

News & Notes

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www.saanys.org

APPR Update

There seems to be some thought that APPR plans must be renegotiated this year. That is not the case. While they can be renegotiated to be made consistent with the changes in law/regulation of 2019, it is not required. The same law/regulation indicates that all current, previously approved plans stay in place and must be implemented until there is a newly negotiated and approved plan. Unlike the original 3012-d legislation, there is no state aid implications related to negotiating new plans under the 2019 provisions.

SAANYS received recent clarification from the NYSED Office of Educator Quality and Professional Development regarding any desires to modify existing plans for teacher or principal evaluations for this year due to COVID or for other short-term needs. The department makes a distinction between a “material change” (permanent changes to any provision in the current approved plan in the portal) and a “variance” (short-term changes considered broadly as new and innovative).

If you submit any material changes, the whole plan must be revised to be in compliance with the changes in law/regulation of 2019 for both teacher and principal evaluations. This does not seem to be the year for districts to engage in extensive APPR negotiations with the two bargaining units representing teachers and principals.

However, if you submit a variance request, you just need to assure that the other aspects of your current previously approved plan will be implemented. Variances can be for any aspect of the approved plan if they are for one to three years, with indication that you will return to the provisions of the approved plan when the variance ends. The reason can be to adjust to the changing environment during the COVID period – or as a pilot to try a different approach. That could include piloting the “input model” for principals’ student achievement measures. If you meet the minimum requirements of statute and regulation, the variances will likely be granted. A simple MOA with the unit representing

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State Education Department Launches Parent Dashboard

The New York State Education Department (NYSED) has launched a Parent Dashboard to increase transparency and make information about school performance and other school-level data easier for parents and the public to access, Interim Commissioner Betty A. Rosa announced on October 29. The Parent Dashboard features a clean, simple design to better provide parents with information about their child’s school.

“Our ESSA plan contains strategies to improve equity, and one of those strategies is to provide data to parents in a way that is most useful to them through the Parent Dashboard,” said Board of Regents Vice Chancellor T. Andrew Brown. “The Parent Dashboard provides parents with the information necessary to be effective advocates for their children, helping them to achieve educational success.”

The Every Student Succeeds Act (ESSA) requires that all state and local agencies receiving Title I funding provide the public with an annual report card evaluating school performance and progress. Learn more at <https://saanys.org/news/state-education-department-launches-parent-dashboard/>. ■



2020 SAANYS Secondary School Principal of the Year and NASSP NYS Principal of the Year, Felicia Thomas-Williams, at the national virtual celebration of NASSP POY award winners on October 21.

LEGAL BRIEFS

Layoff and Recall Rules and Rights

Even prior to Governor Cuomo’s threatened 20 percent cut in state aid, school districts were looking for ways to save money. For some unfortunate districts, the decrease in funding may result in school closures and/or the elimination of positions. While there are many nuances and case-by-case variations as to the possible outcomes of an abolished position, the following is a brief overview as to your rights and responsibilities should your position be abolished.

When a board of education abolishes a certificated administrative position, the least senior administrator in the tenure area of the position being abolished is subject to layoff and is placed on a preferred eligibility list for seven years. Seniority for administrators is based on the time spent in a tenure area, which is not necessarily the same as the position the administrator serves in. Thus, for example, it is possible that a specific position, such as middle school assistant principal, is abolished, but the person serving in that position is not the one laid off because his tenure is merely “administrator” and he has more years of service within that tenure area than another.

Administrators whose positions are abolished are eligible for recall to any open positions within the tenure area throughout the seven-year period. A certificated administrator may decline a recall and

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November 22 | 2020

SAANYS SUNDAY STRAND



SAANYS joins NYSCATE for a virtual conference featuring a Sunday leadership strand within this exciting 4-day event.

see page 4 for more information



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Executive Viewpoint

Kevin S. Casey, Executive Director

Living in a State of Flux

Even in the pre-COVID-19 world, we lived with a constant state of evolution. People, organizations, and systems were always changing. The change resulted from a conscious effort to get better, and to be responsive to circumstance, experience, or imposed pressure. Some of the changes were improvements and some were not, but we were all accustomed to the fact that we lived with fluidity.

Since the onset of the pandemic, there has been a variety of significant changes to the way we were used to operating. The rate and breadth of the changes are greater than in the pre-pandemic years, but one could argue that what we are now experiencing is a

matter of degree and not a fundamental change.

