

News & Notes

VOL. XLVIII No. 6 • SEPTEMBER 2019



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EDUCATE *for* EQUITY

SAANYS ANNUAL CONFERENCE
SAGAMORE RESORT | LAKE GEORGE | OCT 20-21, 2019

DR. SHARROKY
HOLLIE



ON CULTURAL RESPONSIVENESS
IN OUR SCHOOLS

DR. BETTY
ROSA



CHANCELLOR,
NYS BOARD OF REGENTS



SEE PAGE 4 FOR
CONFERENCE DETAILS.

THE
SAGAMORE
RESORT
lake george

SPECIAL SUNDAY OPPORTUNITIES

PANEL: LEADING EQUITY AT EVERY LEVEL

Presenters: Dr. Oliver Robinson and Dr. Elizabeth Wood, Shenendehowa; Dr. Aneal Alston, NYSED; Dr. Marguerite Vanden Wyngaard, The College of St. Rose; Lizzette Ruiz-Giovinazzi, Wappingers CSD; Dr. Janet Warden, Carmel CSD

or

CREATING EQUITY AMONG STUDENTS WITH TECHNOLOGY – APPLE

Presenters: Paul Vassak and Leah McConaughy, Apple with Robert Pontecorvo, Coordinator of Mathematics, Sewanhaka CSDS

TO REGISTER VISIT:
WWW.SAANYS.ORG

NEWS BRIEFS

Governor Cuomo Signs Legislation Authorizing Stop-Arm Cameras



Governor Cuomo signed legislation (S.4524B/A.4950B) on August 6 authorizing school districts to install stop-arm cameras on school buses in order to catch drivers who unlawfully pass a stopped school bus. These cameras record illegal passing of school buses resulting in a ticket issued. In New York State, approximately 1.5 million students ride school buses to and from school every year.

SAANYS Hosts Congressman Tonko Constituent Meeting

On August 13, 2019, SAANYS was honored to host a conversation with Congressman Paul Tonko and administrators from his district. As always, attendees and SAANYS were very appreciative of the time the congressman takes to listen to the issues that are of importance and concern to school administrators. The discussion was far reaching and provided Congressman Tonko a clear perspective of how the many federal and state level issues look at the local school level.



SAANYS @SAANYS · 5m
Thank you @RepPaulTonko for always taking time to come to SAANYS to talk w/ area school admins about their concerns and views – today discussing school safety, title programs, special education, ESSA and more



Issues on school safety and the complex needs of students and their families were the focal point of many of the topics discussed. One of the first issues discussed was the new Red Flag Bill that goes into effect this school

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SAANYS Wins Major Court Victory Over Retiree Medicare Part B Reimbursements

Pursuant to the Medicare Modernization Act, enrollees in Medicare Part B are required to pay a monthly premium of \$134, as well as an upwardly adjusted gross Income Related Monthly Adjustment Amount (IRMAA) when their combined household Modified Adjusted Gross Income (MAGI) exceeds a threshold amount, ranging from a total monthly premium of \$187.50 for individuals whose MAGI is between \$85k and \$107k (or \$107k to \$214k for those filing jointly), to a total monthly premium of \$428 for individuals whose MAGI is above \$160k (or \$320k for those filing jointly).

A school district in Westchester County unilaterally decided that it would cease its long standing practice of reimbursing retirees' full Medicare Part B premiums and instead would only pay the baseline premium, potentially costing retirees hundreds of dollars every month. Upon learning of this highly illegal change in retirees' conditions, SAANYS promptly commenced an action in New York Supreme Court, Westchester County, on behalf of five retirees and their spouses, alleging that the district's refusal to pay IRMAA, as it had in the past, was both a breach of contract, as well as a violation of the NYS Moratorium Law, which prohibits a public employer from changing benefits to retirees without negotiating a corresponding change to its active employees. A corresponding grievance and Improper Practice charge were also filed on behalf of the active employees within the bargaining unit and are pending.

In a swift decision, the NYS Supreme Court held that the district's refusal to pay IRMAA to the retirees was illegal and ordered the enhanced reimbursements to resume, as well as ordered damages to be paid to the retirees for the amounts not reimbursed by the district. Since the decision, the district has started the appeal process. The damages to the retirees will continue to accrue while the appeal is pending and SAANYS will continue to vigorously defend the rights of its retiree members. This case highlights the importance of paying attention to retiree benefits, as well as maintaining SAANYS membership in retirement, and letting the Legal Department know immediately when a benefit changes. SAANYS will continue to update the membership on the status of this important matter. ■

New York Principal Named President of NASSP



Peter Kruszynski, principal of Lancaster Middle School in

Lancaster, NY has assumed the role of president of the National Association of Secondary School Principals (NASSP). He will serve as president until August 1, 2020.

Kruszynski also served on the SAANYS Board of Directors and was president of SAANYS from 2009–2010. In 2018 he was honored with the SAANYS Outstanding Educator award.

