

News & Notes

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September 2011

SAANYS – Your voice, your source, your association

Vol. XL No. 6

Network Team Training by SED

On August 1-5, the State Education Department convened approximately 500 members of Network Teams and associations for intensive training related to the roll-out of common core standards, data driven instruction, and enhanced annual professional performance review (APPR) procedures. On the behalf of the State Education Department, the program was led by Associate Commissioner Kenneth Slentz and by Commissioner John King, who attended almost the entire five-day program. An extensive array of information, instruments/charts and videos used at the training program is available on the SED website: EngageNY.com. The August program had the following three focuses:

Instructional Shifts for the Common Core – David Coleman presented information regarding the following six shifts in ELA/literacy and in mathematics:

ELA/Literacy

Balancing Information and Literary Text

Building Knowledge in the Disciplines

Staircase of Complexity

Text-Based Answers

Writing from Sources

Academic Vocabulary

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APPR Training: Keeping Your SAANYS Reps Up to the Minute



SAANYS' regional representatives, negotiators, and staff attorneys, outside counsel, and SAANYS professional staff were in Albany in August for a two-day training session on providing guidance to members on the new law regarding teacher and principal evaluation (Education Law 3012-c). SAANYS has a team of more than 30 trained to assist members and units with the very complicated law and regulations. Please visit saanys.org (Members Only section) regularly as content will be updated as news and regulations come from the State Education Department and call SAANYS at (518) 782-0600 if you encounter issues dealing with this topic. ■

Two New Online Courses

SAANYS has announced two new 10-hour online courses to be held this fall. Better yet, you don't have to choose between the two – take both and get twice the credit!



Understanding, Addressing, and Preventing Sexual Harassment Issues –

October 3 - November 4

Public school administrators are responsible for the safety and well-being of all students and staff. This course is aimed at giving administrators the background and strategies to effectively work through dealing with sexual harassment charges and responses.

Dealing Effectively with Difficult Employee Situations –
November 7 - December 2

Dealing effectively with difficult employee issues is almost always time and energy consuming. Yet, if the issue is not dealt with, it eventually affects the school environment and hurts the entire teaching and learning process. This course is aimed at giving administrators strategies and tools to effectively work through difficult employee behaviors and situations.



For more details, or to register, go to saanys.org/events. An email address is all that is required. ■

Save Our Schools March – An Event or a Movement?

A special report from Peter DeWitt, Ed.D – member, education writer, elementary principal, and Save Our Schools March participant. He writes for Vanguard magazine and writes a blog entitled "Finding Common Ground" for Education Week. He can be found at www.petermdewitt.com.



This past winter, as many of us were looking at another year of shrinking budgets, school closings, and teacher and administrative layoffs, a grassroots movement called the Save Our Schools March and National Call to Action was taking form.

Administrators are not always known for speaking up against mandates. All too often we are the ones who are given the task to enforce mandates. We sit at meetings and talk about

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SAANYS Welcomes New Units (41 members):

Nassau County Superintendents of Buildings and Grounds, Region 2

Ravena-Coeymans-Selkirk Professional Operations Assn., Region 6

Adirondack Central School Administrators Assn., Region 8

South Seneca Administrators Assn., Region 11

Periodicals Postage Paid

See page 3 for details!

SAANYS 2011 Annual Conference

October 23-24

NEW Venue!

Hyatt Regency Rochester

Traveling the Road Ahead



www.saanys.org
(518) 782-0600

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Recycle Your Resources

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Executive Viewpoint

Kevin S. Casey, Executive Director

For Sale

We have entered a time in education when the line between public and private education is blurring, and the influence of moneyed interests is increasing.

The primary drivers of this melding of public and private education are economic and philosophical. On the economic side, state aid to education has been reduced, a tax cap has been imposed, health insurance and pension obligations continue to rise, and in its haste to obtain highly conditioned federal RTTT dollars, the state legislature hurriedly passed an evaluation law so full of mandates that it costs most RTTT participating districts far more than what they will receive. For districts not participating in the RTTT, it is just all cost.

Fiscal uncertainty also emanates from Washington, D.C. The nature and extent of the federal spending cuts agreed to as part of the recent debt ceiling deal are unknown, but won't be good. It is estimated that the automatic cuts that

will go into effect if further cuts are not agreed upon will reduce federal funding to the U.S. Department of Education by \$3 billion a year above and beyond the initial cuts.

