

News & Notes

VOL. XLIX No. 9 • DECEMBER 2020

twitter @saanys

Find us on Facebook



www.saanys.org

NEW YORK STATE EDUCATIONAL CONFERENCE BOARD



NYS Educational Conference Board (ECB) Releases Annual Factsheet on the State of School Aid

The The New York State Educational Conference Board (ECB), of which SAANYS is a member, released its annual finance paper that strenuously opposes any budgetary cuts to schools. The twenty percent reduction in state aid that schools have been warned about for months as a state budget gap closing measure for the current year (2020-21) would have enormous consequences for students, communities and the economy. Given the stakes, ECB members have come together to produce this informational sheet. The goal is to provide greater context for the decisions at hand and a common set of facts for elected officials, policymakers, and education stakeholders to work from as our state continues to navigate this extraordinary time.

While New York’s system of school funding is not perfect, it does provide the greatest amount of aid to districts with the least local resources who often have the greatest student need factors. It’s also true that schools statewide are working to meet growing student needs and taking on greater costs to educate students during the COVID-19 pandemic. All school districts rely on state funding to sustain student programs. The paper takes a hard look at the impact of any decreases and the financial stress under which schools are operating. A few highlights are as follows:

State Aid Facts

- ✔ The enacted state budget already reduced state support for schools for 2020-21 by \$1.1 billion through the Pandemic Adjustment.
- ✔ A 20% state aid cut represents a \$5.2 billion loss of funding. No matter how such a reduction is distributed, it would be devastating for schools.
- ✔ A 20% reduction in state aid is more than double the size of any other state aid cut in history.
- ✔ Mid-year cuts are especially disruptive to students and districts’ fiscal stability.
- ✔ A reduction of 20% of state aid would bring the state’s share of school funding to a historic low.

SAANYS Executive Director Kevin Casey noted, “Building level administrators and programs leaders work tirelessly to provide instruction and support to students, staff and the community at large during this critical pandemic period. Since March they have risked their own health and worked non-stop to ensure the wellbeing of students and staff. These are serious times and we must provide schools and their leaders with needed resources. We understand the economic crisis facing this state, but more fully understand that we must find a way to sustain schools.”

See page 7 for the full report. ■

2020 Government Relations Top Ten List

I bet you didn’t know that a “Top Ten List” for Government Relations was a thing, right? Well, it’s 2020, what else is there to say? It seems fitting to look back on this year, if only as an attempt to gain perspective. In so many ways, it feels as if the lens for looking back remains a bit cloudy and a clear perspective is difficult. We seem to be ending the year in much the same way as it began. So be that as it may, the following is a look back with 2020 hindsight.

#1: Leadership Role of Building Leaders and Program Directors

The work of building administrators and program directors has been nothing short of profound. We watched the endless hours that you work; your support of students, staff, and community; and placing their needs before your own. Every day, you found solutions for complex issues that didn’t exist the day before. Schools could not have maneuvered 2020 without you all, and for that we owe all of you much gratitude and thanks.

#2: Seventy-Eight Executive Orders Directed at Education

Education policy and procedures were directed by the governor’s executive orders. This was a monumental educational shift, the impact of which without a doubt will be studied and researched in the future. Historically, education in New York has been the purview of the Board of Regents, which promulgates regulations, proposes budget priorities, and directs massive federal funding. Certainly, their work was in collaboration with the executive office, but by and large, the NYS Education Department enjoyed a great deal of autonomy. There has always been tension between the governor and NYSED in that it is not a state agency directly under the governor’s authority. This dynamic was upended as education policy was largely sidelined due to the pandemic and directed by the issuance of executive orders.

#3: Three Major Changes in Key Leadership Roles at NYSED

Top leadership at the New York State Education Department changed three times this year. Interim Commissioner Beth Berlin resigned at the end of December 2019 and the next interim commissioner, Shannon Tahoe, left in August 2020. The third interim commissioner, Betty Rosa, was appointed that same month. This rate of turnover was impactful in and of itself, but perhaps even more impactful may be the precedent set by appointing Dr. Rosa as interim commissioner. Recall that Dr. Rosa held the position of chancellor of the Board of Regents just prior to being appointed as interim commissioner. In the world of local school districts, this would be analogous to hiring the president of the board of education as superintendent. Although this appointment may add a dimension of stability due to the numerous turnovers, the operational and policy making distinctions have become blurred. The impact of this relationship most likely will be studied and examined over time.

continued on page 3

LEGAL BRIEFS

Layoffs or Furloughs

In today’s society we are facing issues that are new to all of us. The global pandemic has caused economic devastation to many businesses and industries. School districts are not immune to this.

With the economic downturn, New York State is facing a massive financial deficit. Due to that deficit, the state is looking to drastically reduce spending (see ECB article to the left). One of these cost cutting measures is to cut aid to school districts this year. School districts are unique in the sense that there are limitations as to revenue that can be raised by the district, which is typically through school tax. What schools do not raise through tax is normally provided through aid from the state. For districts that do not have a large tax base, that aid can be a significant part of their budget.

It is projected that aid will be reduced by as much as 20 percent this year. For school districts that are highly dependent on that aid, their yearly budgets will be gutted. This means that schools will be forced to reduce spending

continued on page 6

SAANYS is excited to announce that as of January 2021, your News & Notes newsletter will go online! This move to digital will allow SAANYS to delivery more timely news and updates weekly to your inbox.