I would argue not that things are now different, but rather, we are in the midst of determining how they will be different in the near future. This process is accompanied by considerable uncertainty, which is unsettling. Some of the uncertainty is foundational to how we educate; e.g. how we pay for it, where it occurs, and who provides it.

Examples abound. COVID-19 did not cause an examination of how we fund education, which many were examining prior to the pandemic. Ongoing systemic inequities may have prompted academic debate over the funding of education, but the economic fallout

of COVID-19 may finally force action. A 20 percent cut in school aid, if it in fact occurs, may finally force legislators and regulators to calibrate mandates and funding.

COVID-19 did not create distance learning, but clearly accelerated its utilization despite its inherent weaknesses. Can its instructional deficiencies be overcome? How long before access to devices, computer fluency, internet connectivity, and inconsistent attendance are not barriers to educational success? If we have learned nothing else, we have learned the

A 20 percent cut in school aid, if it in fact occurs, may finally force legislators and regulators to calibrate mandates and funding.

ubiquitous use of Zoom and Google Meet are not panaceas.

COVID-19 did not create staffing shortages, which both NYSUT and SUNY had identified pre-pandemic, but it did exacerbate them. The latest figures from TRS show August 2020 retirements

to inform instruction seems inappropriate to an instructional environment in which covering entire curriculums seems unlikely. The result of evaluation systems tied to those exams seems divorced from reality. Most administrators I speak with have their hands full trying to stay current with the ever-evolving regulatory environment focused on health, safety, and reporting. Teacher and principal observations are being prioritized accordingly.

None of what I wrote above is in the form of a complaint. Nobody asked for this pandemic, but it is our reality. In its early months, I think the general mindset, mine included, was to ride it out and adjust until we can get back to normal. Now, I believe there is an increasing realization that the pandemic will cause long-term changes to how we operate. We are now in the process not of returning to normal, but rather figuring out how to define it. ■

up 121 percent over August 2019 retirements. The shortage of substitutes in some districts have administrative staff delivering instruction, and districts bidding against one another for the services of substitutes, bus drivers, and custodians.

I could go on. SPED and ELL services have been adversely impacted, and many of the users of those services are incensed. The use of standardized, pre-COVID-19 created exams

Enjoy the Conversations

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

Teaching is a social career and the relationships that teachers have with colleagues and administrators greatly influence success. School leaders who are supportive, openly engage with their teachers, encourage collaboration, and hold high expectations for students and staff tend to lead schools that have positive school cultures and climate. Schools where principals spend most of their time out of their offices and who openly converse with their facul-

ty tend to be very successful leaders. Impromptu conversations about teaching and learning with your faculty might be the best method of getting the pulse of your school. The importance of culture and climate should not be underestimated. Recent studies of teacher observation scores and student performance show negligible impacts (*Patrick et. al. 2020*). APPR and teacher observations dominate most of a school leader's time. How school leaders use their remaining time is

even more important now than ever. Creating a supportive, consistent, visible, and accessible leadership model helps teachers succeed. Although it takes a tremendous amount of energy and commitment, the dividends are truly worthwhile. School leaders are expected to instantly respond to their email inbox, attend to social media messaging, and much more. We know the importance of communicating and the positive impact of messaging, but face-to-face support and conversations are what teachers want and need to be successful. Influencing is a powerful leadership skill that allows school

leaders to positively impact teachers and move change forward. By having one-on-one bi-directional conversations with key players in your faculty, school leaders can develop consensus much easier than in a monthly faculty meeting. Teachers are learners and some need more support and influencing than others. The pandemic has really presented serious challenges for public education and the brunt of these challenges have fallen on building-level leaders. Although daily interactions are quite different now, they still matter very much. Interactions that school leaders have with

their students matter as much. Developing a rapport with your challenging students before issues arise also plays an important role in developing a culture of understanding and respect. Developing meaningful relationships with faculty and students, because you care about their well-being, is the most satisfying work you will ever do as a leader. Enjoy the conversations.