The philosophical drivers are from many sources, but are commonly grouped together under the umbrella banner of the "education reform movement." This movement includes any number of well-financed foundations (Gates, Walton, Broad, Wallace...), businesses, politicians, charter school advocates, individual philanthropists, as well as those such as New York City Mayor Bloomberg, who may fall into multiple categories.

The motives of those philosophically opposed to the status quo presumably are diverse, ranging from a heartfelt desire to do good to a pure profit motive, but there is no reasonable denial of their impact. They manifest themselves in many ways, some of which seem a little too cozy. Consider the following:

1) Wireless Generation, a company that has worked with the New York City school system in the

past, has a current \$1.5 million no-bid contract with the New York City schools. Just this past June, Wireless Generation was set to receive a \$27 million no-bid contract from the State Education Department to be funded from RTTT money until the state comptroller stepped in. Wireless Generation is owned by Robert Murdoch's News Corp., which in turn employs Joel Klein, former Chancellor of the New York City Department of Education as the CEO of its education division.

2) In February, the regents approved the Relay School of Education, the first new education school it has approved in 80 years, to train teachers in a non-traditional manner. The Relay School grew out of Teacher U, a partnership between three charter school management companies and Hunter College, whose dean of education is David Steiner, formerly the New York State commissioner of education.

3) Despite the RTTT dollars, the January Regents exams were on the chopping block until Mayor Bloomberg and several anonymous donors contributed enough money to finance some of the exams this January. While our state education department gleefully announces receipt of a federal grant in excess of \$28 million to provide incentives for new charter schools, the students who need the administration of the January regents

are dependent upon the goodwill of Mayor Bloomberg and his friends. Excuse me if I decline to celebrate the re-direction to charter schools of more public education dollars.

4) The Regents Research Foundation, funded by many of the private foundations mentioned above, as well as by the Tisch family and the National Association of Charter School Administrators, has privately hired research fellows to "advise" the commissioner. The eleven research fellows together have one year of principalship experience and ten years of teaching experience. They essentially act as shadow senior SED staff, playing a central role in policy development. I do not know who they report to.

It truly seems as if public education is being hijacked right in front of our eyes. It is being purchased by those few with the financial resources to do so. If the legislature won't intervene by providing adequate funding for public education, and a majority of the Board of Regents is willing to allow the increasing influence of those who can afford to purchase it (at the expense of the Regents' own influence and authority), then the blurring of private and public education will continue, and we can only hope that the motives of the buyers are not profit driven. ■

News Round Up



Legislation to Protect Children of Abuse

To protect victims of child abuse, State Senator Timothy Kennedy of Buffalo announced on August 25 that he will introduce legislation to strengthen penalties against violent offenders who hurt children. Kennedy's bill will fix the gap in the law that let a violent North Tonawanda man off with a light sentence of one and a third to four years in prison after severely injuring two of his children.

Under the bill, an adult will be charged with aggravated assault upon a person less than 11 years old, if he was previously convicted of assault after hurting a child within the preceding 10 years. This measure strengthens state law by expanding the time window for an aggravated assault charge from three to 10 years.

The legislation would also amend the penal law to make aggravated assault upon a person less than 11 years old a class D felony. If, after release from prison, a third child abuse offense occurs, the aggravated assault charge will become a class B felony. A class D felony carries a maximum sentence of seven years, while a class B felony has a maximum sentence of 25 years. ■

Dehydrated? Get Milk.

Milk is a more effective way of countering dehydration in active children than sports drinks or water, say researchers at McMaster University.

"Children become dehydrated during exercise, and it's important they get enough fluids, particularly before going into a second round of a game. Milk is better than either a sports drink or water because it is a source of high quality protein, carbohydrates, calcium, and electrolytes," say university researchers. Researchers also report that milk replaces sodium lost in sweat and helps the body retain fluid better. The study involved children ages 8 to 10. ■

Full Day Workshop 9 AM - 3 PM

iPad
for Administrators



iPad purchase included!

At this workshop you will find out first-hand why Apple's new iPad2 is a must for all school administrators!

2011

October 5
SAANYS Conference Room
8 Airport Park Blvd.
Latham

October 6
Nassau BOCES
Lupinskie Center
One Merrick Ave.
Westbury

October 11
Erie 1 BOCES
355 Harlem Road
West Seneca

October 14
Rush Henrietta
Transportation Center
1133 Lehigh Station Rd.
Henrietta

October 18
Ulster BOCES
175 Route 32 North
New Paltz

Workshop Cost: **\$799 per person** includes 16 GB, WiFi enabled, 3G Verizon iPad2



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For additional information, visit www.saanys.org/events.

