

Connetquot Administrator Inducted as SAANYS President

SAANYS is pleased to announce that Stuart Pollak, principal of Sycamore Avenue Elementary School in the Connetquot Central School District was inducted as president at the SAANYS Annual Conference at the Sagamore Resort in Lake George on October 20. Pollak succeeds Dr. Regina K. Huffman, science chairperson of Elmont Memorial Jr./Sr. High School & district coordinator in the Sewanhaka Central High School District. In his 28th year in public education, he is currently in his 16th year as the principal of Sycamore Avenue Elementary School. Pollak is an active SAANYS member, having served as his local unit president, as a member of the board of directors, and as the SAANYS NYS representative to the National Association of Elementary School Principals (NAESP). ■



Summary of the October Board of Regents Meeting

The October meeting of the Board of Regents was filled with many items for discussion during the first day of the two-day meeting. However, prior to going into all of the items for discussion on the first day, we should jump to the second day of the meeting where proposed APPR regulations were discussed and acted upon.

APPR Regulations Adopted

The board adopted the regulations for emergency action, which means the regulations became effective on October 8, 2019. The board felt that adoption by emergency action was needed so that districts would have sufficient time to enact the law passed on April 1, 2019. Had the board not adopted the proposed regulations as an emergency action, the earliest effective date would have been the end of February 2020.

The regulations very closely align to statutory language. In regard to building principals, the following highlights the major provisions of APPR for principals:

The regulations maintain two required components: the student performance category and the school visit category.

Student Performance Category

Required Subcomponent

The student performance category must be a SLO estimating an expected one-year student growth score, obtained by using a state created/administered or other state approved student assessment. The selection of an assessment used in the SLO must be collectively bargained if there is an administrative bargaining unit. If there is no bargaining unit, then the assessment is decided by the district.

Optional Second Subcomponent

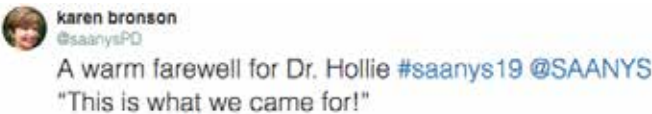
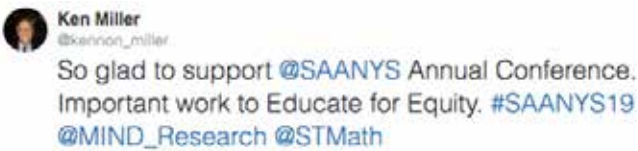
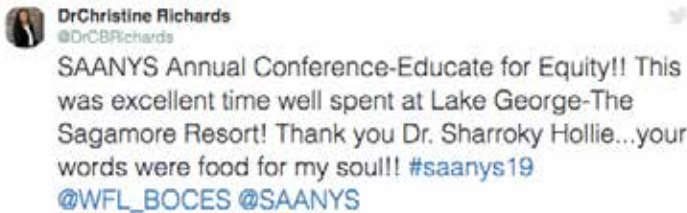
This may be a second SLO (if different from the required

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Annual Conference 2019!

As seen at #SAANYS19! Thank you to all attendees, presenters, exhibitors, and special guests!

View the collection of tweets at:
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SAANYS Welcomes New Unit:

– REGION 11 –

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LEGAL BRIEFS

Defense and Indemnification: Your Protections from Job-related Litigation

A significant downside to being a school administrator is that it oftentimes puts you in the crosshairs of angry parents, even when circumstances are beyond your control. Two recent pieces of legislation have caused a flurry of concern over what protections there may be for any actions that are taken to enforce the laws. Several building principals throughout the state have already been served with lawsuits by parents who are angry about the new immunization requirements. Similarly, there has been quite a bit of concern about the potential liability that may come from petitioning the court for the removal of firearms under the Red Flag Law. While these are two of the newest situations to arise on administrators' radars, the principles are seen in other situations. What kind of protections and guarantees do you have if you are the subject of a lawsuit, be it one of the above situations, or because you disciplined a student or a staff member accuses you of harassment?