2021 SAANYS ANNUAL Awards PROGRAM

CALL FOR Submissions

JAN 5 Application Deadline

Nominate your Colleague!

see page 5 for more information



Executive Viewpoint

Kevin S. Casey, Executive Director

Have a Forgiving Mindset

With Thanksgiving just behind us, and Hanukkah, Christmas, and the New Year coming up shortly, there is widespread concern among public health officials that we will see a surge of COVID-19 cases. The number of positive cases has been rising both nationally and locally through the fall, and most experts expect a significantly increased spread resulting from holiday-related travel and gatherings.

New York City recently sent its schools into full remote after it reached a 3 percent positive threshold. This immediately prompted push-back from many parents who feel their children are adversely impacted by remote instruction.

There was a question as to the accuracy of the number, as well as its import. Any bright-line invites questioning. Why 3 percent and not 4 percent? Are the children safe at 2.9 percent, but not 3 percent...? Though presented as an objective standard, the bright-lines are often a result of some authority's best-informed guess.

Shortly after closing, New York City announced the reopening of elementary schools and schools for students with special needs. It also announced that its decisions will no longer be driven by the 3 percent benchmark, despite the expected increase in COVID-19 cases. In a vacuum, the New York City decision to partially reopen might seem inconsistent with the environment, but the messy real-

ity is that steps that will help mitigate the spread of COVID-19 have their own cost, requiring an ongoing balancing act.

The evolving governmental response is not limited to New York City. The state has moved to a micro-cluster response strategy which seeks to stamp out flareups of positive cases where they reach a certain threshold. This is further broken down into color-coded zones, each of which has differing response criteria. The infection rates that drive these designations are akin to New York City's 3 percent, objective thresholds based upon expert input, but at the end of the day, a best

guess at where that bright-line should be drawn. Next may come a winter COVID-19 strategy different than what is being employed now.

The evolving, changing, moving target requirements test our ability to keep up and respond effectively while trying to provide students with

The evolving, changing, moving target requirements test our ability to keep up and respond effectively while trying to provide students with a high-quality education.

a high-quality education. This can be a source of frustration, but upon reflection, I think we must consider that none of us has experience with a pandemic of this magnitude.

During a recent session of the SAANYS Connect professional learning series, a presenter was speaking of supporting staff during these difficult times. He suggested current circumstances warrant being forgiving to staff who may make mistakes or express frustrations, as

long as they are trying. I thought that was sound, humane advice. I also think that mindset should be extended to public policy makers, regardless of their office. It should include politicians, SED, district, building, and program leaders.

I have been told that a good leader must be comfortable with ambiguity. A good leader must be willing to make decisions sometimes in an absence of clarity. According to John Kenneth Galbraith, "All great leaders have had one characteristic in common; it was the willingness to confront unequivocally the major anxiety of their people in their time."

I think it's fair to say that COVID-19 is the major anxiety of our time. It must be confronted, even while acknowledging any decisions may be second-guessed. Making decisions that are likely to be criticized is often far better than making no decisions at all. ■

Time to Reflect and Survey

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

We have just completed approximately a quarter of the school year and many teachers and school leaders feel like it is June. Many students are not engaging and providing evidence of their learning. Although there is great work being accomplished by many students and teachers, the concern for improvement is real. Recent studies (American Institutes for Research 2020) that surveyed thousands of school leaders and teachers reveal an educational system with

serious challenges. Special education services and accommodations have been inconsistent along with support for English Language Learners (ELLs). These challenges have been reported across all socioeconomic cohorts. Student services in many schools are seriously challenged with providing consistent speech, academic and counseling support for students. Schools have put their best plans forward and the time to reflect and evaluate on how well these plans are work-

ing has come. It is time to survey students, parents, and teachers to ascertain areas of improvement and to develop strategies to address these challenges.

The greatest concern has been getting full student engagement and participation in online learning sessions. Many teachers are frustrated with the lack of participation and evidence that students need to provide to demonstrate their understanding of material covered. Many students sign on for online learning but do not speak or participate, which has been unsettling for many teachers who have not heard some of their stu-

dent voices yet!

These are unprecedented times. COVID-19 school reopening plans may need some adjustments. What is needed is data to determine if what we are doing is working. Student course failure, attendance, participation, and student evidence are crucial data points. Combining survey results with this data will help inform changes to existing reopening plans. Surveys will allow school leaders to gather important information related to communication between administration and teachers about expectations and support, student engagement, how well collaboration is working for student learning, resource

alignment, and professional development. Everybody's work/life balance has been skewed by this pandemic and recognizing those unique challenges matters. Many teachers are feeling stressed and not effective and school leaders will need to fully support an open and transparent approach with realistic expectations to support their teachers, students and families in the months ahead.

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. XLIX No. 9

SAANYS News & Notes (USPS 025-346) is published monthly with the exception of June, July, and August, by the School Administrators Association of New York State, 8 Airport Park Blvd., Latham, NY 12110.

Phone: 518-782-0600
Fax: 518-782-9552

SAANYS is chartered as a professional association by the New York State Education Department and is affiliated with NASSP and NAESP.

A copy of each issue of News & Notes shall be sent to each SAANYS member. \$7.15 of each member's annual dues shall be for a year's subscription to this publication.

Periodicals Postage Paid Latham, NY and additional post offices.

