

# News & Notes

VOL. XLVIII No. 11 • FEBRUARY 2020



www.saanys.org

## The Executive Budget and Education

On January 21, 2020 Governor Cuomo presented his proposed state budget. SAANYS subsequently participated in several budget briefings and the following is a summary of the education portion of the proposed executive budget for 2020-21 based on SAANYS' analysis and discussions.



The proposed state budget is being offered as a budget that “equalizes disparities,” directing funding to poorer schools and not just a district. In an attempt to decrease disparities, the proposed budget targets 85 percent of the Foundation Aid increase to highest need districts. In doing so, the governor has proposed revising the formula to more evenly distribute funds. In the proposed budget this is accomplished with new tier formulas and reducing the current ten tiers to five.

Overall, the 2020-21 proposed budget increases total aid to districts to \$28.5 billion, which is a \$826 million increase over last year. Of this increase \$504 million is directed to Foundation Aid, however the increased aid is directed to the highest need districts.

Foundation Aid also includes a \$50 million increase in community school funding; however, as a set-aside carved out of foundation aid, it in effect decreases the actual foundation aid amount. The additional community school funding is anticipated to expand the total number of districts receiving funds to 440. The proposed budget establishes two tiers of funding for community schools. The Tier 1 is targeted to districts with a CSI school or a five-year growth in ELL students greater than the statewide average. Tier 2 districts are those that have not received community school funding in 2019-20.

Other substantial changes have been proposed in regard to expense-based aid. The proposed budget recommends that ten categories be folded into Foundation Aid. Additionally, it creates a new tier for Building Aid for projects approved on or after July 1, 2020. SAANYS has asked for clarification as to whether approved means SED approval or public approval through budget votes. The stated intent is a desire to rein in the use of such funding for athletic fields or other “incidental costs.” For the school year 2021-22 a proposed cap on transportation expenses has been included as well.

### Additionally:

Charter schools will receive increased funding of about five percent. Nonpublic schools will realize a three percent increase in reimbursements.

*continued on page 7*

## Overview of the January Board of Regents Meeting

The first 2020 meeting of the Board of Regents was held on January 13. The meeting was filled with an agenda ranging from the graduation measures initiative to a proposed change to a special education classification.

### Graduation Measures

In the introduction to the item on graduation measures, Chancellor Rosa stressed that the board has two primary pillars of work that will guide their focus: early education and the graduation measures review. She discussed the importance of both in working toward a public education that is equitable for all students.

Staff first discussed an adjusted timeframe for the completion of this work, which has been extended to at least two years. Many meetings on this issue will be held across the state, as well as the formation of a Blue Ribbon Panel. The participation of SAANYS members at these meetings will be very important. This initiative has the potential to impact members' work should policies regarding assessments, coursework, and alternative pathways for obtaining a diploma be revised.

Staff at SED developed a comprehensive report on current requirements that was used in part for this meeting and which may be a good reference in your work. That report may be found using this link: <https://bit.ly/3b2H39t>. Pay attention particularly to attachments 6-8 as the document covers quite a bit of information. Additionally, SED has set up a website for the graduation measures initiative, which may be found at <http://www.nysed.gov/grad-measures>. The dates of the meetings are posted at this site and it already has extensive information on NYS requirements, as well as analyses of requirements in other states.

### Discussion Around the Table

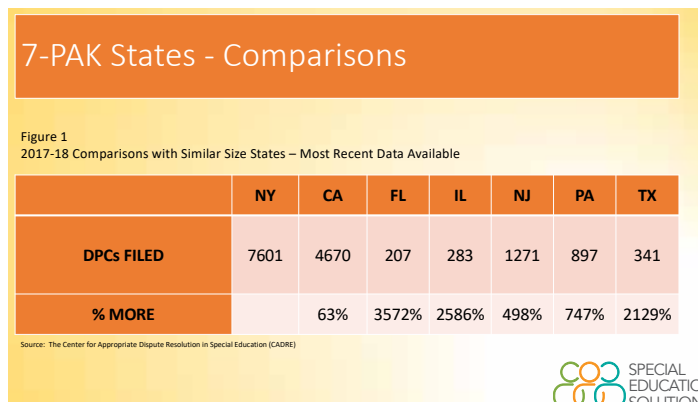
Many members of the board expressed a host of process questions regarding participation, their roles, arrangements, and materials for the meetings. Other members indicated the importance of having students at the table, and staff indicated that SED has asked the hosts of each meeting to ensure student participation.

Both Regents Young and Cottrell wanted to add a focus on “dispositions” or soft skills. They thought that the materials did not adequately address the need to consider what was needed for college and career readiness in socio-emotional domains.

Regent Ouder Kirk also indicated that she thought readiness should read “college and/or career readiness.” This resulted in a longer discussion on whether both college and career readiness is needed to graduate. No conclusion was reached on this point and it will be interesting to see how final language on this issue is presented.

### Special Education

This meeting primarily focused on special education issues. The first item was a presentation on the status of impartial hearings in New York. It was clear from the report presented that New York State has very real challenges on this issue. The charts below and on page three provide a framework for understanding the severity of the problem.



*continued on page 3*

## LEGAL BRIEFS

### Probationary Appointments: Advice, Tips, and Warnings for Probationary Administrators

Prior to being granted tenure, an administrator's employment is essentially “at will.” New York is an “employment-at-will” state that provides probationary administrators with very little due process rights or protections. Probationary appointees do not enjoy the protections provided by NY Education Law Section 3020-a. For example, probationary appointees are not afforded the right to a hearing before termination. This means public school employers have a nearly unfettered right to deny tenure, or terminate a probationary employee during their probationary period, with or without cause—as long as it is not for an illegal reason, such as discrimination or retaliation.