Commented SAANYS Executive Director Kevin Casey, "My sincere congratulations and wholehearted support to New York's own Peter Kruszynski. Peter's exceptional leadership skills and educational experience will undoubtedly be a valuable asset to this already dynamic professional association." ■



Executive Viewpoint

Kevin S. Casey, Executive Director

New Beginnings

more challenging for her, despite my feeling that the public education environment is less turbulent than it was when Commissioner King left for Washington. At that time, resistance to APPR and the Common Core curriculum manifested itself in an active testing opt-out movement that grew into a political advocacy effort that certainly got the attention of our elected officials. It is why the makeup of the BOR (as a practical matter elected by New York State Assembly Democrats) has an increased number of members with actual education experience. It is perhaps no coincidence that those with education experience at the classroom, building, and district levels seem skeptical of test-result based evaluation systems for teachers and principals.

If you accept the premise that the environment is less turbulent today than in the recent past (and I accept that some will not), I suspect you would think

the job of the commissioner (acting or otherwise) would be easier when compared to the job five years ago or so. However, today's New York State Education Department (SED) does not have the same resources that it did five years ago.

Consider the relatively recent departures of high-level experienced professionals from SED. In addition to Commissioner Elia there is Jhone Ebert, senior deputy commissioner for P-20 Education Policy, who left SED to become the equivalent of commissioner in Nevada. Angelica Infante-Green, deputy commissioner of SED's Office of Instructional Support became commissioner in Rhode Island. Alison Bianchi, counsel and deputy commissioner for legal affairs resigned from state service this month. In addition, Ira Schwartz, assistant commissioner for accountability and John D'Agati, deputy commissioner for higher learning both re-

cently announced their retirements. Further, there is no longer a cadre of Regents' Fellows to assist with policy implementation.

With a new commissioner being hired, a process likely to take months, does it make sense to create a new leadership team now? There is logic to allowing the new commissioner to build his or her own team, but that delays the new beginnings that will occur across SED in the near future. I firmly believe in the notion that no one is irreplaceable, but when there are multiple vacancies across senior positions there is a risk of a vacuum that may prove to be more difficult to deal with than a fully staffed agency navigating turbulent times. The stresses may not be as apparent, but they are likely to be just as real. ■

The idea of late summer/early fall representing a new beginning is likely a familiar one. The summer vacation is over, the new hires completed (hopefully), and the very slight chill in the night air foreshadows the return of students and staff for a new school year. By the time you read this, the new school year will have begun, but the new beginnings will continue to roll out for some time.

Potentially the most significant new beginning will occur when the New York State Board of Regents (BOR) hires our next commissioner of

education. This past July, Commissioner Elia announced she was resigning her position effective August 31 of this year. On July 16, Board of Regents Chancellor Betty Rosa and Vice Chancellor T. Andrew Brown announced that Executive Deputy Commissioner Beth Berlin will serve as acting commissioner while a search for a successor to Commissioner Elia is conducted.

Executive Deputy Commissioner Berlin previously served as acting commissioner after Commissioner John King left New York and before Commissioner Elia was hired. I suspect that this time may be

School Safety: Relationships Matter

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

The joy and excitement that students bring back to silent summer hallways always gets school leaders humming forward with similar anticipation and joy. But after a summer of more gun violence and societal harm in Texas and Ohio, school leaders are more focused than ever on student safety. When a child enters the school building's door whether via bus, on foot, being dropped off, or driving themselves or others, our attention turns to their physical and mental well-being. In loco Paren-

tis has taken on another dimension as our students continually face uncertain societal norms and challenges on a daily basis. School leaders are committed to strictly following and practicing school safety protocol and procedures. From lock down drills, to working with law enforcement on active shooter simulations, and convening threat assessment teams, our students have become experts at hiding and being fearful in school.

A recent Pew Research

Center poll shows that 57 percent of secondary students are somewhat or very fearful of a school shooting. This statistic is tremendously sad and real given our societal issues today. We need to be open and transparent with students about safety drills and why they are important but we also need to approach school safety in a more preventative manner. School safety needs to encompass social emotional learning and development so that all students feel connected to their schools and teachers.

Dr. Gil Noam, developmental psychologist at the PEAR Institute at McLean Children's Hospital in Belmont, Massa-

chusetts has written a compelling article, *Know Every Child* (<https://www.psychologytoday.com/intl/blog/the-inner-life-students/201805/how-do-we-help-students-feel-safe-in-school-again?amp>), that encapsulates how schools should function in these trying times. Dr. Noam emphasizes the importance of relationships and the need for students to belong and feel connected. All students should have an adult in their school that they feel comfortable speaking with about more than academics. Our human capacity can only be realized through our interaction with others. Do teachers walk by each other in your school without saying hello? Do teachers engage students in hallways and lunchrooms conversing about last night's school play or what's happening this weekend? How connected are the

adults in your school and how connected are they to their students? As adults we value our relationships and seek social interaction daily but some of our students are isolated and have never had these positive relationship experiences. We can teach relationship skills!

As a school leader, make it your goal to know more students, faculty, and parents to a greater depth and degree. Time is always pressing but life is much more fulfilling when we engage because we want to, instead of engaging because we have to solve an issue!

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.