POSTMASTER: Send address changes to News & Notes, SAANYS, 8 Airport Park Blvd., Latham, NY 12110

SAANYS Officers & Staff

President, Stuart Pollak*
President-Elect, Harry Leonardatos*
Past President, Regina Huffman*
Executive Director, Kevin Casey
Deputy Executive Director, Don Nickson
Director of Communications, Michelle Hebert
Communications Coordinator, Annika Pfluger
Director of Corporate Services/Advertising, Deborah Taylor

Board of Directors

Region 1	James Cameron Bergre Escorbore	Region 10	Tony Cardamone* Mary Volkomer
Region 2	Scott Comis* Richard Mangeri	Region 11	Gary Manuse Joseph Pustulka
Region 4	Michael Plotkin TBD	Region 12	Charles Smilich Theron Mong
Region 5	Christine Arlt Christine Williams	Retiree Representative,	Bruce Gorman
Region 6	Linda Klime* Jennifer Drautz	Rochester City,	Timothy Cliby Syracuse City, Arthur Grimes
Region 7	Kevin Hulbert Charity Zawatski	NASSP Coordinator,	Donald Gately
Region 8	Kathleen Carney Brian Coleman	NAESP Representative,	Emily O'Brien
Region 9	Michelle Feyerabend Robert Bailey	* denotes Executive Committee	

Have questions? Need assistance?

Use the "Ask SAANYS" button at saanys.org.

Advertisement

CAPITAL UPDATE

2020 Government Relations Top Ten List

continued from page 1

#4: March Madness of a Different Kind

Closing schools and pivoting to remote learning was huge and unprecedented. Resources needed to be realigned and redistributed. What started as a health crisis, turned into an educational crisis as well. Schools operated under extreme conditions: dwindling finances, staff reductions, inequitable access to resources such as the internet, and acute concerns for students and staff were some of the issues facing building administrators and program directors daily. March saw a scrambling of instructional methods trying to fill the educational needs of students. Schools and families were more connected out of necessity than ever before. Upended routines, upended reliance of communications, disrupted and inconsistent instructional plans, uneven education for students with special needs, and new crises on a seemingly hour-by-hour basis were the new norm.

#5: Approximately 111 Daily Governor Cuomo Press Conferences Through July, Almost Daily Conference Calls, and an Emmy

Thinking back to the communication strategy employed by the governor, it was a good fit for New York at the time. As the governor indicated over and over, our collective behavior shaped the virus. It was imperative to develop a NY state "mindset," but it did seem strange that so much educational news and information stemmed from the governor's webcasts and webpage. It was crucial to have the most recent data on the virus and the most recent information on new directives. Traditional avenues for finding such information lagged behind his newscasts and were not effective for keeping up. So, the governor's daily communications became the primary source of information, and then there was always Twitter.

#6: Legislative Dormancy

The legislative buildings and State Capitol were shuttered and interactions with a legislature not in session was challenging. It was difficult to find a balance between Zoom meetings and advocacy, and much of that work was dramatically decreased. With the pandemic front and center, any legislation was centered on health issues and the support of essential workers. There was no budget to work with as New York's finances were dramatically impacted. The health crisis had now morphed into an educational and financial crisis. Added to this mix was the fact that it was an election year and much of the focus was on state and local elections, campaigns, and the presidential election. It will be interesting to see how the legislature works through the upcoming legislative session.

#7: NYS Assessments Cancellation

Cancelling New York's Regents exams and 3-8 testing was the correct and seemingly only logical call. It is monumental and historical though. A key pillar of our state's educational program for years has been the much esteemed Regents exams. It was very interesting that this monumental decision was made on the heels of a major initiative undertaken by the Board of Regents after they conducted numerous statewide regional meetings to discuss innovative and appropriated measures for students to graduate in New York. After the exams were cancelled, the seemingly radical conversations that were discussed at the regional meetings, seemed less radical. Discussions at the regional meetings that raised questions about the viability of Regents exams, the need for more inclusive measures, and forward-looking evaluations seemed almost mild once the exams were actually cancelled this year. Now that we have seen what instruction, minus summative assessments looks like, what will be retained if we choose to come back differently from the pandemic?

#8: Remote Learning

A dissertation or two will examine the impact of remote learning. Let it suffice for the purpose of this Top Ten List, that remote learning was the educational story of 2020. Will we perhaps look back on this first entrée into full remote instruction at the K-12-level incredulously? What did we do, how did we do it, was it a positive thing, or just a necessary thing? The question of what we will keep as a vital part of education in the future will rest on the quality of remote learning. One of the governor's advisory groups formed last spring was named the Reimagine Education Advisory Council. Their charge was to consider how to come back from the pandemic even stronger. It would be beneficial to complete this charge at a point in time when we can do so with greater objectivity.



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.

Advertisement

EQUITABLE | **SAANYS**

Imagine a 401(k) available to educators — that's a 403(b)

We applied all we know about retirement savings and investing to design a strategy tailored to the needs of educators across the country. That's why we're the #1 choice for K-12 educators in the United States.¹ Learn how you can enjoy immediate benefits today.

Equitable is proud to be a strategic partner of SAANYS. To learn more about how Equitable can help, visit equitable.com or call (866) 401-3030, Option 5.

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

continued on page 8

Advertisement

I SEE MY ABILITY TO LEAD. I SEE MYSELF AT FISHER.

ED.D. IN EXECUTIVE LEADERSHIP
Earn the degree you need at a place you know.

Through a team-based approach and multidisciplinary curriculum, the St. John Fisher College Doctorate in Executive Leadership will develop your leadership skills and competencies, preparing you for your next step in your career.

Program also offered at Onondaga Community College Regional Higher Education Center and Iona College

For more information, visit sjfc.edu or call the Office of Graduate Admissions (585) 385-8064.