SAANYS 2011 Annual Conference

October 23-24

Hyatt Regency Rochester

**NEW
Venue!**

Go to saanys.org/events to register.



Sunday's Keynote Address:

**Be the Change. Don't Watch the Change:
The Enlightened Administrators Guide to the
Future of the American High School**

Jeff Livingston, senior vice president of College and Career Readiness for McGraw-Hill Education, will discuss how the Movement for Career and College Readiness is partnering with advances in digital technology to challenge what we thought we knew about how high school works. We will discuss answers to questions like the following:



- What is the purpose of high school?
- In what areas are those entering the workforce most unprepared? How are the needs of the workforce changing? How will they change in the near future?
- What are some of the roadblocks to student success? How can we responsibly prepare our students for what they will face in college and career?
- How are smart administrators using online courses and other technologies to lead the way?

sponsored by Castle Learning Online

A Pre-Conference Screening

A concerned mother turned filmmaker aims her camera at the high-stakes, high-pressure culture that she says has invaded our schools and our children's lives – in what she calls a "race to nowhere."



"A compelling film about the stress that kids today experience because of high stakes testing."
— Diane Ravitch

"Raises important questions that educators and parents must confront... a provocative, conversation starter of a film."
— Daniel Pink, Author of *Drive* and *A Whole New Mind*

Monday's Keynote Address:

Transforming School Culture: How to Overcome Staff Division

Dr. Anthony Muhammad has earned several awards as both a teacher and a principal. His most notable accomplishment came as principal at Levey Middle School in Southfield, Michigan, a National School of Excellence, where student proficiency on state assessments was more than doubled in five years. Dr. Muhammad and the staff at Levey used the Professional Learning Communities at Work (PLC) model of school improvement, and they have been recognized in several videos and articles as a model, high-performing PLC. Dr. Muhammad is the author of the book *Transforming School Culture: How to End Staff Division* (2009) and a contributing author to the book *The Collaborative Administrator: Working Together as a Professional Learning Community* (2008).



In his address, Dr. Muhammad will deal head on with the issue of conflicting agendas within schools. Successful schools have a very clear purpose – learning for all students. We will examine the barriers to aligning adult agendas with the school agenda and what leaders must do and what teachers must do to develop the synergy necessary to guarantee learning and transform every school into a healthy school culture. Participants will:

- Understand the root cause of social division and how to heal old wounds.
- Understand everyone's role in developing a healthy learning environment.
- Embrace the moral imperative of schooling over personal agendas.

sponsored by McGraw Hill SRA Wright Group

APPR: The New Principal and Teacher Evaluation Law

A review of the new APPR law and regulations, discussion of issues and concerns for units and members, and an overview of available resources.

Legal and Legislative Workshop

sponsored by VIRCO

An overview of current legal and legislative events that directly impact the working conditions of school administrators. Topics include the latest legal cases affecting school leaders, federal and state initiatives, and annual professional performance reviews for principals and teachers.

Workshop Descriptions

Launching a Successful Online Credit Recovery Program
Glen Van Derwater, Rochester City School District
Jim Frenchak, Aventa Learning

Primary Project: Addressing Social, Emotional, and Behavioral Needs

Mary Anne Peabody and Mark Turner, Children's Institute
Brian Brooks, Palmyra-Macedon Primary School

Mobile Learning Device Initiative:

A Student Perspective on 21st Century Learning
Mike Makuszk, Verizon Wireless

**Micropolitics and the Principalship:
A Look at How Principals Develop This
Critical Attribute of School Leadership**

Dr. John Stimmel, Sayville Schools

Data-Driven Decision Making in the Classroom
Steven Arnone, SMART

Facilitating Change with Difficult or Noncompliant Staff
Jennifer Walsh-Rurak, Canton CSD

Retirement: Traveling the Financial Road Ahead
Jon Law, Central New York Agency, LLC for MassMutual Financial Group

Preparing All Students for College and Career Success
Matthew Zarro, The College Board

Google Apps for Education

Donna Frymire, Jeanne Fradella, and Doug Wolf, Amherst CSD

Leading for Positive Change:

Your Vision and the Strategy Steps to Achieve It
Dr. Almitra Berry, The McGraw-Hill Companies School Education Group

The Dignity for All Students Act: Requirements, Guidelines, and Implementation Strategies

Karen Siris, Oceanside Schools and Adelphi University
Mary Grenz Jalloh, New York Center for School Safety

**Traveling the Neural Superhighway:
Brain-based Early Reading Instruction**
Alicia Sparks, Rowland Reading Foundation

Be Present and Enter to Win! Two Giveaway Times: Sunday, October 23, 7:30 pm; Monday, October 24, 1:30 pm

2 iPads



(compliments of Central New York Agency, LLC/MassMutual Financial Group)



BOSE Entertainment System

... and much more!

You must be present to win.

DATES to Remember :



Government Relations Committee Meeting

October 3 & 4, 2011

Contact your GRC representative to voice your concerns or ask questions.

Go to saanys.org/regions and click on your region for a list of your representatives.

October 10-14

National School Lunch Week

October 17-21

National Character Counts Week
National School Bus Safety Week

SAANYS MentorCoach Service



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

For more information, contact:

Jim Collins
518-782-0600

jcollins@saanys.org
www.saanys.org



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(518) 782-0600



SAANYS' website has the information you need. The site has been recently updated with new features and navigation.

Check us out at www.saanys.org

Don't forget that you can use the Custom Google Search at the top right side of the page to find exactly what you're looking for!

Welcome New Members

- Gregory Abbate
- Martin Abrams
- Cory Allen
- Dagoberto Artilles
- Gary Bell
- Alison Benedict
- Jedd Beukelman
- Susan Birmingham
- Joan Braun
- Tim Brunson
- Jennifer Bull
- David Burns
- Nora Callender
- David Carrington
- Alfredo Cavallaro
- Peter Cavassa
- Diana Conroy
- Shaun Cotter
- Margarete Couture
- Heather Culnan
- Marc Czadzeck
- David Delaney
- Brian Dengler
- Louis DiPadova
- Lisa Doyle
- Tammy Dziuba
- Jessica Elliott
- Maria Fallacaro Smith
- Pamela Fess
- Darryl Fineout
- Cathy Flanders
- Marlene Gaynor
- John Gibbons
- Denise Gibbs
- Todd Goho
- Linda Guernsey
- Paul Gustafsson
- Michael Hahn
- John Hall
- Joseph Hendrickson
- James Hoagland
- Catherine Horucy
- Jennifer Houck
- Darcy Hunter
- Courtney Jablonski
- Jennifer Jones
- Colleen Klimchuck
- Christopher Klump
- Brian Kurdziel
- Cynthia Lauzon

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Network Training . . . *cont. from page 1*

Mathematics

Focus	Coherence
Fluency	Deep Understanding
Applications	Dual Intensity

In both subject areas, there was an emphasis on prioritizing instructional content and presenting fewer concepts, while "going much deeper." He also modeled how instruction would be provided in a manner that capitalizes upon student involvement and higher order thinking and questioning skills.

Instruction Driven by Data – Paul Bambrick-Santoyo presented information regarding school based inquiry and data-driven instruction. He stressed the importance of common interim/formative assessments every six to eight weeks, with one-page data summaries of instructional groupings (including data for individual students) to serve as the basis for discussion at periodic teacher-administrator meetings to review student assessment data. He posited that such meetings, with a quick turnaround time from the date of assessment, can be more effective than teacher observation review meetings.

Teacher Evaluation – Duffy Miles focused on the use of teacher observation rubrics, five of which have been

Accountability Think Tank Needs Input

Jim Viola, SAANYS director of government relations, had the opportunity to attend Network Team Training in Albany (see article, page 1), along with a number of other SAANYS colleagues. During the training he met with Assistant Commissioner Ira Schwartz in regard to a think tank being formed by SED in regard to school and district accountability. Jim accepted the opportunity to serve as a member of the think tank and is eager to present this background information and to solicit member recommendations.

Background: Based on current standards, the number of schools that have not achieved NCLB targets and therefore will likely enter accountability status (or go deeper into accountability status) is likely to increase by over 100 percent compared to last year. This is because NCLB targets continue to increase toward the goal of 100 percent student proficiency by 2014. Based on SAANYS' federal lobby days over the summer (see below), it also appears that Congress will not take action to re-authorize ESEA. For

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Mr. Kirsch Goes to Washington

Attendees of NAESP's National Leaders Conference, which included SAANYS President Fred Kirsch, spent a productive day lobbying on Capitol Hill for our nation's students. Despite a range of responses from congressional staffers, there was a spirit of accomplishment as the voice of principals was heard.