News & Notes

School Administrators Association of New York State

Vol. XLVIII No. 6

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CAPITAL UPDATE

SAANYS Hosts Congressman Tonko Constituent Meeting

continued from page 1

year. An increasing numbers of states are considering the adoption of Red Flag bills in response to the multiple mass shootings across the nation. New York's law will be among the first to be implemented. Of concern to administrators attending the meeting was the determination of criteria used to discern whether persons are of danger to themselves or others in order to trigger an application to the courts to remove firearms from the person's home or to preclude such persons from purchasing weapons. There is likely to be inconsistent criteria used if each district develops their own criteria and questions arose as to how courts would deal with such inconsistencies. Congressman Tonko was very interested in this topic and proposed that he discuss this further with the NYS Assembly for further clarification.

A second area discussed was a blend of increasing needs of students and their families and immigration. Many of the administrators had newly arriving families and communicated that meeting the needs of such families is very challenging. Many of the administrators shared how much of their time was spent on coordinating community agencies, spearheading funding drives, working with businesses, and piecing together networks to meet the critical needs of newly arriving families. Administrators talked of "drives" to supply personal care items, food, as well as school supplies. Many of these families are not receiving assistance from public programs and the community and settled immigrant families are their primary sources of support. A part of this discussion also centered on the rising food insecurity experienced by students and their families. Even though some of the districts are considered low-need districts, the pockets of poverty are growing for many districts. Some of the points made by suburban districts were that even though the district is labeled as low need, in actuality they are highly rural in many parts of the district.

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Educational Leadership Institute Workshops of interest to school administrators

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Mondays – Sept 30, Nov 4, and Dec 2, 2019

Erie 1 BOCES – West Seneca (Buffalo area), NY

Tuesdays - Oct 1, Nov 5, and Dec 3, 2019

O-C-M BOCES, Syracuse, NY

Tuesdays - Oct 8, Nov 12, and Dec 10, 2019

Capital Region BOCES – Latham (Albany area), NY

Mornings

Introduction to Student Extracurricular Activity Funds

Afternoons

Advanced Issues for Student Extracurricular Activity Funds

For Extracurricular Activity Fund Central Treasurers,
Faculty Advisors, and school administrators

Half-day - Five locations

Monday, October 21, 2019 - Buffalo

Tuesday, October 22, 2019 - Rochester

Monday, October 28, 2019 - Newburgh

Tuesday, October 29, 2019 - Albany

Wednesday, October 30, 2019 - Syracuse

Detailed information and registration on the web at
www.SuperintendentOfSchools.com

James M. Merrins, Ed.D., Executive Program Administrator
716-672-5473 jmerrins@cecomet.net

A third area discussed was the increased use of vaping and e-cigarettes. [See SAANYS Special Report on Student Vaping inserted into this newsletter.] Administrators discussed their frustrations of having decreased the prevalence of smoking on campuses only to see the rise of vaping. The use of vaping has been witnessed in students as early as the elementary grades and attributed to the way e-cigarettes are marketed using flavorings that appeal to younger students. Congressman Tonko was very interested in this topic and thought that his work with the Energy and Commerce Committee should examine the marketing of such products more in-depth.

Lastly, the topic of vaccinations was raised. This will be the first school year where all students must be vaccinated in order to enter school. The only exemptions that will be accepted are medical exemptions, as religious reasons are no longer allowed. School districts are experiencing a wide range of challenges and there is the anticipation that there will be a rise in the number of families requesting home instruction. This may result in challenges regarding transportation and the use of alternate settings for instruction.

Thank you Congressman Tonko (and staff) for your time and interest in our educational challenges. ■



For more information regarding the SAANYS legislative agenda, the New York State Board of Regents, the Educational Conference Board, or other government relations concerns, contact Cynthia Gallagher, SAANYS director of government relations, at cgallagher@saanys.org.

Congratulations Retiring Members

Bernice Acevedo
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Christine Angus
Kathy Arminio
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Elenore Becker
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Susan Bonner
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Michele LeBlanc
Christine Ljungberg

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ON CULTURAL RESPONSIVENESS
IN OUR SCHOOLS

DR. SHARROKY
HOLLIE



CHANCELLOR BETTY
ROSA



SCHEDULE

SUNDAY, OCTOBER 20

10:30 am - 11:30 am Legislative Update
11:45 am - 12:45 pm Vendor Luncheon
Education Sessions
1:00 pm - 1:15 pm Conference
Overview/Welcome

1:15 pm - 2:15 pm **Panel: Leading Equity at Every Level or Creating Equity Among Students with Technology – Apple**

3:00 pm - 4:15 pm Dr. Betty Rosa
4:30 pm - 5:45 pm Dr. Sharroky Hollie
5:45 pm - 6:30 pm Presidential Induction
6:30 pm - 7:30 pm Reception
7:30 pm - 9:00 pm Presidential Dinner

MONDAY, OCTOBER 21

7:00 am - 8:00 am Breakfast
8:00 am - 9:15 am Workshop Session 1
9:30 am - 10:45 am Workshop Session 2
11:00 am - 12:15 pm Workshop Session 3
12:15 pm Box Lunch to Go
12:30 pm - 1:30 pm Workshop Session 4

WORKSHOPS

22 practitioner workshops are organized by theme into eight strands over three, 75-minute sessions.