The good news is that two different statutes, the Public Officers Law and Education Law, mandate that school districts and BOCES provide what's known as a defense and indemnification to its employees under certain circumstances. Generally speaking, the defense portion means that your employer must provide you with an attorney it pays for so long as you cooperate in the defense. Depending on the specific facts and circumstances, you may have the same lawyer as other employees and the district as a whole. It is the obligation of the district to advise you if there is the potential for a conflict of interest in joint representation with other defendants. In such cases, the district will still be obligated to pay for your attorney, as well as for any other attorneys that are potentially

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Executive Viewpoint

Kevin S. Casey, Executive Director

Be Thankful for Time

As we approach Thanksgiving, I believe many of us give at least a little thought to what we are thankful for. For those of us lucky enough to have it, good health for ourselves and our family members often tops the list. Other obvious things to be thankful for include financial security and a meaningful and fulfilling career, healthy relationships, and a reasonable outlook for opportunities for our children.

It is inevitable that we sometimes get saddened, angry, worried, or annoyed by events that, with the application of perspective, are essentially meaningless. The thoughtless driver who cut me off, the failure of

the Yankees to advance to the World Series, or my children making career path decisions with which I don't agree, have all raised some form of negative emotion within me, although ultimately none of them are important. The key to a measured reaction is perspective, and an essential element of perspective is time.

My negative reactions are immediate, and almost always strike me as an over-reaction once I have had time to process. Things never seem so bad after a healthy reflection.

I believe my premise may be applied to public policy. The Board of Regents recently announced that it is going to undertake

a review of high school graduation measures in New York. Stated purposes include the re-consideration of current diploma requirements and to ensure all students have access to multiple graduation measures. It wants to consider whether measures of achievement such as capstone projects, alternative assessments, or engagement in civic and community activities could serve as valid indicators of successful high school completion.

New York is currently one of eleven states that require successfully completing exit exams in order to graduate from high school. The Regents' exams have long been considered the gold standard in high school rigor. After the Regents' announcement, many immediately began to bemoan the death of Regents' examinations, and condemn what predictably was called the dumbing down of high school graduation requirements.

In my opinion, this is a

good time to step back, allow a little time to pass, and apply perspective. What the Regents announced was a process that is currently scheduled to run from this month to the point of a report and recommendations in the fall of 2021 after significant stakeholder and public input. Given the well-known staffing problems at SED, I wouldn't be surprised if this timetable was pushed back. Regardless, the issue of high school graduation requirements will be examined, without any expressed pre-conclusions at this time. If the examination is truly objective and unbiased, and allows for meaningful consideration of the input received, than there's nothing wrong with it. We don't yet know what recommendations will arise from this process, but I believe it to be important to keep an open mind.

I respect the storied history of the Regents' exams, and how they reflect a history of high

standards. I also believe that it is in our collective interest to examine our exit exam requirements to determine if it is having the unintended consequence of being a barrier to successful high school completion to competent and motivated students. Is the potential creation of yet more alternative pathways to graduation a cop-out to pad high school graduation statistics, or is it an appropriately responsive change to an increasingly diverse student body growing up in a rapidly changing economy?

I do not know the answer to the question posed above, but I think we need to give the examination of high school graduation requirements time. We need to apply perspective to ensure whatever route is chosen does not result from an immediate reaction, but rather results from a considered process. ■

Social Emotional Learning

Sponsor Opinion Piece by Kenneth A. Facin, Solutions Facilitator, Educational Vistas, Inc.

Our evolution to a cyber dependent society in such a short time span has created immense challenges for learning and teaching. Students in schools today have lived their entire lives with the internet, social media, political polarization, and the war on terrorism. Recent studies by the Collaborative for Academic, Social and Emotional Learning (CASEL) reveal that a majority of high school students are experiencing stress on a daily basis. Student diagnoses of depression and

anxiety are at alarming levels. We have witnessed students with mental health concerns; the trend now is to see these challenges at the young primary level.