The unexpected news that tenure is being denied often comes as a shock, and unsurprisingly, creates a great deal of stress for some of our members. The SAANYS Legal Department frequently receives calls from members whose tenure has been denied, or whose probationary employment has been terminated. Unfortunately, when SAANYS receives these types of calls from probationary employees, we are very limited in regard to what, if any, legal action we can take due to the lack of protection afforded under New York's laws.

NY Education Law Section 3031 governs the limited protections afforded to probationary administrators when their services are being discontinued. The law only provides that: (a) an administrator must be given thirty days notice of a superintendent's intention to recommend that the board of education deny tenure; (b) allows an administrator to request the reasons for the recommendation to deny tenure, in writing; and (c) allows an adminis-

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## Executive Viewpoint

Kevin S. Casey, Executive Director

# Advocating for Advocates

The legislature is back in session. The governor has given his budget address and released his proposed budget. It is the initial step of the annual budget dance. Next, with respect to what dominates our attention, will be a joint Assembly/Senate Education Committee hearing where all the major advocacy groups, SAANYS included, will advocate for their institutional priorities and interests. It promises to be a marathon session.

We know there is an estimated \$6 billion gap in the state budget. We also know that there are many competing interests, both within and without the education world, and there's not enough money to satisfy

everyone. After the advocates plead their cases, if history is any guide, the Assembly will issue a one-house budget bill that proposes to substantially increase state aid to education as compared to the governor's proposal. The Senate will then issue its own one-house bill with a state aid proposal between that of the governor and Assembly. The real negotiations will then begin.

The dollar figure finally settled upon as an increase in state aid is only part of the equation. How that money gets distributed, both among aid categories and districts, is of critical importance to many. Watching proposed modifications to the Foundation Aid Formula, as well as specific aid allocations, is an exercise

in watching the sausage being made, but it is not the only one.

When the legislature is in session it legislates. Many consider the number of bills passed as a metric of legislative effectiveness, although I am not certain that is a meaningful metric. To be fair to our legislators, they cannot possibly be experts on all the topics that come before them, and they cannot possibly appease all of the competing concerns on any given topic. Many well-meaning legislators support or oppose a bill without a deep understanding of the bill's impact. This is where advocates play an important role.

Advocates may be driven by institutional self-inter-

est, and thus color their arguments accordingly, but there are typically advocates on all sides of an issue. They present the pros and cons of an issue from a variety of perspectives, thus increasing the quality of the decision-making.

Advocates need to be able to move quickly, as an opinion may be sought on a bill modification with very little notice. The speed with which bills are moved through the legislative process is likely to increase this year as a result of both one party control of the legislature and an early primary date of June 23. The early primary date is reflected in the legislative calendar. The legislative session calendar currently shows June 2 as the last day of session. While events may prompt a modification of the calendar, it is more likely, with elections on the horizon, that legislators will simply move with more speed this year than usual.

Some might consider speeding up a sometimes

glacial process as a good thing, but I worry about ill-considered bills being passed as a matter of expediency, and not being adequately vetted. The army of advocates and lobbyists in Albany may be motivated by self-interest, but collectively they actually serve the greater good by exposing bills to scrutiny from differing perspectives.

As we get ready for proposed aid formula modifications, legalized marijuana, laws governing educators' suspension authority, laws conflating the roles of educators and law enforcement personnel relative to alleged hate crimes in schools...it will be the advocates that will occasionally prompt the legislators to pause, consider, reflect, and very possibly modify. The work of an advocate is often behind the scenes, but the value of the service can indeed be widespread. ■

## Reimagining Professional Development

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

How we develop teachers throughout their careers should be reimagined to meet the changing needs of our learners and be consistent with proven methods. Research reveals that teachers who had a sustained 30 or more hours of professional development in their discipline improved student achievement (Yoon, et. al 2007). Seldom do we find school districts committed to differentiat-

ing professional learning and investing in multi-year initiatives to fully realize 30 or more hours of teacher professional development and support. Too much valuable time is spent on fleeting one day themed workshops which may change by the next conference day. But there are some very promising professional development programs that have reconfigured teacher learning that deserve attention.

Dr. Sam Silverstein's Columbia University Summer Research program has applicability across the entire K-12 professional development landscape. His program involves placing biology teachers into Columbia University's Medical Research Center over two summers working with a principal investigator (PI) and team of researchers. Science teachers work with their researchers for four days per week. They spend their 5th day working with other teacher researchers transferring their lab experiences to relevant lesson plans and learning activities. Participating teacher's biology regent

scores have improved significantly as a result of these professional development experiences. Dr. Silverstein has shared the Columbia University Summer Research program with Dr. Gladys Cruz at Questar III BOCES and they have replicated the science program and expanded it into a STEAM Research Summer Institute for teachers across many disciplines including math, engineering, technology, and art. The teacher hosting organizations now include private technology and gaming companies as well as research institutions like the University at Albany and Wadsworth Center. Teachers receive a modest stipend of \$10,000 for 7 weeks of summer work. The Questar III program has been very successful

with teacher demand outpacing funding sources.