MONDAY, OCTOBER 21

TRUE STORIES:

THE JOURNEY TOWARD EQUITY:
UNDERSTANDING THE IMPORTANCE
OF YOUR SCHOOL'S STORY

ACTIONS FOR EQUITY IN GREECE CSD

THE LYONS STORY: ACTIONS TO ENSURE
EQUITY FOR ALL STUDENTS

ANTI-BIAS LEADERSHIP ACTIONS:

CHANGING THE TONE OF STUDENT/TEACHER/
ADMINISTRATOR ACTIONS TO PROMOTE EQUITY

ENSURING ANTI-BIAS HIRING PRACTICES
IN YOUR SCHOOL AND DISTRICT

WE DIDN'T SIGN UP FOR THIS! RACIAL
ADVOCACY AND THE SCHOOL LEADER

TECH-QUIRY:

TWITTER FOR ALL
DIGITIZING EQUITY

BUILDING CULTURES WHERE EQUITY CAN THRIVE:

CREATING A TRAUMA SENSITIVE SCHOOL
CULTURE BY BUILDING STAFF CAPACITY
FOR CHANGE

FOUR STEPS TO ENHANCE SCHOOL CULTURE
FOR ALL STUDENTS, STAFF, AND FAMILIES

INTERRUPTING OUR BIASES TO BUILD
INCLUSIVE AND AFFIRMING SCHOOL CULTURES

DIVERSE POPULATIONS:

EQUITY IN SALAMANCA'S NATIVE
AMERICAN SCHOOL

I AM DIFFERENT, NOT LESS: EDUCATIONAL
EQUITY FOR STUDENTS ON THE AUTISM
SPECTRUM

EQUITY AND THE CREATION OF SAFE
SPACES FOR LGBTQ STUDENTS

MINDFULNESS AND POSITIVITY:

BUILDING MINDFUL AND MENTALLY HEALTHY
SCHOOL COMMUNITIES

FOCUSING ON WELLNESS TO CREATE A
HEALTHY CENTRAL OFFICE ENVIRONMENT

STAYING POSITIVE TO COUNTERACT
NEGATIVITY IN THE WORKPLACE

INCLUSION AND SUPPORT FOR EQUITY:

DESIGNING AN INTEGRATED ELEMENTARY
CO-TEACHING MODEL TO CREATE EQUITY
AMONG YOUNG LEARNERS

WHERE UDL, PBL, AND INCLUSION INTERSECT
FOR EQUITABLE LEARNING

MULTI-TIER SYSTEM OF SUPPORT (MTSS)
FOR STUDENT BEHAVIORAL HEALTH

CONNECTING WITH TODAY'S STUDENTS:

THE ART OF UNDERSTANDING OUR STUDENTS:
RESOURCES TO BUILD THE CAPACITY
OF STAFF

DIVERSITY AMBASSADORS: RACIAL AWARENESS
THROUGH STUDENT-LED CONVERSATIONS

OTHER MONDAY SESSIONS

KEYNOTE FOLLOW-UP SESSION WITH DR. SHARROKY HOLLIE

LEGAL UPDATE WITH ART SCHEUERMANN, SAANYS GENERAL COUNSEL

7 THINGS YOU NEED TO KNOW ABOUT YOUR FINANCES

IN 70 MINUTES WITH AXA

NOVEMBER 6, 2019

PLAINVIEW HOLIDAY INN
215 Sunnyside Blvd, Plainview, NY

9:00 AM - 3:00 PM

Conducting EFFECTIVE STUDENT INVESTIGATIONS

NOVEMBER 6 WORKSHOP CONDUCTING EFFECTIVE STUDENT INVESTIGATIONS

If you have ever had a student, parent, or staff member be less than truthful to you when conducting an investigation, this workshop is for you! Participants will receive practical information and skills for developing and carrying out effective investigation plans, including interviewing and questioning techniques, techniques for analyzing student handwriting, and strategies for managing complex investigations. Participants will also leave with a clear understanding of the due process rights available to students and parents, special considerations for students with disabilities, when to contact law enforcement, how to properly handle evidence, how to address student searches, including searching electronic devices, and how to handle conduct that occurs off school grounds.

BONUS ONLINE COURSE GETTING TO THE TRUTH: A TOOLKIT FOR CONDUCTING EFFECTIVE STUDENT INVESTIGATIONS

LINK WILL BE PROVIDED AT A LATER DATE

Getting to the truth in student investigations can be extremely challenging. How do we assess the credibility of witnesses with conflicting stories? How do we analyze written statements? What issues come into play with younger students? How do we address issues arising outside the school environment, including on social media? This course expands on the workshop, providing a comprehensive toolkit that will empower administrators to answer these critical questions. The course is organized into 8 modules, including real world scenarios, attorney commentaries, practical tips from practitioners, and resource materials.

PRESENTERS:

Adam Drew, Founder and President, Three Corners Law Enforcement

Adam is a longtime law enforcement officer with extensive experience working as a school resource officer. He has trained thousands of school leaders and educators on how to conduct effective school investigations and get to the truth.