ST. JOHN FISHER COLLEGE

Advertisement

Leader in Me

Named #1 for Comprehensive Change Management SEL

www.leaderinme.org/SAANYS

SAANYS Personal Legal PLAN

SAANYS has always been there for members who need advice or assistance from legal counsel on job-related matters. Now, SAANYS has partnered with the law firm of Feldman, Kramer and Monaco to help when you need *personal* legal advice and assistance.

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

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

1-800-832-5182

Be prepared to present your membership ID #.

WE WON'T SELL YOUR INFORMATION!

Your membership and trust are of the utmost importance to us, your staff. Please be assured that SAANYS does not now, and has never, sold its mailing list or email list. Informational material from our corporate sponsors is mailed to you directly by SAANYS to protect your privacy.

If you have questions or concerns regarding the information you receive, please contact Debbie Taylor, director of corporate services, at DTaylor@saanys.org or (518) 782-0600.

SAANYS Professional Learning Update



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

An article in last month's *Smart Brief* on *Ed Tech* entitled "The Time is Now to Prioritize PD" by Adam Geller stated, "It's unrealistic to expect teachers to be successful this year if they aren't provided with ongoing professional learning, training, and support. All teachers, even the most experienced ones, have to learn new instructional strategies, new technologies, new ways to facilitate online discussion and how to engage students remotely. It takes time and coaching."

I think you would agree that the same is true for school leaders, who are being asked to lead, connect, and communicate in new ways to school communities engaged in multiple types of teaching and learning, both in person and remote, and on a constantly moving and shifting carpet. In addition, you as school leaders are being called upon to provide social and emotional support as your teachers, staff, students, and families struggle to handle stresses brought to their classrooms, students, and own lives by the pandemic. Some may say that long time leaders who have been in their districts and positions hold an advantage since they have had the time and opportunity to build the trust that means so much now to their school communities. Others would say that newer leaders, who are unfettered by traditional leadership mindsets, are more capable of adapting to the new landscape. At the end of the day, it is an interesting conversation, but not one that matters much. Everyone is new at this. Everyone is learning by doing, and no one is doing it perfectly.

SAANYS continues to strive to bring you the kind of professional learning these times call for. In some ways, the silver linings are hard to miss. Because of virtual formats, our mentoring options are more nimble and flexible than ever before. We no longer have to provide mentors within the closest proximity to our mentees, but have more flexibility to match the mentors with the particular background or experience that is the best fit, regardless of location. **In addition to our 1:1 and Group Mentor Coaching options, we have also been able to add a third option: training for in-district mentors.** Be sure to check saanys.org for information on all three. Mentoring has never been more vital to professional growth.


In addition to mentoring, SAANYS hopes that opportunities to learn and connect like the ones below are giving you what you need to be the kind of leader you need to be now. Please do not hesitate to contact me at kbronson@saanys.org with any ideas for topics or formats that you would like to see us offer in the future.

In the meantime, be sure to check your emails and our website for information on these upcoming events:

- SURVIVING AND THRIVING NOW: A Leadership Series with Andrew Marotta February 9 & 23, and March 9.
- SAANYS ST ROSE LEADERSHIP NETWORK SKILLS BUILDER: Time Management January 14. ■

This program may now be covered under BOCES CoSer!

SAANYS Mentor Coaching Services



1:1 Mentor Coaching
or
Group Mentor Coaching Available

To support, inspire, and invigorate new and mid-career administrators.

For more information, contact Karen Bronson at 518-782-0600
kbronson@saanys.org • www.saanys.org



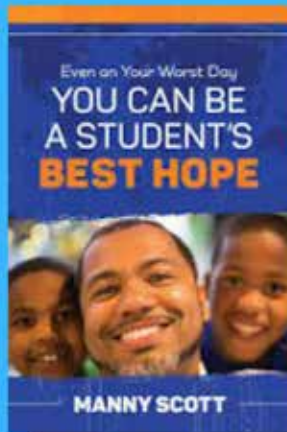
NYSCATE
Innovate. Educate.

2020 Annual Conference
Keynote Speaker!

WINTER BOOK STUDY

\$99

includes Book and study materials



Manny Scott

As Manny Scott travels the world speaking to students and educators, he meets young people whose stories sound a lot like his own a childhood that was marked by poverty, instability, violence, and despair until a few caring educators showed him how to find meaning in the classroom and gave him a glimpse of his own possibilities. So many kids he meets today need this kind of hope and practical assistance. But with all that is already on educators' plates, what can an individual teacher do to help traumatized children believe in themselves, succeed in school, and graduate prepared for work and life?

Exclusive opportunity for conference participants!

January 13 - February 13

Learn more and register at nyscate.org.

SAANYS CONNECT

SAANYS CONNECT is an innovative way to learn and share on the topics most vital to school leaders in NYS right now:

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

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

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

follow the conversation at [#SAANYSconnect](https://twitter.com/SAANYSconnect)



CALL FOR

Submissions

JAN
5 Application
Deadline

Nominate your Colleague!

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.

Learn more and access the online nomination form at saanys.org/about-us/awards.

- 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**
- SAANYS/NAESP Assistant Principal Award**
- SAANYS/NAESP Elementary School Principal Award**
- SAANYS/NAESP Middle School Principal Award**
- SAANYS/NASSP Principal of the Year Award (Middle or High School)**

For additional information, contact Holly Bell at HBell@saanys.org.