School leaders have never ignored societal issues impacting children, even though we are blamed for most of these problems! How do we address the needs of our children in these trying times? Studies have shown the efficacy of SEL efforts in improving academic performance, improving

student emotional control and regulation, and in reducing suspensions and increasing graduation rates. Very promising work is being done! The recently released NYS Social Emotional Learning Benchmarks are a wonderful resource to organize and galvanize efforts in the field. The support offered by NYSED, including links to CASEL and others, is invaluable. How school's implement and put into action both school-wide and classroom level SEL shifts is imperative for successful learning. Student voices are an integral component of SEL work, so involving students in planning and implementation is critical

to program success.

We know that students have different social and emotional needs and considerations at different stages of life so SEL supports and shifts should be closely tied to child developmental stages for effective outcomes. Common language and practices will also be critical to your work with students and families. Aligning report card comments and developing common language about student social and emotional growth will help transform your school's culture. Report card

comments anchored to the SEL benchmarks will help RTI processes and identify counseling needs in a more strategic manner. Developing student's social and emotional balance will be some of the most important and rewarding work you do. Enjoy the journey.

Kenneth A. Facin, Solutions Facilitator @ Educational Vistas. Ken worked for 32 years in public schools as a high school science teacher, principal, and superintendent of schools. He can be reached at kfacin@edvistas.com. ■

The statements and opinions expressed herein do not necessarily imply or reflect the opinion or philosophy of SAANYS.



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CAPITAL UPDATE

Summary of the October Board of Regents Meeting

continued from page 1

subcomponent), a growth score based on a statistical growth model, a measure of student growth other than SLO, performance index, achievement benchmark, graduation rate, or other measure of growth or achievement that is collectively bargained.

The Student Performance Category component must still result in a score from 0-20, with ranges set by SED.

Principal School Visit Category

Two Required Subcomponents:

- One visit must be conducted by the building principal or supervisor using an approved rubric and
- At least one visit must be conducted by one or more impartial, independent trained evaluators (hardship waivers are available).
- One visit must be unannounced.
- A third optional measure is available, which could be a school visit by a trained peer administrator.

The frequency and duration of the school visit component is a district decision. Variances are allowable for the use of a rubric other than the existing approved rubrics. School visits may not be conducted via video. Scoring ranges for the school visits have been established by SED.

The overall rating matrix is as follows:

		Observation / School Visit			
Student Performance		Highly Effective (H)	Effective (E)	Developing (D)	Ineffective (I)
	Highly Effective (H)	H	H	E	D
	Effective (E)	H	E	E	D
	Developing (D)	E	E	D	I
	Ineffective (I)	D	D	I	I

One new section of the APPR regulations allow for district variances. Section 30-3.16 allows districts to request a variance from one or more of the APPR requirements. The provision of a variance is intended to allow districts to develop and implement innovative approaches. Any approach proposed will still need to meet regulatory requirements, ensure that the process will be able to differentiate effectiveness, and be used to provide personalize professional learning. The intent of the variance, according to staff presenting at the meeting, is to provide districts with flexibly which was frequently asked about at many public APPR meetings. According to SED staff, the variance would allow districts the opportunity to use information about student growth that may be more authentic; and similarly for the observation, districts could use specific professional development plans to focus observations.

The regulations have been posted for public comment and are anticipated for final approval in February 2020. The link to the regulations may be found by scanning the QR code.



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Other items for discussion from the two-day meeting are as follow:

Graduation Measures

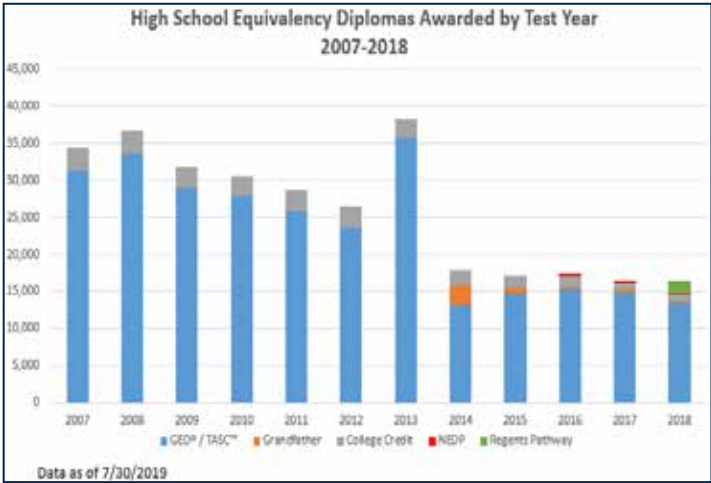
Another topic of discussion was the proposed roll-out of the Graduation Measures initiative. The first set of activities will be a series of regional public meetings The BOR intends this process to be very inclusive to ensure that all stakeholders have input into the questions as to what a graduate from New York State should be prepared for post high school. Questions that the BOR may raise include:

1. What do we want our children to know and to be able to do before they graduate?
2. How do we want them to demonstrate such knowledge and skills?
3. To what degree does requiring passage of Regents exams improve student achievement, graduation rates, and college readiness?
4. What other measures of achievement (e.g. capstone projects, alternative assessments, or engagement in civic and community activities) could serve as indicators of high school completion?
5. How can measures of achievement accurately reflect the skills and knowledge of our special populations, such as students with disabilities and English language learners?

Watch for details in the December issue of *News & Notes*.

Update on Pathways to a High School Equivalency Diploma

Deputy Commissioner Kevin Smith provided a very succinct update on four pathways available to obtain an equivalency diploma and their use.



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The four options are:

- Taking and passing a comprehensive exam, Test Assessing Secondary Completion (TASC).
- Obtaining 24 college credits.
- Participation in the National External Diploma Program (NEDP).
- Substitute a passing score on a Regents exam (or any other test approved by the commissioner) for subtests that corresponding TASC subtests.

Utilization of the four options are depicted on the graph at left.

Discussion Around the Table

Members of the board wondered what data SED may have on the school of origin for persons using the four available options. The general sentiment was that districts should be tracking students. This led to a discussion on data available on it. Other board members felt that persons who did pursue these four options are excellent examples of perseverance and that SED should examine their stories.

Information on this item may be found by scanning the QR code.



Update on the Rollout of the Next Generation ELA and Math Standards

A comprehensive update on the status of the standards implementation and curriculum work was provided.

During the presentation, a video was shown on how the early learning standards may be implemented. The video provided an excellent demonstration of classrooms using early

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LEGAL BRIEFS

A Message from the SAANYS Legal Department



Jennifer Carlson
SAANYS Deputy General
Counsel
jcarlson@saanys.org



Defense and Indemnification: Your Protections from Job Related Litigation

continued from page 1

utilized for other defendants in the action. Indemnification means that, except in limited circumstances, which we will discuss momentarily, the employer bears the financial burden of any resolution. This means that it will pay any settlements or if there is a jury verdict, that award. Unfortunately, because the district is providing your defense and indemnification, it means that you do not have a

say in how the matter is resolved. Oftentimes cases are settled because it is fiscally cheaper to pay a nominal sum then to go through the process of litigation. While it may seem like paying a plaintiff is distasteful because you have not done anything wrong, the settlement is not an indication of the district's belief of your innocence or guilt, but is purely a financial determination. Once an em-

ployer agrees to provide a defense and indemnification, the only time you may have a financial consequence is if a jury finds that you intentionally acted illegally for a discriminatory reason. In the experience of the SAANYS Legal Department, the providing of a defense and indemnification is rarely an issue; however, there are certain exceptions. Initially, it must be noted that in order to receive a defense and indemnification, you are to deliver a copy of whatever pleading you were served within five days after receipt to the board of education via its clerk, along with a request for defense and indemnification. The request may be as simple as, "I am hereby

requesting a defense and indemnification in the attached matter." Failing to timely make the request is rarely the issue, as the district/BOCES is almost always a named party as well. Where issues arise is when the papers allege intentional conduct that is outside the scope of

Indemnification means that, except in limited circumstances, the employer bears the financial burden of any resolution.

your employment. If you made a bad decision or were negligent, your employer is still obligated to provide a defense and indemnification, even if it ultimately pursues discipline or termination for the conduct. However, if you are accused of something that was not part of your duties such as sexual assault of a subordinate, employers and, more importantly, the insurance

carriers may attempt to deny the defense and indemnification. In these cases, litigation will need to be commenced against the employer and insurance company for the defense and indemnification; however, while the case is pending you will need to hire your own attorney at your own expense, which will hopefully be reimbursed.