Arthur Scheuermann, SAANYS General Counsel

Since 2002, Art has been leading the SAANYS Legal Department and team of field attorneys and negotiators. A former assistant district attorney on Long Island, Art spent a number of years honing his labor and employment relations expertise at an Albany law firm prior to arriving at SAANYS.

David Nash, Esq., LEGAL ONE Director

Mr. Nash is a school law attorney with extensive experience representing school administrators. He has trained thousands of school leaders and educators on how to address a wide array of legal issues.

COST: Visit saanys.org/events to register.

Workshop Only: \$175 SAANYS Members | \$195 Non-Members

Workshop and Bonus Online Course: \$225 SAANYS Members | \$245 Non-Members



SAANYS Professional Learning Update



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

On August 20, I entered a small rural school not far from Saratoga to meet with two new mentees. As soon as I entered the building to see gleaming waxed floors, lockers open and ready for their new inhabitants, and tidy classrooms ready to see lots of learning, action, and life over the course of a year, the timeless excitement of a new school year came flooding back. The eagerness, optimism, and excitement was equally apparent in the two new school leaders the district is welcoming this year. They too will learn a lot, see all kinds of action and life unfold, and emerge stronger and wiser as they plopp down in that office chair to the sound of the buses pulling away in June, which will come so quickly.

None of this September magic happens, of course, without so many actions and so much hard work by so many members of the team: custodians, construction workers, teachers and staff, and of course our school leaders.

Lots of learning happens over the summer, and this one was no exception.

Capital Region BOCES and OCM BOCES provided the setting for two SAANYS Summer Symposiums in July and August respectively.

Both programs featured a focus on Trauma Informed Schools (Dr. Joseph Fantigrossi and Jay Roscup) and Culturally Proficient Schools and Classrooms (Generation Ready). The overarching theme of Putting Students First resonated with leaders from diverse roles in both regions who attended and expanded their professional horizons on two of the most challenging areas of growth and awareness schools will face this year.

Now that the new year is underway, the floors are scuffed up, the lockers decorated, and the learning, life, and drama that is school is in full swing, and the professional learning continues...

Don't miss out on what promises to be another excellent SAANYS Annual Conference at the Sagamore on October 20 and 21.

In addition to Dr. Sharroky Hollie, we will be welcoming Chancellor Betty Rosa, and over fifty colleagues from around the state to share their expertise and perspective in 22 practitioner workshops, panels, and other events.

This year, workshops will be organized around themes such as "Tech"quity, True School Stories, Diverse Populations, Inclusion and Intervention, Banishing Bias, Content Areas, Self Care, Building Culture, and others to enable you to choose the themes that best suit your needs.

All that and a pristine setting at the peak of fall in a premier spot to relax and enjoy with family and colleagues – what could be better? Hope to see you there! ■



Annual Awards CELEBRATION

2020 Call FOR Submissions

NOV 15 2020 NASSP Assistant Principal Application Deadline

JAN 3 Application Deadline




<p>SAANYS / New York State Awards</p> <ul style="list-style-type: none"> Leader in Digital Education Award Outstanding Educator Award Leadership and Support Award Irving Schwartz (Retiree) Award K-12 Building Principal Award Friend of Education Award 	<p>SAANYS is the official state affiliate to the National Association of Elementary School Principals (NAESP) and the National Association of Secondary School Principals (NASSP) and their annual awards programs.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> <p>SAANYS/NASSP Assistant Principal Award</p> <p>SAANYS/NAESP Assistant Principal Award</p> </td> <td style="width: 50%; border: none;"> <p>SAANYS/NAESP Elementary School Principal Award</p> <p>SAANYS/NAESP Middle School Principal Award</p> <p>SAANYS/NASSP Principal of the Year Award</p> </td> </tr> </table>	<p>SAANYS/NASSP Assistant Principal Award</p> <p>SAANYS/NAESP Assistant Principal Award</p>	<p>SAANYS/NAESP Elementary School Principal Award</p> <p>SAANYS/NAESP Middle School Principal Award</p> <p>SAANYS/NASSP Principal of the Year Award</p>
<p>SAANYS/NASSP Assistant Principal Award</p> <p>SAANYS/NAESP Assistant Principal Award</p>	<p>SAANYS/NAESP Elementary School Principal Award</p> <p>SAANYS/NAESP Middle School Principal Award</p> <p>SAANYS/NASSP Principal of the Year Award</p>		

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Region 5: Contract Negotiations: What to Negotiate For and How to Negotiate

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LEGAL BRIEFS

A Message from the SAANYS Legal Department



Jennifer Carlson
SAANYS Deputy General
Counsel
jcarlson@saanys.org



Understanding Your Right to Representation

From time-to-time, management will request meetings with their employees regarding a variety of different topics. Some of these meetings will be regularly-scheduled one-on-ones, while others will be about updates on workplace rules. And while communication between management and subordinates is, of course, both necessary and healthy in any organization, some meetings will be inquiries into alleged misconduct in the work-

place. When an employer conducts investigative inquiries that could result in disciplinary action, it is important for employees to know their rights and, importantly, how to avail themselves of them. Here, we discuss the well-known rights commonly known as Weingarten rights.