Thousands of Discounts Available to SAANYS Members

SAANYS provides members with an elite collection of local and national discounts from thousands of hotels, restaurants, movie theaters, retailers, florists, car dealers, theme parks, national attractions, concerts, and events through Abenity.



Navigate to saanys.org under the "Membership" section.




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

*Timothy P. Martin, Ed.D. Principal
Islip Middle School*

SAANYS is ... Your Source for
Statewide Seminars | Mentoring | Local PD on Demand | Online learning

LEGAL BRIEFS

A Message from the SAANYS Legal Department



Layoffs or Furloughs

continued from page 1

and one way to do that is through reduction in staff. This raises the issue of how to accomplish these reductions. The discussion of layoffs or furloughs has come to the forefront. While many may use those two terms interchangeably, they are different procedures and can actually have very different implications. It is important to understand those differences and the pros and cons of each.

As each is described, keep in mind that most of the provisions can be altered through a Collective Bargaining Agreement (CBA) or even a Memorandum of Agreement (MOA). While these may be altered by a CBA or MOA, it must be remembered that any Taylor Law contract provisions may not contradict

layoff rights vested in employees by laws such as §§80 or 80-a of the New York State Civil Service Law.

A furlough is used as a temporary period in which an employer requires a worker to take unpaid time off work. This can come in the form of a reduction of hours, a reduction in days worked, or a temporary unpaid time period out of work. The intent is to recall the employee and typically, a furlough will have a "date certain" to recall the employee. Employment is not severed, and the employee is still considered to be an employee.

A furlough will save a school district money in that the salary for the individual(s) is not paid. The economic savings may

not be as great since the individual is still considered as employed and would arguably still be eligible for benefits. This could be addressed through an MOA. That MOA would spell out the terms and timeframe for the furlough.

A furlough could be beneficial to a school district because when the individual is returned to work, it is simply a status change. At that time, the individual is returned to their position, any pay and benefits that had been suspended would resume. As they were always considered an employee, it is only a status change. Using furlough as an option for reducing expenses may be a benefit in working with a union representing employees because the position(s) are not lost, and employment is not severed. For example, employees may only be furloughed for one day every two weeks,

which would minimize the loss to the employee while still ensuring adequate staffing for the district.

Use of layoffs is a more permanent action. School districts will utilize this action through abolishing

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

positions. A layoff does not have a "date certain" and the intent may or may not be to recall the employee. Here, the individual's employment is severed and he or she is no longer considered to be an active employee. However, as used in a school setting, this becomes more of a gray area, which we will address in a moment.

A school district may layoff employees from a designated tenure area, based on seniority or a LIFO principle (Last In First Out). This means that the employee may be able to "bump" other individuals within

that layoff unit. These "bumping" rights are based on seniority in that specific tenure area. This can cause some confusion as an employee with more seniority in a district may not have as much seniority in a tenure area. SAANYS recommends that units head this confusion off at the pass by requesting the tenure documents and seniority lists in advance of any potential layoffs for analysis by the SAANYS Legal Department.

The laid-off individual is placed on a Preferred Eligibility List (PEL). As opportunities arise within the specific tenure area, the PEL must be used to offer positions to individuals. This is commonly referred to as recalling the individual. Recall is based on seniority in the school district, as opposed to time in the tenure area. This means that someone who has graduated through the ranks first as a teacher and then as an administrator may be recalled before someone who has served longer as an administrator. Offers for recall are within the tenure area the individual was in when laid off.

School districts will typically use layoffs because of the economic savings because not only would the employee pay be discontinued, but payment for benefits would typically stop, as the individuals are no longer considered as active employees. However, this, again, may be altered by a MOA or the CBA. A furlough would reduce the amount paid out through salaries, but would maintain a cost of the benefits, such as health care. So, while there is a smaller cost saving, the school could also benefit from not having to go through the hiring process and simply recall the individual(s) without any goodwill with the union or association being affected.

As has been shown, a furlough and a layoff can both accomplish a cost savings, but they are not the same. Employers, especially school districts, need to understand the differences between the two. They also need to weigh the pros and cons of both before they act. Similarly, should your district be considering either of these actions, it is important that you contact the SAANYS Legal Department promptly for analysis of the proposals and strategies for minimizing the impact upon the unit and its members. ■



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.

Advertisement

Workshops of Interest to Building and District Level Administrators

Magnum Trainings

Online Career Transition Workshops Readiness for the Superintendency

...for school administrator thinking about or moving towards the Superintendency
Single session (One 2-hour session) - 4:00 to 6:00 PM
Tuesday, January 26, 2021

Applying for the Superintendency

...for experienced administrators applying or preparing to apply for the position of Superintendent of Schools
Single session (One 2-hour session) - 4:00 to 6:00 PM
Thursday, January 28, 2021

Aspiring Superintendents Series

...of value to any school district administrator interested in the superintendency
14 hours (Seven 2-hour sessions) - 3:00 PM to 5:00 PM
April 14 (W), 15 (Th), 20 (Tu), 21 (W), 26 (M), 27 (Tu), and 28 (W), 2021

Online Fiscal Workshops

Student Extraclassroom Activity Funds

... for Extraclassroom Central Treasurers, Faculty Auditors, Faculty Advisors, and Administrators,
3 hours (Two 1.5-hour sessions) - 3:00 PM to 4:30 PM
Tuesday and Thursday, January 12 and 14, 2021

Fiscal Navigation for Superintendents January - March 2021

Interactive workshops, audio and video, via ZOOM
Dates, detailed information, and registration at
www.SuperintendentOfSchools.com
James M. Merrins, EdD, Executive Program Administrator
716-672-5473 jmerrins@cecomet.net

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 drafted and reviewed the direct donation of sick leave for a MOA.

