Patricia Comer
Marystephanie Corsores
Paul Cowling
Lorelta Cozza
Miriam Cruz-Vazquez
Tobias Daempfle
Miriam Kirsch, recently completed negotiations for a successor agreement. Highlights include:

- Four-year agreement with a 4 percent increase in each year.
- One-time payment to each unit member of five days per diem at current salary for additional work related to APPR in 2012-2013.
- Ability to work five extra days annually in excess of contractual work requirement at the admin-
- Increase from $65 to $75 paid for accumulated sick leave at retirement.
- A three-tier drug plan in return for spelling out health insurance terms in the contract, and the
- Diminish Points (for 3 years)
- Premiums
- Driving Skills
- Learn Life-saving Driving Course
- Online Defensive Driving Course
- For you to work at your own pace, on your own schedule.
- Your choice of sales representative.
- One-on-one with a local sales representative.
- Convenient support after-hours policy
- 24/7 claims assistance, fast appraisals, and not all applicants may qualify.
- These savings and discounts are available where state law and regulations allow.
- To the extent permitted by law, applicants are individually underwritten, and not all applicants may qualify.
- Service and Support When and Where You Need It
  - 24/7 claims assistance, fast appraisals, and after-hours policy services.
  - Convenient support by phone, online, or one-on-one with a local sales representative.
  - Your choice of payment options, including payroll deduction, electronic withdrawal, or direct billing.

Fiscal Navigation for Superintendents

for school administrators seeking to understand district level fiscal administration and strategies

Three full days - 9AM to 2:30 PM - Three locations Mix and match dates and sites

Tuesdays - Oct 28, Nov 18, & Dec 9, 2014
Capital Region BOCES - Latham (Albany area, NY)

Wednesdays - Oct 22, Nov 19, & Dec 10, 2014
C-G A-M BOCES, Saratoga Springs, NY

Thursdays - Oct 30, Nov 20, & Dec 11, 2014
Gansevoet BOCES - Batavia, NY

For more information or to register, go to saanys.org.