As principal teams met with lawmakers, they shared their stories to provide examples of the relevance of maintaining autonomy at the local school level. The school leaders advocated for the need for high professional standards and multiple measures to determine a principal's effectiveness.

Likewise, the principals explained the challenges faced by our children, and the need to establish assessment protocols that consider the "whole child." For more coverage, go to <http://www.naesp.org>.



SAANYS' President Fred Kirsch with New York City Elementary School Principals Association Executive Director Pierre Lehmuller lobbying in Washington.

approved by SED; and building observer skills, such as the documentation of objective evidence. The observer must primarily focus upon what the students are doing, not on teacher actions. Professional development to be delivered to NT members in future months will address other areas related to observation including summative evaluation, accurate statistical measurement, and inter-rater reliability. We expect that future NT training will also include information specifically related to the evaluation of building principals.

Although the training program was intensive and long, the program did not address all the information related to SED's education reforms, including Annual Professional Performance Review requirements for teachers and principals. (In fact, the APPR portion of the five-day program focused exclusively upon teacher evaluations.) For this reason, Associate Commissioner Slentz said that the department plans to hold two additional training sessions during the 2011-12 school year, but the dates for the programs are not available at the time of this printing.

SAANYS was well represented at the NT Training by Jennie Pennington, GRC member and negotiator, and by James Viola, director of government relations. However, many other SAANYS members also attended the program as NT members including: Nicole Catapano, who is also a member of the SAANYS Assessment Advisory Committee; Marystephanie Corsones, GRC member; Linda Mulvey, Syracuse City School District; Brian Nolan, Syracuse City School District; Maureen Patterson, GRC member; James Polansky, GRC member, and others. For more information regarding Network Team functions or training, contact James Viola at jviola@saanys.org or other SAANYS colleagues who are NT members. ■

New Law Good For Our Children

The New York Association for Pupil Transportation (NYAPT) applauded the signing by Governor Cuomo of legislation that will expand and update the list of crimes for which an individual can be disqualified from driving a yellow school bus.

NYAPT President David Christopher of Shenendehowa Central School District noted that "The legislation . . . will help us to better ensure the safety of our children. There are some 50,000 school bus drivers in our state and our job is to ensure that each and every one of those individuals meets the highest of standards. This new law has been long in coming and we appreciate the governor's approval action and the introduction and sponsorship of this legislation by Senator John Bonacic and Assemblyman Gary Pretlow."

NYAPT Executive Director Peter Mannella stated that "NYAPT has advocated for passage of similar legislation for several years without success and it is great for the children of our state that the pieces all finally came together for passage and enactment in 2011."

NYAPT supported the legislation because it had been over 20 years since the law governing the criminal background checks of school bus drivers had been updated and amended. "Since that time dozens of crimes have been established and our society has changed in ways that have fostered new kinds of crimes like those committed over the internet. We need to make sure that the laws ensuring the safety of our children are kept current with these new developments. For that reason, we supported this legislation and are thrilled that it has been signed into law."

For more information, contact Peter Mannella, NYAPT executive director, at 518-463-4937 or email peter@nyapt.org. ■

Student Leadership Program

Is your student leadership program meeting your expectations?

Is school spirit what you want it to be?

Does your school have a newsworthy community service program?

If you answered no to any of these questions, consider having your student council join the New York State Council on Leadership and Student Activities (NYSCLSA).

Please contact
Ron Coleman at
rcoleman14@nycap.rr.com
for more information.



A Message From
Jennifer Carlson
SAANYS Counsel
JCarlson@saanys.org



Keeping Bargaining Unit Work Without Imposing an Unfair Burden Upon Your Members

Recent economic times have unfortunately resulted in a number of positions either being abolished or cut to part-time. However, as we all know, just because the position is eliminated or the time is cut down doesn't mean that the duties disappear.

It is important to be cognizant of position eliminations and/or cutbacks within your unit and where your district is reassigning the duties. While nobody enjoys the idea of receiving additional duties on top of their already heavy workload, it is important to make sure that the duties from the eliminated position remain within your bargaining unit.