The program tenets are to connect teachers and their students with contemporary research and economic applications in a field of study or discipline. Teachers who participate work with their researchers and companies throughout the school year connecting student learning to relevant studies and technology as well as career opportunities. For more information visit <https://bit.ly/2TshLeW>

*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](mailto: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 January Board of Regents Meeting

continued from page 1

### Number of Complaints

Figure 2  
NYC Trend – Complaints Filled

	SY 2014-15	SY 2015-16	SY 2016-17	SY 2017-18	SY 2018-19	SY 2019-20
STATEWIDE	5200	5464	6282	7635	10189	8156 (as of 01/10/20)
NYC	4734 (91%)	5026 (92%)	5779 (92%)	7144 (94%)	9694 (95%)	7887 (97%)
ROS	466 (9%)	438 (8%)	503 (8%)	491 (6%)	495 (5%)	269 (3%)

Source: New York State Education Department



### Net Effect

Figure 4  
Number of Granted Extensions

	SY 2014-15	SY 2015-16	SY 2016-17	SY 2017-18	SY 2018-19	SY 2019-20
STATEWIDE	15067	17447	24778	36369	53562	25326 (as of 01/10/20)
NYC	14111 (94%)	16599 (95%)	23768 (96%)	35157 (97%)	52226 (98%)	24561 (97%)
ROS	956 (6%)	848 (5%)	1010 (4%)	1212 (3%)	1335 (2%)	765 (3%)

Source: New York State Education Department



As can be seen on the charts, New York State has more impartial hearings than any other state. Although the problem is New York City centric, districts around the state face similar challenges. The above graphics highlight an overuse of extensions, delays in hearings, and the extensive amount of special education complaints regarding the provision of special education programs. Contributing to this crisis is a lack of impartial hearing officers (IHOs), insufficient rates for impartial hearing officers, lack of space, and New York's strident regulations. Assistant Commissioner Suriano indicated that a change in the

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### Net Effect

Figure 5  
Average Case Length

	SY 2014-15	SY 2015-16	SY 2016-17	SY 2017-18	SY 2018-19	SY 2019-20
STATEWIDE	146	155	175	196	220	251 (as of 01/10/20)
NYC	149	159	181	202	225	259
ROS	115	114	114	120	139	135

Source: New York State Education Department



federal law (IDEA) regarding the provision of attorney fees gave impetus for greater attorney involvement. Additionally, NYS has extensive regulatory demands that other states have not required.

### Discussion Around the Table

This item was for discussion only with no action needed. The intent of the report was to address a question raised at last month's meeting on how to increase the pool of IHOs across the state. This report underscored that the challenge facing special education is not just increasing the pool of impartial hearing officers. The report showed that many special education students are in "administrative limbo."

The costs of impartial hearing in NYC is very high. Over \$280 million has been spent on settlements and judgments and not all of these costs are covered using IDEA funding. New York, in total, only receives \$800 million in IDEA funding.

As can be imagined, the discussion on this topic was very serious. Possible solutions may include:

- Increased use of negotiations pre-hearing.
- Eliminate thirty-day cap on extensions.
- Require adequate compensation for IHOs.
- Limit number of cases of IHOs.
- Consider how to conduct hearings through remote conferences.

The discussion not only raised possible solutions, but raised serious questions. One area of particular debate was the use of non-attorneys as impartial hearing officers. Although many members' initial reaction to this was negative, staff reminded the members that originally, educators could be trained as IHOs and conduct hearings. As this option was discussed more fully, the concept seemed to gain some traction.



Scan the QR code to complete a one-question survey on whether you would support the use of non-attorneys as impartial hearing officers.

#### Member Poll

1. Would you support the use of non-attorneys as impartial hearing officers?

- Yes
- No

The number of complaints being filed raised the larger question as to how to address the state's special education issues. The challenges are daunting and are sure to be a focus of the BOR and SED over this year.

The second topic for discussion was a possible change in wording for the classification of emotional disturbance. The presentation by staff was very brief and primarily presented classifications used by other states. Twenty seven states use either the terms emotional disturbance or serious emotional disturbance; twelve states use "emotional disability" or "serious emotional disability;" and other states use variations such as emotional/behavioral disability or disorder, emotional impairment, or behavior disorder.

### Discussion Around the Table

The discussion by members of the board signaled a need for more information than had been included in the report. Many members wanted to know what precipitated the item and what evidence or data was available on the need to change the classification. Other members questioned how changing the names would or would not be consistent with terms used by professionals in the psychiatric areas.

A point needing further clarification is that the federal and state definitions require that any classification used also meet the criteria that the disability affects the students' learning. Lacking this clarification, the discussion seemed to spread into tangential areas.

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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](mailto:cgallagher@saanys.org).

SAANYS

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*Be prepared to present your membership ID #.*

## National Affiliation

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.





# SAANYS Professional Learning Update



For information on any SAANYS professional learning event, contact Karen Bronson at [kbronson@saanys.org](mailto:kbronson@saanys.org).

In addition to my role as director of professional learning, I am a regular SAANYS mentor, trained way back with a host of other colleagues years ago, before I even found my way to my current position.

Last week I had the opportunity to visit with two of my current mentees in a small rural district not too far from Albany. They are both new to the district this year: one with prior principal experience and one in her first principalship. It is an honor to know both of them, and their current district is fortunate to have them aboard.

Because we are roughly halfway through our ten-month partnership, I asked both of them to reflect on the big picture in regard to what they had learned or how they had grown since they began back in September. Their answers truly resonated with me, and perhaps they will with you:

“When I came here,” said one, “I brought experience in the role, but was completely new to the area. When the superintendent outlined goals for the year, getting to know the community and the families, faculty and staff who make it up was identified as my primary goal for this first year. Now that the year is at the midpoint, I can say that I am

doing that and in the process have learned two things:

- Sometimes we get to know people best when challenges present themselves. Helping students and families and getting to know them when we needed to work through tough situations together really has started building trust and cementing relationships.
- I talk to everybody at any opportunity: students, teachers, custodians, aides, and support staff, to understand what they bring and what they teach me about this excellent new community I now feel a part of.”

The second, new to “principalship” had roots in the community itself, but was given the primary goal of learning about the role and responsibilities that come with a principalship.

“When I was an assistant principal in another district, my principal at the time always asked me, ‘Are you sure you really want to do this?’ especially when he was really feeling the challenges of the role. I always responded that yes, I was sure, but inside I thought, ‘Yes, but I would do this, and I would do that, and those approaches would certainly work much better!’ Now a half year out, the main thing I have learned is how complex, how challenging, and how hard this role is. There are not as many easy alternatives as I had imagined... but staying true to yourself is the key. There is not only one way to ‘principal,’ and learning about the role takes time, patience, love, and a few missteps along the way. I love this work and this community.”