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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SAANYS Sunday Strand

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SAANYS Sunday – Over 50 Topics including:

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| How You as a School Leader Can Support Teachers with Remote Learning | The Principal's Role in Building Capacity with Remote & Hybrid Models | Update for Essential Service Leaders: Current Challenges and Strategies |
| It's Time: Start Connecting Colleagues on Twitter | Administrator Burnout: Why It Matters, and What You Can Do About It | Redefining PD in the Digital Age |
| SAANYS Legislative Update: Education Policy, Regulations and Gov. Exec. Order | Creating Conditions for Time Management in Today's School Settings | Connected Learning/Remote Learning with a Future Forward Focus |
| Leading on Empty: Secondary Trauma in School Leaders | The Evolving Role of the Assistant Principal in the Current Environment | Culturally Responsive Distance Learning |
| Supporting Students in a Digital Environment | Redesigning Instruction for Remote Teaching | App Smackdown: 8 Apps for All Devices |
| Overwhelmed with Change? Talk It Out with a Mentor Coach | Redefining Traditional School Through Project Based Learning | Using Standards Based Grading to Transform the Learning Environment |
| Steps to Build Diversity Among School Leaders | SAANYS Legal Update | Emotional Learning for a Constantly Changing World |

Topics subject to change.



SUNDAY KEYNOTE



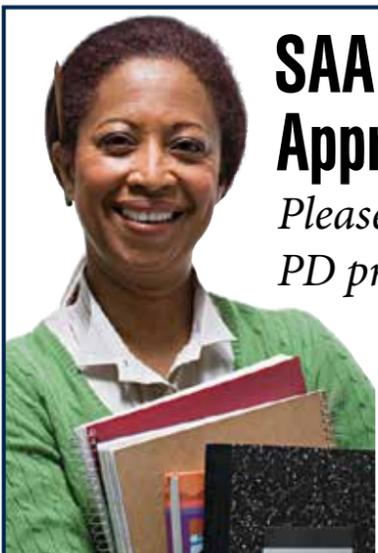
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- **50-minute panel conversations** on current and rapidly evolving topics.
- Each panel conversation consists of **guest experts and SAANYS members**. The focus is on sharing experiences and providing you with expertise, resources, and tools you can use now and as our current environment evolves.

Did you miss any of the SAANYS Connect sessions? View them and find even more resources at <https://saanys.org/saanys-connect/>.

- | | |
|--|--|
| <p>1 The Missing Children in Our School Communities</p> <p>2 Supporting and Working with Our School Communities</p> <p>3 Grading and Graduation Requirements</p> <p>4 Provision of Special Education Services</p> <p>5 Implementing Health and Safety Protocols</p> <p>6 Assessing Learning and Instructional Strategies</p> <p>7 Supporting Student Mental Health and Well-Being</p> | <p>8 Reopening Series: First Things First Update: Where Are We NOW With Health and Safety Protocols?</p> <p>9 Opening the Conversation: Acknowledging the Impact of Racial Inequity in Our School Communities</p> <p>10 Lessons Learned: Connecting with International School Leaders</p> <p>11 Employment Issues and Job Elimination – With SAANYS Attorneys and Equitable Advisors</p> <p>12 Improving Remote Learning</p> <p>13 Stress and Anxiety Part One: Reducing Your Own So You Can Stay Healthy and Support Others</p> |
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follow the conversation at **#SAANYSconnect**



SAANYS Professional Learning Update



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

We are certainly learning a lot, aren't we?

A year ago, if anyone would have told me that instead of being at the Otesaga fire pit after a glorious first day of the SAANYS Annual Conference, I would instead be trying to learn everything about putting on a virtual conference, I would have not believed it.

But here we are, learning everything we can so that our first virtual conference,

SAANYS Sunday on November 22, done in conjunction with our NYSCATE partners, is ready to roll (see page 4 for more information). I've spent some time over the past weeks virtually attending other remote conferences that our colleagues at NYSCOSS and NJPSA have put on, and being amazed at the effort and quality of their first ventures. Like all of us, they are staying flexible, shifting course as needed, and trying their darndest to meet the needs of their members' demanding schedules.

Nobody is doing it perfectly. But we are doing it.

In your schools and districts, you are rolling with situations day-by-day, leading in ways you never imagined.

As we look ahead at SAANYS, we are doing the same, staying flexible and responsive to the needs of you, our educator members around New York State, through the offerings in our virtual conference, our mentoring options, regional events and series, and daily updates and communications to keep you informed.

We hope to continue to develop new formats that resonate with you. For example, SAANYS Spotlight will feature leaders in NYS and beyond, sharing a skill or area of expertise that you can take away and implement in your own school or district. We hope you will agree that learning as much as you can, in short and convenient formats, makes a lot of sense right now.