Many districts are currently trying to assign some or all of the duties from an abolished administrative position to either teachers or central office staff. This would constitute an improper transfer of bargaining unit work and would be the subject of an improper practice charge before the Public Employees Relations Board (PERB). If you become aware of such an improper transfer of bargaining unit work, it is important to contact the SAANYS legal department as soon as possible because there is a four month statute of limitations for filing an improper practice charge. Failing to file within this time will result in the unit being unable to challenge the improper reassignment of duties and may ultimately result in the unit permanently losing the duties and/or any new positions that could be created based upon these duties.

Other units are encountering the slightly more complicated problem of the district contracting out to BOCES the duties related to the abolished position. As a general rule, contracting out of exclusive bargaining unit work is a mandatory subject of bargaining. Even if the work to be

contracted out is not exclusive to your unit, the impact upon your unit may constitute a mandatory subject of negotiation.

Education Law §1950(4) permits school districts to subcontract certain duties to BOCES, such as school nurses, bus transportation, and psychologists. This section also enumerates certain duties that may not be contracted out to a BOCES. Both of these areas have been expanded upon by PERB and the courts. It should also be noted that such subcontracting must be with the consent of the commissioner of education. Again, it is important to contact the SAANYS Legal Department as soon as you learn of such subcontracting so we may timely evaluate the transfer and determine whether any legal action is appropriate.

The improper transfer of bargaining unit work is not the only issue that can arise out of a position abolishment. Many times the leftover duties are assigned to unit members. Taking on additional duties oftentimes has a significant impact on an administrator's ability to timely and properly complete his or her regularly scheduled duties. It is important to realize that the unit's hands are not completely tied just because it does not want to lose its exclusive bargaining unit work. The assignment of new duties is a topic of mandatory bargaining, which means that the district is required to negotiate the assignment of the duties, along with any potential stipends and/or other available options to make the imposition of additional duties more feasible.

If the district does not initially approach the unit about negotiating these duties and/or states its opinion that the additional duties do not warrant any additional consideration, the unit may file a letter formally demanding impact bargaining. A district's refusal to engage in impact bargaining may form the basis for an improper practice charge at PERB, which is why you should consult with SAANYS if this issue arises.

Additionally, the assignment of additional duties may be the proper subject of a grievance under your collective bargaining agreement. The timeline for commencing a grievance is different for each unit, but often must be starting within a very short period.

It should be noted that newly created duties, and not just those related to an abolished position, can be the subject of impact bargaining. For example, we anticipate many requests for impact bargaining due to the new processes and procedures that will be negotiated as a result of the new APPR regulations. While not all assignments of duties will result in additional compensation or even legal action, it is important to monitor where duties go and when new duties are created and contact SAANYS right away if you have any questions, so that we can ensure that the rights of the unit and its members are protected. ■

NYSUT Successful Challenge to Certain Aspects of the APPR Regulations

New York State United Teachers (NYSUT) successfully challenged certain regulations adopted by the Board of Regents regarding the implementation of the annual professional performance reviews (APPR) of classroom teachers and principals pursuant to Education Law Section 3012-c.

While the trial court's decision supports the position of public sector education unions that 80 percent of the APPR (as well as the appeal and improvement plan processes) must be collectively negotiated, the immediate effect (and enthusiasm) regarding the court's decision is minimal, however, as the Board of Regents and State Education Department have obtained an automatic stay of the supreme court's decision by filing a notice of appeal. Hence, during the pendency of an appeal, the current regulations still must be complied with unless NYSUT moves to vacate the stay, which is rarely granted against municipalities.

Nevertheless, the trial court did strike five parts of the new APPR regulations. Two parts of the regulatory scheme successfully challenged relate to the 80 percent of the composite score that is statutorily required to be collectively bargained. Specifically, the first challenged regulation [30-2.4(c)(3)(d)] relates to the second 20 percent component of "other locally selected measures of student achievement" that are "developed locally." That regulation is applicable to teachers alone (though there is a companion principal regulation [30-2.4(d)(i)(a)-(c)].) The regulation was declared "invalid only to the extent that the same growth measures utilized to measure the first 20 percent category of Section 3012-c[2][e] may not be utilized to measure the second category."

The court held that the use of a single state assessment measuring student growth to determine 40 percent of the

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Contract Settlements



NOTICE: Please send copies of your unit's settlements in the event that SAANYS did not negotiate the contract. This information is important and should be shared with fellow SAANYS members.