It is a credit to the district that the proactive step of reaching out to SAANYS to provide a mentor for these two new leaders was taken. Feeling supported in the first year in a role as complex as this is essential, and we who are mentors learn as much from our mentees as they do from us. ■

## REGIONAL EVENTS

Find out more details, register, and nominate at [saanys.org/events](http://saanys.org/events)



### Region 11 Awards Ceremony

April 23, 2020  
5:00pm - 7:00pm  
Middle Country Club,  
Penfield

### Region 11 Negotiations and Hot Topics

March 3, 2020  
4:00pm - 6:30pm  
Monroe I BOCES,  
Rochester

## SAANYS 2020 Retiree Student Scholarship

**APPLICATION DEADLINE: APRIL 17, 2020**

Open to any high school senior graduating in June 2020. Applicants must be sponsored by a current SAANYS Active Retiree, Affiliate Retiree, or Associate Retiree member in good standing. For purposes of this scholarship, regular Active SAANYS members listed as a sponsor shall not be considered.

learn more at [saanys.org/for-retirees](http://saanys.org/for-retirees)

## REGIONAL SCHOLARSHIPS

Visit the “Regions” page at [saanys.org](http://saanys.org) for information on SAANYS regional student scholarship programs.

Region 4 | Application Deadline: April 1  
Region 6 | Application Deadline: March 6  
Region 11 | Application Deadline: March 1

## SAANYS AFTER SCHOOL SERIES

### Be Informed on Timely Topics.

**MARCH 11**

#### The Role of the School Resource Officer in Schools

Don't miss this panel event featuring Peter Kehoe, executive director of the NYS Sheriff's Association, along with a sheriff, city police officer, and local school leader(s) who work directly with the SROs in their schools. This timely discussion will focus on the role of the SRO in a school, pertinent legislation, as well as issues, challenges, and opportunities in our current environment. Learn more about your role and how you as a school leader can work most effectively with your SRO.

**APRIL 1**

#### SED/APPR Informational Update: What You Need to Know

Dr. Cindy Gallagher, SAANYS director of government relations, will share what's new in the world of regulations that can impact your work. Updates and answers to your questions about APPR, the Red Flag Law, building-level reporting, vaping, vaccinations, and other things to watch will be provided.

**MAY 13**

#### Contract Negotiations and Hot Topics

Art Scheuermann, SAANYS general counsel, will discuss current legal issues impacting NYS school leaders and share trends and tips for successful negotiations. Don't miss this lively and important conversation and Q&A with a SAANYS attorney.

Register online: [saanys.org/events](http://saanys.org/events)    Location: SAANYS Headquarters | 8 Airport Park Blvd., Latham | 4 PM – 6 PM  
Light refreshments will be served at 4:00 pm and discussions will begin at 4:30 pm.

Cost per session: \$10 SAANYS Members | \$15 non-members

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# ASAR PROFESSIONAL Learning SERIES | 2020

March 30

## Beyond the ABCs of Trauma and ACES

Presenter: Dr. Joe Fantigrossi  
Director of Intervention and Professional Development  
Finger Lakes Community Schools

April 22

## Courageous Conversations that Improve Student Learning

Presenter: Dr. Bonnie Tryon  
SAANYS Mentor Coordinator

May 21

## Effective Feedback Around Instruction: Building Your Skills

Presenter: Karen Bronson  
SAANYS Director of Professional Learning

**LOCATION:** Comedy @ the Carlson  
50 Carlson Rd, Rochester, NY 14610

**AGENDA:**  
4:00 pm – 4:30 pm Registration  
4:30 pm – 6:30 pm Presentation and Dinner  
6:30 pm – 7:00 pm Social Time

**COST:**  
FREE to ASAR members  
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**TO REGISTER:** Contact John Rowe – John.Rowe@RCSDK12.ORG  
or call: 585-262-2130



## Search Your Site

Find regional events throughout the year at [saanys.org/events](http://saanys.org/events).

## SAANYS RETIREMENT PLANNING WORKSHOP



Coming soon near you!

March 4, 2020

PUTNAM NORTHERN WESTCHESTER BOCES  
School Services Building – Main Campus  
200 BOCES Dr., Yorktown Heights, NY

March 11, 2020

NASSAU BOCES, ROBERT E. LUPINSKIE CENTER FOR CURRICULUM, INSTRUCTION, AND TECH  
Conference Room LLB  
71 Clinton Rd., Garden City, NY

March 19, 2020

BRENTWOOD CSD – SOUTH MIDDLE SCHOOL  
Library, 785 Candlewood Rd., Brentwood, NY

March 31, 2020

NORTH COUNTRY TEACHER RESOURCE CTR.  
SUNY PLATTSBURGH  
(Use the George Angell Drive entrance, across from Plattsburgh High School)  
Sibley Hall, Plattsburgh, NY

April 28, 2020

LAKE SHORE YACHT AND COUNTRY CLUB  
6777 Lakeshore Rd., Cicero, NY

FREE | 4:00 pm-6:00 pm

Register online at [saanys.org](http://saanys.org).

Contact Karen Bronson at [kbronson@saanys.org](mailto:kbronson@saanys.org) if you need additional information.

This workshop will consist of two parts:

### AXA Presentation

AXA specializes in working with New York State employees, helping them to get the most out of their NYS pension plan. AXA will provide specific information on understanding the true value of your NYS pension, how to protect your pension during your working years, what to consider in choosing a payout option, as well as examples on how to maximize your pension payments in retirement. The presentation will also discuss the importance of appropriate asset allocation within 403(b) and other retirement savings plans.