If you are planning to be there for SAANYS Sunday, we can't wait to see you! If you haven't registered yet, mark your calendars for November 22 and join your colleagues across New York State as we connect with one another for what promises to be a great day! ■



"Professional development can be a check in the box, or meaningful and purposeful. SAANYS provides an opportunity for colleagues to be collaborative and supportive, while focusing on hot topics in education."

Timothy P. Martin, Ed.D. Principal
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LEGAL BRIEFS

A Message from the SAANYS Legal Department



Jennifer Carlson
SAANYS Deputy General
Counsel
jcarlson@saanys.org



Layoff and Recall Rules and Rights

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the district will have to continuously offer openings within the tenure area throughout the time they are on the preferred eligibility list. While layoffs are based in on the concept of last in, first out, recall is not necessarily that simple. Recall from a preferred eligibility list is based upon total continuous service within the district. Thus, it is entirely possible for an individual who has lesser seniority within a tenure area to be recalled before someone who has more time in the same tenure area because of prior service in the district as a teacher or in another administrative tenure area. Note that seniority for recall purposes is based upon consecutive service, which means if you taught in a district,

left for another district, and returned, your time before separating will not count in a seniority calculation.

When a competitive class Civil Service position is abolished, the seniority of all of the employees in the affected competitive class is considered. Seniority for civil service employees is based upon continuous service in the classified service and is measured from the date of the original permanent appointment, with constant service in the class to the date of abolition of the position.

After seniority within the competitive class is determined, layoffs occurs in the following order: (1) temporary employees, (2) provisional employees, (3)

contingent permanent employees, (4) probationary employees, and finally, (5) permanent employees. If a permanent employee is to be laid off, the least senior appointment is the one terminated.

Some Civil Service employees may have what are known as bumping or retreating rights. Bumping occurs when the abolished position is one

that had a direct line of promotion. The laid off employee can take over the position of the least senior employee in the immediately subordinate position, provided the individual in the subordinate position does not have greater overall seniority. In situations where there are no subordinate positions, a competitive class employee may retreat to the last competitive class position she/he served in, so long as their performance in that position was satisfactory,

the former position was in a lower salary grade, and the individual to be displaced does not have greater overall seniority.

If the laid off employee does not displace another, she/he is placed on a preferred

Should your district be threatening layoffs, it is SAANYS' recommendation that unit leadership ask the district for the seniority lists for the unit, as well as all appointment documentation for the members.

eligibility list for four years. Such an employee may be eligible for an opening in the excised positions, any openings in subordinate position in the direct line of promotion, or any other positions that the local civil service agency deems to be analogous to the excised position. However, unlike certificated individuals, civil service employees only get one opportunity to be recalled. If a position is declined, the employee will be ineligible for recall in the future. Another difference from the certificated rules is that Civil Service employees can have a break in district

service for prior service to count as long as the separation in service is for less than one year.

Should your district be threatening layoffs, it is SAANYS' recommendation that unit leadership ask the district for the seniority lists for the unit, as well as all appointment documentation for the members so that the SAANYS Legal Department may analyze the lists to ascertain any inaccuracies in advance. It is also recommended that units should decline to take part in any decisions as to what unit positions will be eliminated, although conversations after the decision is made about the reallocation of the work is absolutely appropriate.

In the event your position or one within your unit is abolished or threatened to be eliminated, contact the SAANYS Legal Department promptly, as the situations presented above do not include all of the possible factors that may impact seniority and recall rights. Additionally, we will look at your employment agreement to see if there are any contractual provisions that may affect your seniority and recall rights. ■

Updated April 2020: Employment Termination and Position Abolishment in Uncertain Times



Employment Termination & Position Abolishment in Uncertain Times



The COVID-19 pandemic promises to place a financial strain on the State of New York and subsequently school districts and BOCES. This newly updated guidebook outlines the legal processes involved in termination and members' related legal rights. Also discussed within are tenure areas, transfers, bumping rights, seniority/preferred lists, and more.

This booklet is an especially important resource for members while addressing staffing and employment issues in our current environment.