Newfield, Region 9

The Newfield Central School Administrators' Association and Newfield Central School District, with assistance from SAANYS Negotiator Dr. Michael Robinson, have ratified a new two-year contract for the period July 1, 2010 through June 30, 2012. The new contract provides for a general salary increase of 1 percent effective July 1, 2010 on top of a \$1,000 performance stipend added to the base salary. Effective July 1, 2011 unit members are eligible for another \$1,000 performance stipend on their base salary and a 1 percent general salary increase. The association added another position to their recognition clause. The parties agree to negotiate appropriate language relative to the new evaluation law. All other terms and conditions of employment from the previous collective bargaining agreement remain in place. ■

Herkimer County BOCES, Region 8

The Herkimer County BOCES Administrators' Association and Herkimer County BOCES, with assistance from SAANYS Negotiator Dr. Michael Robinson, have ratified a new three-year contract for the period July 1, 2011 through June 30, 2014. The new contract includes a 0 percent general salary increase for 2011-12, 2.5 percent for 2012-13, and 2.5 percent for 2013-14. The new collective bargaining agreement provides for an increase in the number of vacation days that can be cashed in annually, an increase in the number of personal days, and longevity stipends added to the base salary in the 10th and 20th year of employment as a unit member. Any unit member not eligible for a longevity stipend in 2011-12 will receive a \$500

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If you become aware of such an improper transfer of bargaining unit work, it is important to contact the SAANYS legal department as soon as possible because there is a four month statute of limitations for filing an improper practice charge.

New Members

continued from page 4

- Linda Leising
- Vincent Leone
- Karen Leuandowski
- Martin Lipczynski
- Tom Lutsic
- Susan Lynch
- Mark Mambretti
- Tammy Mangus
- Armand Markarian
- Robert Markel
- Denise Mazza
- Brendan McCarthy
- Lyn McKay
- Brian Miros
- Jessica Monck
- Victor Montanez
- Kristy Moore
- Michael Moran
- Rebecca Mulford
- Edward Niznik
- Timothy O'Donnell
- Shelley O'Riley
- Maryann Osborn
- Kim Parahus
- Stephen Parker Zielinski
- Amy Peluso
- Elizabeth Phillips
- Jason Phillips
- Benjamin Pisani
- Stephen Plumer
- Douglas Porter
- Russ Randazzo
- Christine Reynolds
- James Ristano
- William Roberts
- Oslyn Rodriguez
- Daniel Romano
- Brian Rooney
- James Saitta
- John Scalisi
- Robert Schloth
- William Schrom
- Julie Schwab
- Allan Scotto
- Dennis Sheridan
- Heidi Smith
- Dawn Springer
- Thomas Szajkowski
- Marybeth Tedisco
- James Thomas
- Patricia Thomas
- Thomas Trainor
- Andrew Ward
- Elizabeth Ward
- Edgar Whaley
- Kelly Wight
- David Williams
- Kimberly Williams
- Edward Yansen
- Mary Yodis
- Brian Zimmer

NYSUT Challenge . . . *cont. from page 5*

student achievement category defined in the law, violates the statutory mandate that teacher effectiveness be based on multiple measures.

The second regulation relates to the remaining 60 points. NYSUT sued successfully to overturn the regulation that specifically involved teacher evaluations, requiring at least 40 points of the 60 points to be based on classroom observations and the qualifier that no more than five points of the 60 points be assigned to evidence related to teacher professional growth goals. The applicable regulation for principals is different [30-2.4(d)(2)(iii) and (iv)]. Citing the theme in the newly enacted APPR law that the remaining 80 points must be established through collective bargaining, the court agreed with NYSUT's argument that purported some "standards" enunciated in the regulations are in reality evaluation methods. Moreover, "the assignment of a point value to a specific measure of teacher performance is the stuff of evaluation, not a standard that may be pronounced" by the Board of Regents and State Education Department. Accordingly, the court held that whether, and to what extent, classroom observations and professional growth are utilized in defining the 60 point evaluation component, it must be determined through negotiations not regulation.

The three remaining regulations struck down apply equally to teachers and administrators. These three parts are (1) the requirement to utilize independent evaluators where a corrective action plan is ordered based on SED monitoring [30-2.12(b)]; (2) the broad statement that a school district or BOCES shall retain the authority "to terminate probationary teachers or deny tenure to a probationary teacher during the pendency of an appeal pursuant to this section" [30-2.1(d) and 30-2.11(c)]; and, (3) the established scoring ranges used to rate a teacher's effectiveness [30-2.6(a)(1)].