In the vast majority of situations, you can rest assured that, aside from the anxiety that comes with litigation, your employer will provide you with the proper legal protection should you be named in a lawsuit. It is important to contact the SAANYS Legal Department in the event you are served with legal papers so that you can be guided through the process, including potential representation when you initially meet with your employer-provided attorney if the matter could lead to discipline. ■

Have questions? Need assistance?
Use the "Ask SAANYS" button at saanys.org.

LEGAL HIGHLIGHTS

The SAANYS Legal Department - Working Tirelessly for Members Statewide

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

REGION 1

SAANYS assisted a member in getting approved for COBRA insurance following separation from the district.

REGION 2

SAANYS advised a unit on ratifying a separation agreement that would potentially have added a different work year into the unit.

REGION 4

SAANYS assisted a member to ensure he would receive defense & indemnification in a complaint he was served with following retirement.

REGION 5

SAANYS represented a unit at a PERB pre-hearing conference for IPs relating to transfer of bargaining unit work and work day.

REGION 6

SAANYS represented a member in a meeting with the district regarding continuation of benefits while on leave.

REGION 7

SAANYS worked to get SAANYS a voting seat on a regional health care consortium.

REGION 8

SAANYS consulted with a unit regarding the district's finances and equity adjustments.

REGION 9

SAANYS represented a member when the district wanted to reschedule their medical leave.

REGION 10

SAANYS advised a unit regarding adding a new title to the unit.

REGION 11

SAANYS drafted an improper practice charge regarding transfer of bargaining unit work.

REGION 12

SAANYS worked with a member in transferring pension membership from TRS to ERS.

Summary of the October Board of Regents Meeting

continued from page 3

childhood practices that bring the Next Generation standards to life.

Discussion Around the Table

The members were appreciative of the early childhood video. They were very impressed by seeing how developmental practices and the standards are used well.

The members were also impressed by the depth of resources available on the website for educators and parents. As the first assessments using the next generation standards is scheduled for the spring of 2020, it is critical that districts use the standards now.

The link to the presentation may be found by scanning the QR code.



Proposed Amendments Relating to the Limited Extension and Statement of Continued Eligibility for Certain Teachers of Student with Disabilities

Information on this item may be found by scanning the QR code.



Discussion on Revisions to the Student Data Privacy Proposed Regulations

This discussion provided information on additional changes to the data privacy regulations. SAANYS has participated on the Student Data Privacy Task Force and has had input on the regulations on a continual basis. The

continued

proposed changes focus on ensuring that teachers and principals are provided communication on how to file complaints about breaches or unauthorized release of student data. There will be an additional 45-day comment period.

Scan the QR code for additional information on this item.



Should you have any questions on the above information or would like to discuss these issues please feel free to contact Cindy Gallagher, director of government relations, at 518-782-0600 or cgalagher@saanys.org. ■

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continued from page 6

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PD Update

continued from page 7

- What Does Deep Listening Mean?
- What Do Impactful Questions Sound Like?
- What is the Leadership Development Model?
- How Can I Grow My Mentor Coaching Practice?

In the course of the training, prospective mentors can expect to use the Zoom platform to practice with a lab partner, submit video for feedback, reflect, and debrief with the coach and a colleague.

The training also includes a Refresher Course consisting of three modules for those existing mentors who have been trained in the 1:1 model but need training in the newer Group Coaching Model:

- What’s New with SAANYS Group Mentor Coach Service?
- How Does the Traditional 1:1 Model Work With Group Mentor Coaching?
- How Can I Grow My Group Mentor Coach Practice?

If you have any questions about mentoring for yourself or your district, please do not hesitate to contact me at kbrownson@saanys.org or Dr. Bonnie Tryon at btryon@saanys.org. We would be happy to provide you with more information and work on developing options that will suit your needs. ■

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