REGION 2

SAANYS advised a unit as to their rights and responsibilities under the Family and Medical Leave Act (FMLA).

REGION 4

SAANYS advised member as to their impact bargaining rights when a unit position remains unfilled.

REGION 5

SAANYS discussed impact bargaining for a member who has taken on additional roles due to absences.

REGION 6

SAANYS drafted a MOA consenting to the temporary transfer of bargaining unit work.

REGION 7

SAANYS reviewed and advised a member receiving a Juul Agreement.

REGION 8

SAANYS communicated with and counseled a member regarding certifications and time frames.

REGION 9

SAANYS drafted a MOA regarding temporary assignment of additional duties.

REGION 10

SAANYS advised a member who was offered a Juul Agreement.

REGION 11

SAANYS advised a unit when the district recalled members out of order.

REGION 12

SAANYS advised a unit as to rights and responsibilities under FMLA.

Contact a
SAANYS Attorney



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.



ASSOCIATION OF SCHOOL BUSINESS OFFICIALS



Factsheet: The State of School Aid in Extraordinary Times

A 20% State Aid Cut in Any Form Would Devastate Schools, Students

The 20% reduction in state aid that schools have been warned about for months as a state budget gap closing measure for the current year (2020-21) would have enormous consequences for students, communities and the economy. Given the stakes, Educational Conference Board (ECB) members have come together to produce this informational sheet. Our goal is to provide greater context for the decisions at hand and a common set of facts for elected officials, policymakers, and education stakeholders to work from as our state continues to navigate this extraordinary time.

While New York's system of school funding is not perfect, it does provide the greatest amount of aid to districts with the least local resources who often have the greatest student need factors. It's also true that schools statewide are working to meet growing student needs and taking on greater costs to educate students during the COVID-19 pandemic. All school districts rely on state funding to sustain student programs. This is especially true in light of the property tax cap, which limits schools' ability to raise funds locally to support education in good times and bad – and these are not good times. Based on the facts outlined below, ECB members feel it is critical to emphasize that if there is a state aid reduction at any time, it must be significantly lower than 20%. Further, in any scenario, schools need federal aid.

FACT: The enacted state budget reduced state support for schools by \$1.1 billion through the Pandemic Adjustment.

While overall support for schools in the enacted 2020-21 state budget was flat, this was only because a \$1.1 billion state aid reduction,

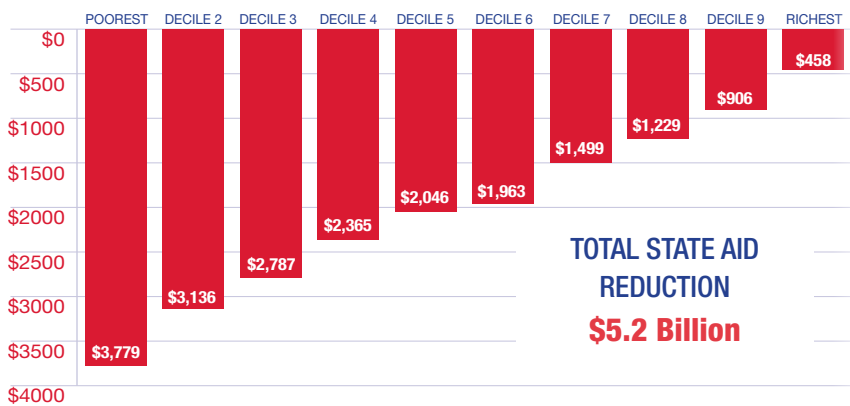
State Aid Facts

- ✓ The enacted state budget already reduced state support for schools for 2020-21 by \$1.1 billion through the Pandemic Adjustment.
- ✓ A 20% state aid cut represents a \$5.2 billion loss of funding. No matter how such a reduction is distributed, it would be devastating for schools.
- ✓ A 20% reduction in state aid is more than double the size of any other state aid cut in history.
- ✓ Mid-year cuts are especially disruptive to students and districts' fiscal stability.
- ✓ A reduction of 20% of state aid would bring the state's share of school funding to a historic low.

The Pandemic Adjustment, was entirely covered by federal CARES Act funding. But these federal funds are required to be shared with nonpublic schools and thus did not fully restore the reduction in state aid. The federal money was intended to help schools cover costs associated with COVID-19. The Pandemic Adjustment represents a share of existing education funding that is no longer covered by the state. Further, because the federal funding is one-time revenue, there is now a \$1.1 billion hole in state education funding to be filled in the coming state budget. The Pandemic Adjustment alone is enough to fuel concerns about the ability of schools to meet student needs and keep pace with costs for the near- and long-term.

No matter how it's distributed, a 20% state aid loss is untenable.