What are Weingarten rights? Weingarten Rights are federal rights, secured after a 1975 Supreme Court decision, *NLRB v. Weingarten*, that entitles union employees to

representation during investigative inquiries that the employee reasonably believes can result in disciplinary action. This representative is there to facilitate discussion between management and the employee. New York State has similar rights under the Civil Service Law, designed to provide state and municipal employees with the same protections.

Who chooses the representative? Rulings by the Public Employment Relations Board (PERB) have indicated that it is the bargaining unit and not the employer or the individual who chooses the representative. Typically, the unit will defer to the employee's choice as to who he/she wants to be the representative, be it a particular unit member or someone from SAANYS.

The chosen representative must be a unit member or from the recognized representative. This means that an employee cannot choose to be represented by private counsel unless he/she is formally brought up on disciplinary

permit representation. If you are denied representation and the information from the meeting is later used as the basis for discipline, it can be thrown out because your rights were violated. An employer may also lawfully deny

a request for a representative for a variety of reasons, including: the requested representative is unavailable, has a history of being uncooperative, or is somehow involved

with the misconduct being investigated. Additionally, if the employee requests multiple representatives, the employer can instruct the employee to select only one representative.

It is important, however, for an employee to know when she should invoke the right to representation. Such rights are only invoked at the time the employee requests representation during an investigative interview. This means that if a manager or supervisor asks to speak with an employee about anything that the employee reasonably believes can result in disciplinary action, the employee should request a representative and politely decline to participate until such representation is present. Under New York law, an employer must give a "reasonable" amount of time to secure adequate representation. This is typically at least 24 hours' notice. The SAANYS Legal Department frequently gets calls from members who are being called into meetings with a few hours or less notice. While we do everything possible to accommodate such a request, the meetings usually have to be rescheduled. The employer does not however, have to reschedule for more than a few days later and does not have to reschedule at all if the reason for the lack of representation was the employee's failure to timely request it after being provided ample notice. Moreover, the employer has no mandate to inform the employee of his/her right to representation, so if an employee participates in a meeting and does not request representation, his/her rights may have been unintentionally waived and the information collected in the interview may be used by the employer in disciplinary proceedings. To ensure that you do not waive your rights, please consult the SAANYS Legal Department any time you believe that you may be subject to disciplinary action. ■

The employer has no mandate to inform the employee of his/her right to representation, so if an employee participates in a meeting and does not request representation, his/her rights may have been unintentionally waived and the information collected in the interview may be used by the employer in disciplinary proceedings.

charges, which then implicates constitutional rights.

There are situations where representation is not warranted because the meeting will not result in discipline. If you are denied requested representation, it is recommended that you contact the SAANYS Legal Department and also confirm in writing that the district will not

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.

Bellmore Administrators Association, Region 2

Led by Patti Castine, the Bellmore Administrators Association negotiated informally with the school district management to obtain a successor collective bargaining agreement. SAANYS General Counsel Arthur P. Scheuermann providing consulting services to Castine and the unit. The highlights of the new contract include the following terms:

Using SAANYS' average salary data for Nassau County as its measure, the association persuasively argued for equitable adjustments in the first year of the contract for unit members. For the 2019-20 school year, the three administrators will each receive equity adjustments that make their increase 5.9 percent, 5.6 percent, or 5.4 percent based on their years in position.

Salary: 3.9 percent in the 2020-21 school year; 2.9 percent in the 2021-22 school year; 1.9 percent in the 2022-23 school year; and 1.9 percent in the 2023-24 school year.

The school district agreed to make an annual payment of \$2,000 to a board-approved tax-sheltered annuity of each employee's choice.

Up to five unused vacation days may be converted into personal days every year. These five days will be placed in the employee's sick bank if unused prior to June 30.

Middleburgh Administrators Association, Region 6

Raises are as follows: Years 1 & 2 at 4 percent and years 3 & 4 at 3.25 percent.

Longevity Increased to: Year 6 at \$1,400, year 9 at \$1,500, year 12 at \$1,600, year 15 at \$1,700, year 18 at \$1,800, and year 21 - \$1,900.

Health Insurance: Added use of a debit card for health reimbursement accounts.

Agreed to increased copays on same insurance plan but district pays back the increased amount up to two times for individual and three times for family for four high copays.

Agreed to increased percentage on health insurance at rates of 15 percent for 2019-20, 16 percent for 2020-21, 17 percent for 2021-22, and 18 percent for 2022-23.

Retirees stay at 15 percent contribution. Buyouts for health in retirement went from \$1,400 to \$3,000. Maintained Medicare Part B payments at age 65 paid by the district unless the retiree does not participate in the Medicare Advantage Plan.

Course Work: Current members are grandfathered at 100 percent of all doctorate courses paid (tuition, books, and mileage). New hires after 7/1/19 will be paid 50 percent of doctorate courses and 75 percent after tenure.

Beaver River Administrative Association, Region 7

The Beaver River Administrators Association negotiated with the school district to obtain a successor collective bargaining agreement. Highlights of the agreement are as follows.