### New York State Teachers' Retirement System

Even in turbulent economic times like these, you can achieve future financial strength and security by building a strong pension at NYSTRS. This presentation will provide an overview of the important benefits NYSTRS provides, with an emphasis on issues pertaining to members approaching retirement. Highlights include a review of the fundamental pension components such as service credit and final average salary, key retirement thresholds to reach for, the tools needed to maximize these benefits, retirement benefit options, the filing process and much more. Hopefully you'll leave our meeting with a handle on what's needed to plan wisely on your road to retirement, as well as what costly errors to avoid along the way.



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## Financial Fridays



A SAANYS lunch & learn series

Webinar

Grab your lunch and join us the first Friday of each month at noon for Financial Fridays with AXA. These short 30-minute online sessions are meant to offer tips and ideas for securing your personal financial success.

MAR 6

### Student Loan Forgiveness

There are a number of Student Loan Forgiveness options available to New York State educators, but sorting through all of them can be a challenge. Let us help you navigate the requirements by going over who may be eligible, how you may be able to qualify, all the way to how to submit the paperwork.

APR 3

### Your Family, Your Future

This presentation addresses the multitude of issues involved when juggling financial obligations of raising a family while still planning for your long-term financial future.

MAY 1

### Social Security

The Social Security system is one of the most important, and often misunderstood, retirement systems out there. Making the right decision is critical to your retirement planning. This seminar provides helpful information about the Social Security.

JUN 5

### Summer Planning

Have you been so busy during the school year that you put off addressing any and all personal financial matters? This presentation will provide a checklist of items that should be addressed during the summer, as well as a timeline and suggestions for an easy implantation of the plan.

register online at [saanys.org](http://saanys.org)

## ATTENTION ALL PRINCIPALS AND APs

If you are a new, aspiring or seasoned school leader, this one's for you...



Online Workshop for Current or Aspiring Principals and Assistant Principals

\$79 SAANYS Members | \$99 Non-members  
(Cost includes the book)



REGISTER ONLINE



Don't miss this five-part online series with Andrew that will feature engaging conversation on the issues that truly resonate with school leaders like you. All registrants will receive a copy of the book prior to the first session.

APR 2

### Session 1: Intro and Goals (chapter 1) Be a Better Leader/Reflection

APR 20

### Session 2: (chapters 2-4) Culture and Relationships

APR 28

### Session 3: (chapters 5-7) Organization and Productivity

MAY 4

### Session 4: (chapters 8-10) Resilience and Reflection

MAY 12

### Session 5: (based on prior sessions) Group chooses topic they want to explore in more depth



# LEGAL BRIEFS

A Message from the SAANYS Legal Department



Jacob Verchereau  
SAANYS Associate Attorney  
jverchereau@saanys.org



## Probationary Appointments: Advice, Tips, and Warnings for Probationary Administrators

continued from page 1

trator to submit a written response before the board of education makes its final decision. Notably excluded from Section 3031 is the ability to challenge the employer's actual decision to terminate a probationary employee's services. Furthermore, it is usually futile for a probationary appointee to request the reasons for termination, or to submit a response to the board of education as it is unlikely to have an effect on the employer's ultimate decision. In fact, requesting the reason for termination can have a negative effect on securing future employment because then the employee is expected to reveal the reason(s)

they were provided to prospective employers, if requested.

Since there is very little that can be done after tenure is denied, it is critical to identify early warning signs before a final decision to terminate has been rendered by the board. Members can take certain steps to protect themselves in advance of receiving an unfavorable employment decision. For example, probationary administrators should request a meeting with their superintendent and/or direct supervisor at the conclusion of each probationary year. At those meetings, members are encouraged to ask questions such as how

their performance has been, what they can do to improve performance, and whether they are on track for tenure. Members should pay close attention to the responses provided. There may be subtle clues, or perhaps not-so-subtle ones, as to whether tenure will be denied.

If there is any indication that tenure will be denied, it is time to start seeking new employment. This should be done sooner rather than later, ideally before a final decision has been made. History has shown that members are more likely to secure a new position while they are still actively employed. Members increase their chances of securing a new position by interviewing before their tenure is denied or probationary appointment gets terminated.

Pay attention to signs that indicate that tenure may be denied. Being subjected to progressive discipline, such as the issuance of counseling memos, should be viewed as a

warning. If performance concerns were raised in an end-of-year evaluation, or pursuant to the district's APPR plan, you may want to consider searching for a new position. The same holds true if your contract provides a date by which your employer is required

*Since there is very little that can be done after tenure is denied, it is critical to identify early warning signs before a final decision to terminate has been rendered by the board.*

to provide notice of its intention to grant tenure, and the date passes without you receiving said notice.

We recognize that there are not always clues or clear signs in advance of an unfavorable tenure decision. In those situations where tenure has been denied, it is critical that you contact the SAANYS' Legal Department. Our attorneys will attempt to negotiate a severance package, including continued insurance benefits, until a new position is secured. This can help mitigate the injury caused by an abrupt discontinuance of

employment. We can also review your case to determine if the unfavorable tenure decision was discriminatory, retaliatory, or motivated by some other unlawful factor, in which case there may be legal recourse available. When negotiating a severance package, an important item to secure is a positive letter of reference to help secure a new position.

Bargaining units can protect their probationary members through the collective bargaining process by negotiating protections into the contract. By negotiating protections into the contract, it provides a legal mechanism (i.e. grievance procedures) by which an employer's decision to deny tenure or terminate probationary employees can be challenged. One basic protection that can be negotiated into a contract is a notice requirement. At the very least, notice requirements prevent short-notice terminations and abrupt loss of income by requiring employers to provide advanced notice to the employee of the intent to discontinue employment. Other examples of protections that can be negotiated into contracts are: (1) clear evaluation procedures with firm deadlines that provide members with the ability to challenge the denial of tenure if the evaluation procedure was not properly followed; (2) "Just Cause" provisions which provide a basis to challenge termination determination; (3) provisions that require management to give probationary employees advanced notice of any performance issues, and at least three to six months for the employee to correct/cure any deficiencies before termination; and (4) a severance provision that requires the district/BOCES to continue paying salary and benefits for a specified number of months after termination, such a provision ensures a steady flow of income while seeking new employment.