20% "Across the Board Reduction – Per Pupil Aid Reduction by Combined Wealth Ratio Deciles



Adjusting for Wealth is Also Problematic

If some districts are to receive less than a 20% reduction based on need, then other districts, including those who are *average wealth would have to see a reduction far greater than 20%*. Consider, for illustrative purposes, that to save \$5.2 billion, it would require cutting all aid to districts with fewer than 44% of their students in poverty — *45% of districts would not receive a single dollar of state aid.*

NEW YORK STATE EDUCATIONAL CONFERENCE BOARD

John Yagielski, Chair – chair@nysecb.org

continued on page 8

2020 CALENDAR



- Dec 10-18 Hanukkah (Festival of Lights)
- Dec 15 Bill of Rights Day
- Dec 16 Boston Tea Party Anniversary
- Dec 17 Anniversary of Wright Brothers' Flight
- Dec 21 First Day of Winter
- Dec 25 Christmas
- Dec 25 Clara Barton's Birthday
- Dec 26-Jan 1 Kwanzaa



- Jan 1-3 Japanese New Year Festivities
- Jan 1 Emancipation Proclamation Anniversary
- Jan 1 New Year's Day
- Jan 19 World Religion Day
- Jan 20 Martin Luther King, Jr.'s Birthday Observance
- Jan 23 First Native American U.S. Senator
- Jan 25 Chinese New Year
- Jan 28 Christa McAuliffe Day



- National African American History Month
- Feb 1 National Freedom Day
- Feb 2 Groundhog Day
- Feb 3-7 National School Counseling Week
- Feb 11 Thomas Alva Edison's Birthday
- Feb 12 Abraham 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 Douglass Day
- Feb 22 George Washington's Birthday
- Feb 23 W.E.B. DuBois's Birthday
- Feb 25 Mardi Gras

Moving onward and upward?

VISIT THE SAANYS CAREER CENTER.

Your destination for exciting job opportunities in school administration.

Advertisement

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 and national principal of the year programs.

Advertisement

See how much you can save on your auto insurance.

Liberty Mutual Insurance can bring you valuable savings¹ and more—with access to benefits like 24-Hour Claims Assistance.

For your free quote, call 1-888-828-4689.

Client #121580

¹Based upon national data collected between 8/1/15 and 8/1/16 for customers who switched to Liberty Mutual. Individual premiums and savings will vary. Certain discounts apply to specific coverages only. To the extent permitted by law, applicants are individually underwritten; not all applicants may qualify. In Texas, coverage is provided and underwritten by one or more of the following Liberty Mutual companies: Liberty County Mutual Insurance Company, Liberty Insurance Corporation, Liberty Lloyds of Texas Insurance Company, and Liberty Mutual Fire Insurance Company. Equal Housing Insurer. ©2019 Liberty Mutual Insurance 12775498

AFF_686950_05 TX 2019/06
This organization receives financial support for offering this auto and home benefits program.

Ask us about **STRUCTURED LITERACY** materials for grades K–8

Mark James
EAST REGION VP OF SALES – SUPPLEMENTAL
630.881.5018
mark.james@zaner-bloser.com

Steve Hage
SALES CONSULTANT – CORE READING
518.935.0874
steve.hage@zaner-bloser.com

ZB Zaner-Bloser
A Highlights Company

2020 Government Relations Top Ten List

continued from page 3

#9: New York State Department of Health (NYSDOH)

The role of the NYS Department of Health in education cannot be overlooked. The numerous executive orders from the governor framed needed legal actions, but it was NYSDOH that was responsible for setting guidance to implement the directives. School districts were required to establish new relationships with county departments of health, and at the state level, agencies had to maneuver two quite different systems. Can you imagine a health care system with 62 local departments and an educational system with 688 school districts, all needing to immediately collaborate during multiple crises? And yet that was the task. New networks, new language, and new systems, all while dealing with a pandemic with no rules or limits. Currently, this is still an area needing much work. Consistency of guidance has been problematic and the scarcity of resources has compounded existing challenges. As we progress, both systems are finding better communication networks and ways to collaborate. Much has been learned and these lessons will be critical during the vaccination phase.

#10: Context of School-based Provision of Child Care and Meal Distribution

One of the more interesting initial occurrences was establishing schools as quasi-essential, based on their role as a

primary provider of child care for essential workers, and as food and meal distributors. This may be a nod that a critical role of schools is indeed a hub for student/child care during the majority of the day for families. Those words are not profound, but the educational implications could be. How will this translate to acknowledging that child care, prekindergarten, and K-12 can no longer be artificially segmented due to funding sources? ■

Updated Edition Available for Download!

School districts and BOCES may pursue employee termination for either disciplinary or for budgetary and programmatic reasons. This guidebook is designed to describe generally the legal processes involved in termination and members' related legal rights.



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

A message from a
SAANYS corporate
sponsor

Leader in Me
FIND YOUR VOICE

As an evidence-based K-12 model, Leader in Me grows personal leadership in students, educators, and families, and equips them with the life skills and resilience needed to thrive, adapt, and contribute in a dynamic world.

Leader in Me schools in over 55 countries teach SEL using a comprehensive Inside-Out approach beginning with the adults before expanding into the classroom and the home. We have curriculum and resources to support teachers and students in online learning and in-person instruction. It is built on the timeless universal principles of The 7 Habits of Highly Effective People® which closely align with CA-SEL's Core SEL Competencies.