Duration of Contract: 2019-20 through 2023-24

Salary: 3 percent increase each year.

continued on page 8

SEPTEMBER 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 resolved an issue with members regarding payment for unused vacation days upon separation.
- REGION 2**
SAANYS is investigating and possibly appealing an unfavorable Teacher Retirement System finding.
- REGION 4**
SAANYS reviewed an individual contract for a member moving to a district's central office.
- REGION 5**
SAANYS is working on defending a Notice of Appeal filed by a district in a Medicare Part B Supreme Court matter.
- REGION 6**
SAANYS is working with a member to obtain a Principal Improvement Plan in lieu of 3020-a charges.
- REGION 7**
SAANYS is defending a member in regard to filed 3020-a charges.
- REGION 8**
SAANYS reviewed a retirement incentive for a member.
- REGION 9**
SAANYS reviewed an MOA for a member who is taking a one-year appointment outside of their tenure area.
- REGION 10**
SAANYS has filed with PERB as a result of negotiations which have reached an impasse.
- REGION 11**
SAANYS has filed a Step 2 grievance relating to a performance evaluation and the district relying on an improper evaluation procedure as well as not adhering to the CBA.
- REGION 12**
SAANYS filed a grievance on behalf of a unit for failure to pay overtime as per contract.

SAANYS Diversity Committee: Culturally Responsive Leadership

Gloria Ladson-Billings, in her 1994 book, *The Dreamkeepers*, defined culturally responsive teaching as a pedagogy that recognizes the importance of including students' cultural references in all aspects of learning. Culturally responsive leadership, a relatively new term in education, expands upon the concept of culturally responsive teaching. In order to move a school towards cultural proficiency, educational leaders must develop and cultivate an environment which incorporates culturally responsive pedagogy that is shaped by self-awareness.

Leaders must be aware that like their staff and students, they are multifaceted beings. Their individual family dynamics, historical backgrounds, as well as social, economic, and political contexts help identify personal implicit biases. By identifying these biases, educational leaders can be more objective and open to various perspectives. These qualities will help leaders to support and empower their student, staff, and school community. These educational leaders will become spearheads as well as advocates for cultural responsive pedagogy.

There have been several new tools and guides supported by research on Culturally Responsive Leadership published over the last few years. The National Association of Elementary School Principals (NAESP) published a guide in 2018 entitled *The Principals' Guide to Building Culturally Responsive Schools*. The National Association of Secondary School Principals (NASSP) has also created *The Diversity Responsiveness Principals' Tool*, a non-evaluative tool used by building leaders focusing on actions that have been developed and sustained which have created opportunities for all students to learn at high levels.

It is imperative that as educational leaders we review and utilize as many resources as possible. This will ensure that we are providing every student that walks through our doors with a learning experience that will grant them the foundation that is needed for their future. ■

Congratulations Retiring Members

continued from page 3

Joseph Lucenti
Monica Macaluso
Cheryl MacDonald
John D. Mahaney
Karen J. Markham
Tamalin Martin
Joseph Marzelle
Ginene Mason
Joseph Matzelle
Josephine Mayfield
Daisy McFarland
Elizabeth McGraw
Sally McGuirk
Wayne Meyers
Russell B. Moore
Michael Mosca
Jerry L. Mottern
Jeanine Movalli
Paula J. Mroz
Marybeth Muldowney
Carol Muscarella
Jane Nadolski
Margo Nish
Monica Orr
John Pelin, Jr.
Michael Pipa
Ursula Platz
Julie Possai
Lori A. Presti
Douglas L. Prince
Paula Ray

Alexander Richardson
Edward Ritzman
Alejandro Rivera
Daniel Robinson
Donald Root Jr.
Brent Rosenberger
Pamela Ross
Shelley Rossitto
Warren Rudnicki
Pamela Rutland
Laurie Scimeca
Eileen Scoville
Teresa Seeler
Marina Sennett
Patti Simonds
Charles A. Smith
John Steel
Marry Ellen Symer
Fredrick Tallman
Patricia Tripken
Lisa M. VanParys
Margaret Visalli
Frederick Wadnola II
Kevin Walbridge
Cindy Walsh
Jon Ward
Richard Wiesenthal
Susan Wissick
Dean Yando
Brenda Young ■

2019 CALENDAR



Library Card Sign-up Month

Sept 11 Patriot Day

Sept 15-Oct 15 National Hispanic Heritage Month

Sept 16-20 National PTA Back-to-School Week

Sept 16 Mayflower Day

Sept 17-23 Constitution Week

Sept 21 International Day of Peace

Sept 23 First Day of Autumn

Sept 28 National Good Neighbor Day



Crime Prevention Month

National Bullying Prevention Month

National Principals Month

Oct 1 Child Health Day

Oct 2 International Walk to School Day

Oct 2 Mahatma Gandhi's Birthday - International Day of Nonviolence

Oct 6-12 Fire Prevention Week

Oct 6-12 National Metric Week

Oct 8 The Great Chicago Fire Anniversary

Oct 11 General Casimir Pulaski Memorial Day

Oct 14-18 National School Lunch Week

Oct 14 Columbus Day / Discoverer's Day

Oct 16 World Food Day

Oct 21-25 National School Bus Safety Week

Oct 23-31 Red Ribbon Week

Oct 24 United Nations Day

Oct 26 Make a Difference Day

Oct 31 Halloween

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Contract Settlements

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- Increased use of sick leave for family sickness.
- One time compensation to base salary for disability insurance.
- Increased sick leave payment upon retirement.
- Addition of retirement incentive (\$5K).
- Modified language on personnel files.
- Increases in longevity amounts.