Download a copy at <http://bit.ly/2E3H0KJ>

NOVEMBER 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 advised a member of their tenure rights regarding district restructuring.
- REGION 2**
SAANYS advised a member regarding a request for ADA modification.
- REGION 4**
SAANYS represented a bargaining unit at a BOE-level grievance.
- REGION 5**
SAANYS conducted collective bargaining for a unit.
- REGION 6**
SAANYS advised a unit as to the district's rights and responsibilities regarding use of leave time.
- REGION 7**
SAANYS met with a unit to plan for collective bargaining.
- REGION 8**
SAANYS worked with a member regarding a Part 83 investigation.
- REGION 9**
SAANYS assisted a member with a retirement incentive.
- REGION 10**
SAANYS advised a member who was offered a Juul Agreement.
- REGION 11**
SAANYS represented a member in a disciplinary investigation.
- REGION 12**
SAANYS discussed impact bargaining with a unit.

274 Contact a SAANYS Attorney

During normal business hours, call 518-782-0600 to speak with a SAANYS attorney.

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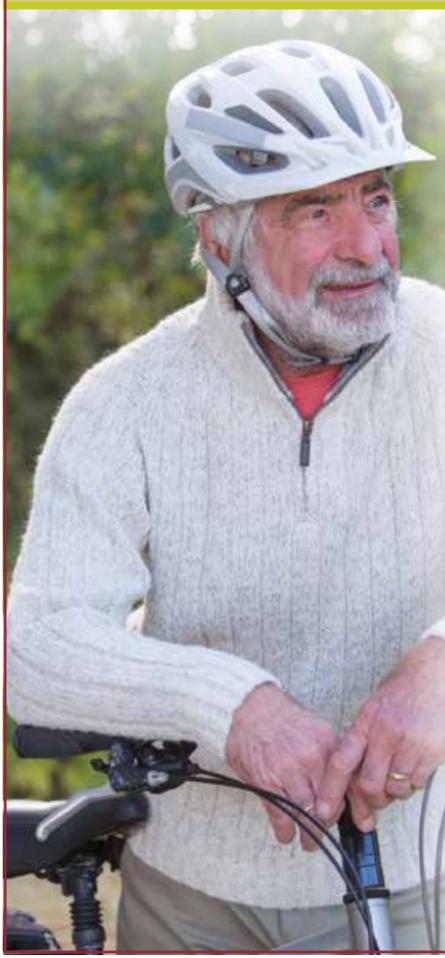


SAANYS is the official state affiliate of both the National Association of Elementary School Principals and the National Association of Secondary School Principals and their state / national principal of the year programs.



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SAANYS

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

Contact Feldman, Kramer and Monaco, the law firm that administers the plan for SAANYS members, at

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1 LIMRA, Not-For-Profit Survey, participants as of March 31, 2020. Applies exclusively to Equitable Financial Life Insurance Company. Equitable is the brand name of Equitable Holdings, Inc. and its family of companies, including Equitable Financial Life Insurance Company (NY, NY). © 2020 Equitable Holdings, Inc. All rights reserved. GE-3131619 (6/20) (Exp. 6/22) | G1075165

2020 CALENDAR



- NOVEMBER**
- National Native American Heritage Month*
 - Nov 15-21** Geography Awareness Week
 - Nov 16-20** American Education Week
 - Nov 18** Education Support Professionals Day
 - Nov 19** Gettysburg Address Anniversary
 - Nov 19** National Parental Involvement Day
 - Nov 20** Substitute Educators Day
 - Nov 26** Thanksgiving Day
 - Nov 22-28** National Family Week
 - Nov 30** Mark Twain's Birthday



- DECEMBER**
- Dec 1** Beginning of Montgomery Bus Boycott
 - Dec 1** World AIDS Day
 - Dec 7** Pearl Harbor Day
 - Dec 10** Emily Dickenson's Birthday
 - Dec 10** Human Rights Day
 - Dec 10-18** Hanukkah (Festival of Lights)
 - Dec 15** Bill of Rights Day
 - Dec 16** Boston Tea Party Anniversary
 - Dec 17** Anniversary of Wright Brothers' Flight
 - Dec 21** First Day of Winter
 - Dec 25** Christmas
 - Dec 25** Clara Barton's Birthday
 - Dec 26-Jan 1** Kwanzaa

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APPR Update

continued from page 1

the employees impacted should suffice, assuming an agreement between the unit and the district.