Do not hesitate to contact the SAANYS Legal Department to discuss how we can assist you to negotiate protections into your contract. ■

### NYSED SCIENCE SUMMIT 2020

MONDAY, MARCH 23<sup>RD</sup> 2020  
9:30AM - 3:30PM  
NEW YORK STATE MUSEUM - ALBANY, NEW YORK

KEYNOTE SPEAKER: DR. OKHEE LEE FROM NYU  
INCLUDES ADDITION SESSIONS:  
NYSED OFFICE OF CURRICULUM AND INSTRUCTION  
NYSED OFFICE OF BILINGUAL EDUCATION AND WORLD LANGUAGE  
NYSED OFFICE OF ASSESSMENT  
BOCES/ CEN SCIENCE FRAMEWORK  
SCIENCE CONSORTIUM

NYS P-12 Science LEARNING STANDARDS

Please add info@saanys.org to your address book to be sure you receive e-mails. If you have difficulty, please ask your tech support person for assistance as blocking software may prevent receipt. Don't miss another critical announcement.

JULY 7-9, 2020 | NATIONAL HARBOR • MD

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### NASSP NATIONAL PRINCIPALS CONFERENCE 2020

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LEADING LEARNING FOR TOMORROW

NPC20 puts you first. Learn more at [www.principalsconference.org/strands](http://www.principalsconference.org/strands).

## FEBRUARY 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 filed an improper practice charge relating to a transfer of a bargaining unit based on the appointment of a year-long interim.

**REGION 2**  
SAANYS made several FOIL requests to obtain evidence for future a Article 78 litigation.

**REGION 4**  
SAANYS is preparing a brief to the appellate division in support of the trial court's decision against a school district for unilaterally reducing retired members Medicare Part B reimbursement.

**REGION 5**  
SAANYS finalized an MOA that amends the CBA so that certain retirement benefits gets paid into a 403b to provide members with a tax benefit.

**REGION 6**  
SAANYS assisted a unit with a potential amendment to the recognition of the contract to include new titles.

**REGION 7**  
SAANYS assisted members with contract language to allow for vacation time for eleven- and ten-month unit members.

**REGION 8**  
SAANYS is assisting a unit with negotiations pertaining to adding eleven-month employees into the CBA, which previously only included twelve-month employees.

**REGION 9**  
SAANYS is working on a return to work for an administrator who is on administrative leave.

**REGION 10**  
SAANYS negotiated additional vacation leave for unit members assigned to administer PSAT, SAT, and ACT examinations on Saturdays.

**REGION 11**  
SAANYS served reply papers and memo of law in a pending commissioner's appeal.

**REGION 12**  
SAANYS arranged for representation for members at a district meeting concerning a grievance.

Contact a SAANYS Attorney **274**

During normal business hours, call 518-782-0600 to speak with a SAANYS attorney. After Hours Pager: 1-800-978-6055

Be sure to include your area code when leaving your number.

Follow @SAANYS

School Administrators Association of New York State



# Summary of the January Board of Regents Meeting

continued from page 3

## Computer Science Standards

The board conditionally approved the Computer Science and Digital Fluency Standards. This work began when Chapter 56 of the Laws of 2018 was passed and required that SED review the existing framework and develop a new framework. The proposed work reflects much stakeholder feedback, with over 564 comments from the field. The chart below provides a brief summary of the new standards and the full item may be found by scanning the QR code.



CONCEPT	SUB-CONCEPTS	STANDARDS
IMPACTS OF COMPUTING	SOCIETY	1, 2
	ETHICS	3, 4, 5
	ACCESSIBILITY	6
	CAREER PATHS	7
COMPUTATIONAL THINKING	MODELING AND SIMULATION	1
	DATA ANALYSIS AND VISUALIZATION	2, 3
	ABSTRACTION AND DECOMPOSITION	4, 5
	ALGORITHMS	6, 7, 8
	PROGRAMMING	9, 10, 11, 12
NETWORKS AND SYSTEMS DESIGN	HARDWARE AND SOFTWARE	1, 2, 3
	NETWORKS AND THE INTERNET	4, 5
CYBERSECURITY	RISKS	1
	SAFEGUARDS	2, 3, 4
	RESPONSE	5
DIGITAL LITERACY	DIGITAL USE	1, 2, 3, 4
	DIGITAL CITIZENSHIP	5, 6

## Task Force on Civic Readiness

The presentation to the Board of Regents recommended the addition of a Seal of Civil Readiness. The seal could be used as part of the Humanities pathway or as a stand-alone seal. Students would need to earn points in two areas: civic knowledge and civic readiness (see chart below).

Civic Knowledge	Pts.	Civic Participation	Pts.
4 Credits of Social Studies	1	Culminating High School Civic Project	1.5
Mastery level on Social Studies Regents	1.5*	Service Learning Project (minimum 25 hours) and reflective civic learning essay	1*
Social Studies Regents Exams Proficiency Level	1*	Mastery level in an elective course the promotes civic engagement	.5*
Advanced Social Studies Courses	.5*	Middle School Capstone Project	1
Research Project	1	Extra-curricular participation or work-based learning experience (minimum 40 hours) and an application of knowledge essay	.5*
		Civics Capstone Project	4

## The Executive Budget and Education

continued from page 1

Funding has been included for new curriculum development in the areas of instruction in civic values, diversity, history, and religious freedom.