Leader in Me is a CASEL SElect program and can help with the following current educational challenges and more:

- Adult SEL
- Student SEL
- Family Engagement
- Wellness
- Equity
- Managing Change
- Virtual Learning Effectiveness

To learn more contact:

Sharon Feeley
Client Partner for Eastern NY, Westchester to St. Lawrence County

Sharon.feeley@franklin-covey.com

518-779-3085

or

Renee Ailing
Client Partner for WNY, Syracuse and Long Island

Renee.ailing@franklin-covey.com

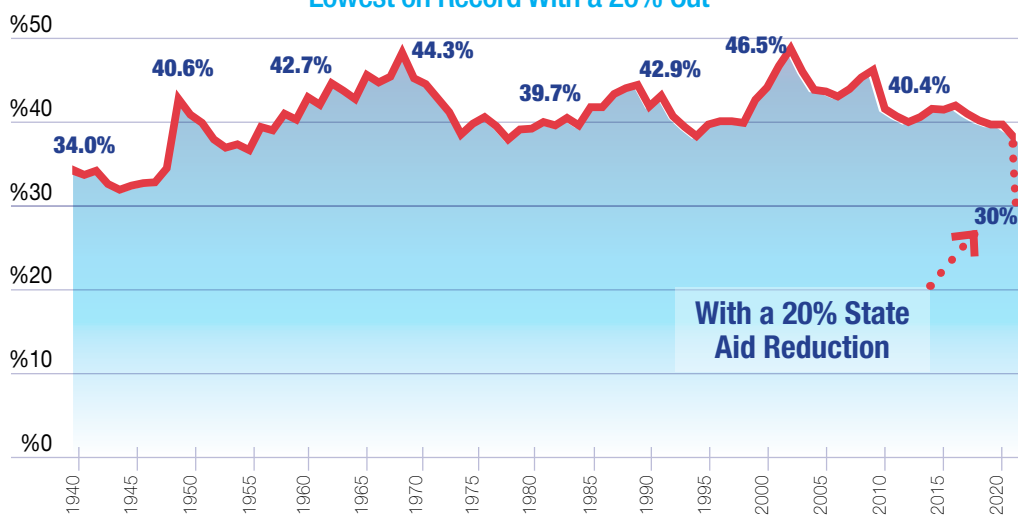
716-946-7006 ■

ECB Fall 2020 State Aid Factsheet

continued from page 7

State Aid as a Share of School Revenue

Lowest on Record With a 20% Cut



FACT: Mid-year cuts are especially disruptive to students and districts' fiscal stability.

When schools lose revenue that supports student programs in the middle of the year, they have little to no ability to make up for it. Even in a normal budget cycle, local revenue is limited due to the tax cap. It's not an option in the middle of the year. This is why when aid is cut mid-year, many districts need to resort to staffing reductions, as happened in 1991. This results in educational instability, such as increased class sizes and the dislocation of student programs and supports.

Mid-year cuts in state aid make sustaining student programs and responsible fiscal planning impossible.

FACT: A 20% state aid cut would bring the state's share of school funding to a historic low.

The New York State Education Department publishes the state share of K-12 expenditures for every year going back to 1940-41. For the last 20 years, the state share has averaged about 42% and in the most recent year published (2018-19), it was 39.4%. ECB estimates that if a 20% reduction to all state-funded programs to schools were to occur, this would fall to 30% – lower than any year since 1940. In this context, it's also important to consider the long-term implications of state funding cutbacks. From the time the GEA was enacted in 2010-11, it took six state budget cycles for it to be eliminated, and many districts have still not returned to pre-GEA staffing levels or fully recovered from its impact on student programs and services.

Summary

ECB members recognize the toll that COVID-19 has taken on the state finances and the challenges this has created. Yet, if we are to keep our public education system intact and meet student needs, a 20% reduction in state aid, no matter how it is structured, cannot occur. Circumstances may preclude avoiding an aid reduction, but if this is the case, it must be considerably less than 20% and carefully account for the impact on all districts. In any scenario, significant and sustained federal funding is necessary. Otherwise, we risk catastrophe for a generation of students and the schools they attend.

The New York State Educational Conference Board is comprised of the Conference of Big 5 School Districts; the New York State Council of School Superintendents; New York State PTA; the New York State School Boards Association; New York State United Teachers; the School Administrators Association of New York State; and the Association of School Business Officials of New York.

FACT: A 20% state aid cut represents a loss of \$5.2 billion in funding. No matter how such a reduction is distributed, it would be devastating for schools.

Because more state aid goes toward districts with the least resources, an across-the-board reduction of 20% would disproportionately impact low-wealth, high-need communities. As the chart on the first page shows, a universal 20% cut would result in an average loss of \$3,779 per pupil in the 10% of school districts with the lowest combined wealth ratios (a measure of fiscal capacity) and just \$458 per student in the wealthiest 10%. However, a wealth-adjusted cut is also problematic. Consider that a 20% state aid reduction equates to about \$5.2 billion. With the greatest share of state aid going toward high- and average-need districts, eliminating every dollar of aid for low-need districts (which is not reasonable) would save only \$1.6 billion. Thus, an across-the-board cut would devastate those districts that rely on state aid the most, but adjusting for wealth would still hurt poorer districts while having dire consequences for average-need districts. Any reduction in state aid that occurs must be significantly less than 20% overall. The scale of a \$5 billion cut is such that there is no way to distribute it that avoids severe consequences.

FACT: A 20% reduction in state aid is more than double any other state aid cut in history.

The most recent state aid reduction, the Gap Elimination Adjustment (GEA), was in place from 2010-11 through 2015-16. Enacted to help the state close budget deficits after the 2008 financial crisis and Great Recession, the GEA resulted in thousands of layoffs of school personnel across the state. At its most severe in 2011-12, the GEA cut state aid by \$2.6 billion, which is just half the amount a 20% reduction would result in this year. The 1991-92 state aid cut amid the recession of that time represented a 7% reduction. We have not experienced anything like a 20% loss of state funding before – and could expect that if it takes place, the layoffs, loss of learning opportunities and economic damage will be extensive and prolonged.

**Search
Your
Site**



Find regional events
throughout the year at
saanys.org/events.