One of the unique changes to APPR in the regulations of 2019 was to add an option for determining the student performance measure and rating for principals – an “input” model. Rather than using student test results, this model measures effectiveness based on actions of a principal to improve learning and achieve related goals. Scores and ratings come from a negotiated methodology to assess professional practice. The use of the 20-point conversion chart required to determine HEDI ratings for SLOs is not required. However, it comes with its own risks that are different than the careful use of student test results. The use of an input model can be done as a “pilot” for one to three years and, therefore, be submitted as a variance rather than a “material change” (permanent) to the current plan. Bargaining units should seek assistance in considering and designing any input model for this purpose.

Part of a variance application will be to assure that the variance will inform professional learning in the district. This can be as simple as copying related language from the district’s annual professional learning plan – or a sentence or two indicating that the changes will still provide pertinent data on teacher and/or principal performance to help focus on appropriate professional learning. Variations are handled through the NYSED Business Portal for school districts but are separate from the APPR submission form for any material (permanent) changes. Applications for the variance application can be requested by the district in an email to APPRVariance@nysed.gov.

Remember, any agreement about changes to APPR, including variances, should be done through negotiations and a subsequent MOA, not just by signing off on a submission to the portal. While not recommended, if you are interested in negotiating material changes, SAANYS will assist with negotiations to assure full compliance with all APPR changes required by the law and regulations of 2019. SAANYS believes the prudent approach to any modifications needed this year is to use the variance option for temporary changes.

We hope this information helps but know that there may also be many questions or local needs to address. Feel free to contact Don Nickson at SAANYS (dnickson@saanys.org or (518) 782-0600, ext. 105) to discuss any current issues, desires, or questions regarding principal evaluation. ■

A message from a SAANYS corporate sponsor



Peaceful Schools is a certified woman-owned business committed to giving everyone the power to be peaceful and the skills to be resilient. With over 20 years of experience serving schools, families, and community organizations throughout New York State, we are often asked, “Why do some students overcome adversity, while others get stuck?” There is compelling evidence that developing social-emotional competence provides individuals with the agency and self-determination to face challenging events, avoid risky behaviors, maintain health, and achieve personal goals. We provide K-12 educators with professional development and supports that promote healthy social-emotional development, leading to positive impacts on student learning and social-emotional growth.

Our Resilience Forward Framework drives each piece of our work. It provides an outline for focusing on attachment, regulation, and academic agency to support an asset-based approach to building social-emotional competence as an antidote to chronic stress and trauma. Built upon our 5 Rs of Resilience – Relationship, Reassurance, Regulation, Response, and Restoration – the Framework lays a foundation for system-wide structures and individual teaching practices to nourish each student’s power to be peaceful.

Our virtual or in-person professional development offerings engage educators in learning and rehearsing the best practices for supporting the resiliency traits and protective factors of positive youth development. Drawing on our extensive experience in urban, suburban, and rural schools, combined with the current research in the field, our offerings on Restorative Practices, Mediation, Student-Teacher Relationships, and more, can be tailored to the needs of each school or district. Learn about our Resilience Forward Framework and how we can support your community in using your power to be peaceful at peacefulschools.com. ■



Epilepsy Foundation of NE New York Pilots Virtual Education Program in Schools

The Epilepsy Foundation of Northeastern New York (EFNENY) is excited to announce that all school education programs are now available virtually! This includes professional in-service programs for school and transportation personnel, and student education programs for students in grades K-12. These programs help raise awareness and teach staff and students about epilepsy, seizures, and seizure recognition and first aid.

For more information, or to schedule a presentation, please contact Erica at: edenicola-scher@epilepsyneny.org or (518) 456-7501.



Special Olympics NY Offers Free “At School” Fitness Opportunity

The Special Olympics New York “Sports Season At Home or School” program model is adaptable for schools conducting in-person or remote instruction, can be utilized by classrooms or sports teams, and is designed to include all students, those with and without disabilities, in an inclusive and engaging Unified Sports experience.

The program was developed earlier this year in an effort to keep Special Olympics New York athletes and Unified partners active and engaged throughout the COVID-19 pandemic. It includes modifications in the following sports to limit risk and ensure no physical contact between participants, in accordance with NYS guidelines: biathlon, bocce, cross country, cycling, golf, soccer, softball, and sport readiness/fitness.

Please visit the Special Olympics New York website at <https://www.specialolympics-ny.org/competition/at-home/> to learn more about what’s available for schools or contact Stephen Fuller at sfuller@nyso.org. ■

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