Comprehensive Education and Workforce Training Center is anticipated to be developed in Syracuse. This would be a cooperative between the Syracuse CSD, BOCES, local institutes of higher education, and the community at large in the region. The state will reimburse up to 98 percent of the costs to renovate space required for the center.

The Rochester CSD will have an SED appointed monitor to oversee finances and academic programs.

Other funding highlights:

- Increases for Universal Prekindergarten Aid – total of \$848 million.
- Maintaining funding formulas used for “high cost excess costs,” private excess costs, and transportation aid.
- Decreased funding for full-day kindergarten conversion aid – total of \$2.48 million.
- Decreased funding for Reorganization Incentive Operating aid – \$5.37 million total.
- \$13.84 million to maintain school health programs in the Big 4 City school districts.
- \$18.5 million for Bilingual Education Grants, and
- A \$50 million increase for the “support of performance grant program.”

The table on page 8 summarizes the proposed 2020-21 funding. ■

SED will send the draft out for public comment and intend to bring it back to the board in the spring. During the public comment period, staff will work on additional resources and work with stakeholders to possibly establish a pilot program. It is anticipated that the seal will be available for the 2021-22 school year.



A more complete description of this item may be found by scanning the QR code.

## Committee on Higher Education

Regulations were adopted that provide pathways for subject area certification for teachers of students with disabilities in grades 7-12 who do not hold appropriate subject area certifications. The adopted regulations do the following:

- Adds LOTE in either grades 5-9 or 7-12 as eligible for limited extensions and Statements of Continuing Eligibility (SOCE).
- Adds general science eligible for limited extensions and SOCE, and
- Makes the list of certificate titles eligible for the three credentials consistent across all regulations and enables teachers holding a certificate in one of the titles and a limited extension in a subject area to be eligible for extension in grade 7-12.

For further information or discussion on any of these items please do not hesitate to contact Cindy Gallagher, director of government relations at [cgallagher@saanys.org](mailto:cgallagher@saanys.org) or by calling 518-782-0600. ■

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Training of Interest to Building and District Administrators

### Statewide Workshop

## The Transition to Superintendency Program

3 Full days – Syracuse, NY  
July 14, 15 & 16, 2020

Moving from principal or central office administration to the superintendency is a reward, a challenge, and a risk. There is a knowledge base, a skill set, and a values base for the superintendency. A high degree of preparation correlates with a high degree of success.

The three-day *Transition to Superintendency Program* is for building administrators and central office administrations interested in the superintendency, and wanting the insight and understanding needed for successful transition

### Magnum Trainings

Online workshops (or one on-site session by request)

**Extraclassroom Activity Funds (online)**  
...for Central Treasurers and Administrators  
Three, one-hour sessions, on consecutive days  
Workshop - 3:00 PM to 4:00 PM

**Readiness for the Superintendency (online)**  
Single session - Webinar - 4:00 PM to 5:30 PM

**Applying for the Superintendency (online)**  
Single session - Webinar - 4:00 PM to 5:30 PM

Detailed information and registration on the web at [www.SuperintendentOfSchools.com](http://www.SuperintendentOfSchools.com)  
James M. Merrins, EdD, Executive Program Administrator  
716-672-5473 [jmerrins@cecomet.net](mailto:jmerrins@cecomet.net)

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# 2020 CALENDAR



*National African American History Month*

*National Children's Dental Health Month*

**Feb 11** *Thomas Alva Edison's Birthday*

**Feb 12** *Abram Lincoln's Birthday*

**Feb 14** *St. Valentine's Day*

**Feb 15** *Susan B. Anthony's Birthday*

**Feb 17** *National PTA Founders Day*

**Feb 17** *Presidents' Day*

**Feb 20** *Frederick Douglas Day*

**Feb 22** *George Washington's Birthday*

**Feb 23** *W.E.B. DuBois's Birthday*

**Feb 25** *Mardi Gras*



*American Red Cross Month*

*Middle Level Education Month*

*Music in Our Schools Month*

*National Nutrition Month*

*Women's History Month*

*Youth Art Month*

**Mar 2-6** *National School Breakfast Week*

**Mar 2** *NEA Read Across America*

**Mar 3** *Adoption of US National Anthem*

**Mar 4** *Casimir Pulaski's Birthday*

**Mar 8** *Daylight Saving Time*

**Mar 8** *International Women's Day*

**Mar 10** *Anniversary of Harriet Tubman's Death*

**Mar 11** *Johnny Appleseed Day*

**Mar 14** *Albert Einstein's Birthday*

**Mar 16** *First Black Newspaper in US Published*

**Mar 17** *St. Patrick's Day*

**Mar 19** *First Day of Spring*

**Mar 20-31** *Great American Cleanup*

**Mar 21** *International Day for the Elimination of Racial Discrimination*

**Mar 22** *World Water Day*

**Mar 23** *Anniversary of Patrick Henry's Speech*



TABLE II-A  
SUMMARY OF AIDS FINANCED THROUGH SCHOOL AID APPROPRIATIONS  
-- 2019-20 AND 2020-21 SCHOOL YEARS -- NEW YORK STATE