Brushton Moira Administrative Association, Region 7

President of the Brushton Moira Administrative Association and Principal Jennifer Lynch, along with Assistant Principal Donna Steenberg, successfully conducted negotiations for the Brushton Moira Administrative Association. They were assisted by SAANYS Labor Relations Specialists Kevin Mulligan and Kevin Walbridge. The following contract language represents the major context of the new contract:

Duration of Contract: July 1, 2019–June 30, 2022

Salary: Each administrator shall receive the following salary increases: \$3,100 (3.78 percent) for 2019-20, \$3,100 (3.58 percent) for 2020-21, and \$3,400 (3.72 percent) for 2021-22.

Sick Leave: Unused sick leave will be accumulated to 230 days. Upon retirement the administrator will be paid at a rate of \$105/ day for up to 230 days.

Retirement: Effective July 1, 2019 those administrators retiring on or after that date will contribute the same percentage of premium for the retiree and his or her dependent that he or she paid at the time of the administrator's retirement.

Health Insurance: The administrator(s) participating with the district provided health insurance program will continue to pay 6 percent toward the premium in 2019-20, 6.5 percent in 2020-21, and 7.25 percent in 2021-22.

Central Valley Administrators Association, Region 8

The contract negotiations were led by Unit President Richard Keeler and Unit Vice President Aaron Carey.

Duration of Contract: July 1, 2018–June 30, 2021

Salary: 3.5 percent increase each year.

Longevity Payments: Upon granting of tenure, unit members will receive \$1,000. Beginning after the 7th year of service, unit members will receive \$750 payments every three years up to the 19th year of service. All payments are added to the base salary.

Health Insurance Coverage: The district pays the premium costs of health insurance for unit members and dependents at the following rates: 90 percent for 2018-19 and 2019-20; and 85 percent for 2020-21. The district also provides a drug prescription plan with co-pays at \$5 for generic drugs, \$20 for brand name drugs, and \$40 for specialty drugs. Mail order payments at rates of \$10 for generic drugs, \$40 for brand name drugs, and \$80 for specialty drugs. They were also able to reduce the amount they pay to the district in retirement contributions for individual and family plans.

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Retirement Incentive/Non-Elective Employer 403(b): The sick day payment was increased from \$65 to \$75 per day. The incentive bonus for retiring was raised from \$500 per year of service to \$650. This includes any years of service to the district, not just administrative years.

Parental Leave: Any unit member requesting parental leave shall receive an unpaid leave of absence for a period of not more than one year from the first day the leave commences. The unit member is entitled to use accumulated sick leave if available. Parental leave runs concurrently with FMLA leave. This leave process does include adoption of a child.

Military Leave: Military leave will be granted upon request to any unit member who is inducted or enlists in any branch of the armed forces. The leave period shall not exceed four years. Upon return, the member will be placed on the salary schedule at same level achieved immediately prior to the period of service.

Professional Development: The district will pay for dues for professional organizations applicable to unit members.

Holland Patent Administrators Association, Region 8

The contract negotiations were led by Unit President Russell Stevener with assistance from SAANYS Negotiator Craig Fox and Regional Representative Jon Speich.

Duration of Contract: July 1, 2019–June 30, 2022

Salary: 4.2 percent increase each year.

Longevity: Addition to contract – After 15 consecutive years of service in an administrative position, \$2,000 will be added to the base salary from the previous year.

Evaluation Procedures for Administrative Unit Members Not Subject to APPR: The parties agreed to meet and confer on mutually agreed upon evaluation procedures for these administrators.

Negotiations Procedures: The parties will establish a mutually agreed upon date to start negotiations and a mutually agreed upon set of negotiations procedures and ground rules.

Professional Development: A national conference has been added to the types of conferences which administrators can request to attend subject to Board approval. ■



NAESP Seeking Applications for the Office of Vice President

NAESP is seeking outstanding candidates for the office of vice president in the 2020 NAESP election. The three-year term of office will begin August 1, 2020. NAESP Officers serve the first year as vice president, the second year as president-elect and the third year as president.

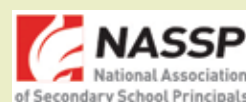
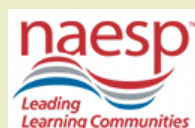
Candidates for vice president will adhere to the election procedures set forth in Policy 300.1 Election Procedures for vice president. The 2020 election will be held March 24-April 3, 2020.

For information on how to apply and other questions, contact NAESP Governance Services Director Jennifer Shannon, at jshannon@naesp.org or 703-518-6286.

Deadline: October 1, 2019

Learn more: <https://www.naesp.org/naesp-volunteer-hub> ■

National Affiliation



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