AID CATEGORY	2019-20	2020-21	Change	
	School Year	School Year	Amount	Percent
<b>I. Formula-Based Aids:</b>				
	(----- Amounts in Millions -----)			
Foundation Aid	\$20,255.51	\$20,759.31	\$503.80	2.49 %
Community Schools Aid Setaside	250.00	300.00	50.00	20.00
Excess Cost - High Cost	659.81	612.60	(47.21)	(7.16)
Excess Cost - Private	394.79	422.47	27.68	7.01
Reorganization Operating Aid	6.25	5.37	(0.88)	(14.04)
Transportation (Including Summer)	1,992.64	2,094.52	101.88	5.11
Universal Prekindergarten	846.10	848.61	2.51	0.30
Full-Day Kindergarten Conversion Aid	4.34	2.48	(1.85)	(42.77)
Building Aid/Reorganization Building	3,056.07	3,048.65	(7.42)	(0.24)
<b>Total Formula-Based Aids</b>	<b>\$27,215.51</b>	<b>\$27,794.01</b>	<b>\$578.50</b>	<b>2.13 %</b>
<b>II. Grant Programs and Additional Aid Categories:</b>				
Teachers of Tomorrow	25.00	25.00	0.00	0.00
Teacher-Mentor Intern	2.00	2.00	0.00	0.00
School Health Services	13.84	13.84	0.00	0.00
Roosevelt	12.00	12.00	0.00	0.00
Urban-Suburban Transfer	8.13	8.13	0.00	0.00
Employment Preparation Education	96.00	96.00	0.00	0.00
Homeless Pupils	31.23	31.98	0.75	2.40
Incarcerated Youth	12.00	10.50	(1.50)	(12.50)
Bilingual Education	18.50	18.50	0.00	0.00
Education of OMH/OPWDD Pupils	52.75	52.75	0.00	0.00
Special Act School Districts	2.70	2.70	0.00	0.00
Chargebacks	(48.75)	(45.25)	3.50	—
BOCES Aid for Special Act Districts	0.70	0.70	0.00	0.00
Learning Technology Grants	3.29	3.29	0.00	0.00
Native American Building	10.57	5.00	(5.57)	(52.71)
Native American Education	48.83	48.83	0.00	0.00
Bus Driver Safety	0.40	0.40	0.00	0.00
	289.18	286.36	(2.82)	(0.98)
<b>Total Formula-Based and Grant Programs</b>	<b>\$27,504.69</b>	<b>\$28,080.37</b>	<b>\$575.68</b>	<b>2.09 %</b>
Competitive Grants	219.11	269.11	50.00	22.82
Fiscal Stabilization Fund	0.00	200.00	200.00	—
<b>SCHOOL YEAR TOTAL</b>	<b>\$27,723.81</b>	<b>\$28,549.49</b>	<b>\$825.68</b>	<b>2.98 %</b>

Source: State Education Department computer runs and Executive Budget estimates of January 21, 2020

A message from a  
SAANYS corporate  
sponsor



Castle Software, Inc (Castle Learning) was the vision of two teachers and a computer programmer thirty years ago. Castle Learning is still leading the way as an instructional support resource servicing K-12 educators and students.

Castle Learning focuses on the core curriculums of Math, ELA, Science, and Social Studies. The resource also offers content for students learning Spanish and French. Several years ago, Castle Learning integrated component options for Physical Education, Health and SAT/ACT preparation. Castle Learning provides the largest question bank in each curriculum area with instructional aids for students to assist in academic growth.

The alignment to standards, topics, levels and rigor provides easy-to-read data reports for addressing a student's weaknesses. Castle Learning is used for RTI, MTSS, CBT Preparation, Regent Review, Testing, District Developed Assessments, Home Instruction, and many more options.

Castle Learning is meeting today's educational needs as a technology driven resource which is aligned and secured to the requirements of the NYS Ed Law 2-d guidelines. Castle Learning offers online access or print-to-paper functionality if needed. The resource is flexible for personal content development and teacher sharing.

Castle Software was acquired by N. Harris Computer Corporation in August of 2019. Castle Learning will continue to operate under the guidance of the Harris Education Solutions group. The strength of the new leadership along with the current Castle Team will continue to meet the needs of teachers, students, administrators, and parents.

## SAANYS Diversity Committee

### Bridging Equity and Diversity

Christine Arlt, Principal, Central Valley Elementary School

Throughout U.S. history, the concept of equity in education has been discussed, tried through the courts, and written into federal and state policies. Yet defining and understanding what equity is, what it constitutes, and how to achieve it remain elusive. Without a definition of educational equity, or what constitutes equitable educational opportunities, educators are left to interpret and determine what constitutes equity as well as equitable educational opportunities, leading to more equitable outcomes.

If asked what on the surface seems a relatively straightforward question, "What is equity and how do you ensure it?" responses such as "Equity means fair..., equal..., inclusive..., giving each individual what they need..." emerge as top answers. But delving deeper into what these answers mean makes equity a much more complex concept to define, understand, and ensure. Add in what has been drilled into educators through policy and accountability with a focus on what students are lacking (deficit model), our heads and hearts are in perpetual turmoil, struggling to find how to provide and ensure whatever we deem equity to be.

Whether looking at equity for our students or for our faculties, families and communities, we cannot ignore that

in order for equity to be possible, we need to embrace diversity, celebrate and honor it, along with becoming conscious of our unconscious biases. Equally important is learning how to have and be part of uncomfortable conversations around our unconscious biases from which we must learn from and grow. By recognizing not only culture, race, religion, gender, socioeconomics, and age; but through recognition, celebration, and purposeful inclusion, teaching and learning based on what each individual brings with them and offer others, can we truly begin to not only acknowledge the importance diversity plays in our growth personally and professionally, but the pathway this creates to creating true equity in all aspects of life.

Imagine what that could look like in classrooms for our students if we embraced and honored diversity. Now imagine what that could look like in our schools, districts, and communities if we consciously honored diversity on a daily basis, acknowledging our unconscious biases, with a willingness to be cognizant of them and work to move beyond them to create true equity for all. ■

#### Member/District Shoutout!



#### Salamanca High School Earns National Recognition for STEM

Salamanca City Central School District has been named a national school of STEM Excellence recently at the International Future of Education Technology Conference (FETC) in Miami, Florida. First awarded in 2015, the STEM Excellence Award is designed to highlight a school's interdisciplinary approach to STEAM education, demonstrating the effective integration of science, technology, engineering, art, and math into authentic learning opportunities for students. Just three high schools in the United States and Canada earned the distinction, and Salamanca High School is the only New York state winner since the award's inception. ■

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