As to the requirement to utilize an independent evaluator, the court noted that outside of the first 20 percent component, the evaluation process defined in the law is subject to collective bargaining. As a result, to the extent that Regulation 30-2.12(b) authorizes the department to appoint independent evaluators it conflicts with the law. Thus, the court struck down that part of the regulation that allowed the department to appoint independent evaluators, while acknowledging the department's authority to monitor implementation of regulations.

The Board of Regents also included twice in the regulation that a school district or BOCES shall retain the authority "to terminate probationary teachers or deny tenure to a probationary teacher during the pendency of an appeal pursuant to this section." The statement conflicts with the statute that provides, in pertinent part that "such annual professional performance reviews shall be a significant

factor for employment decisions including but not limited to, promotion, retention, tenure determination, termination . . . (emphasis added)." Citing that section of the statute, the court held that tenure determinations that include both the granting and denial of tenure, must be performed in compliance with the statute. Inasmuch as the regulation provides otherwise, it is invalid.

The last area of NYSUT's successful challenge concerns the scoring bands. The court noted that, in some cases, the scoring bands did not allow for the 60 point category to have meaningful impact in the composite score. Noting that the law requires "multiple measures" be used, the court observed that the current scoring bands allow for a teacher and/or principal to be deemed "ineffective" solely on the basis of poor student achievement. While not mandating a specific range, the court cited with approval the draft regulations that had the "ineffective category" listed by a score of 50 and under as achieving the proper balance of multiple measures advanced in the statute, giving the 60 percent meaningful impact in the calculation of the composite score. Given the regulation's current effect, the regulation was deemed invalid by the court.

Since there exists an automatic stay of the court's decision based on the likely appeal, the regulation must be dealt with head on and as written. If anything, the court's decision should strengthen the resolve of local bargaining units to collectively bargain 80 percent of the composite score and the appeal and improvement plan processes. Do not be bullied into giving up important rights that will affect your job and career. It is also suggested that any negotiated APPR process have a defined "limited life" (i.e., written for 2011-12 only) to allow for modifications in the near future. ■

Contract Settlements *cont. from page 5*

stipend that is not added to the base salary. A three-tier copayment prescription drug plan was agreed to and the buyout for not participating in the district health plan was increased. A new and expanded dental plan will be provided by the district at no cost to the unit member. Lastly, the value of unused sick days upon retirement was increased to \$55/day and the early notification of retirement shall include a payment of \$200 for each year of accredited active service with the Herkimer BOCES. Language modifications were included that provide greater protection for unit members. ■

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Recycle Your Resources . . .

Do you know of a website, a book, a grant, or other resource that your colleagues should know about? Share it in this column by emailing MHebert@saanys.org.

Back to School with Food Allergies

A free Internet television program shows educators how to handle food allergies in school. The Allergy & Asthma Network Mothers of Asthmatics presents "Food Allergies & Anaphylaxis at School: Real World Solutions," bringing together a panel of individuals all affected by food allergies in different ways. The panel, comprised of an allergist, school principal, psychologist, nurse and parent of two children with food allergies, debates this highly charged topic, working through issues such as 'peanut-free' and 'allergy-free zones,' and how to determine when a child is ready to self-administer auto-injectable epinephrine, the only drug that reverses an anaphylactic episode.

Most episodes at school resolve on their own, but those that don't are usually because an auto-injectable epinephrine was used too late. The panel discussion highlights the importance of educating first responders – teachers, school

nurses, and students with food allergies – on how and when to use auto-injectable epinephrine, to prevent deaths from anaphylaxis.

Watch the video on YouTube at: <http://youtu.be/Syj3FKGWbZs> ■

Reference Available for Download

SAANYS has prepared an APPR Resource Packet that is being updated regularly as data becomes available. Members can download a copy of this informative publication by going to saanys.org, entering the "members only" section, clicking on the "Publications/Research" button, and then Desktop References.



Share the wealth of knowledge garnered by fellow administrators and professionals. The more you learn, the better able you are to address the issues that affect your career and your students. ■

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Desktop References at saanys.org

SAANYS offers members downloadable desk references from the "members only" section of our website. These include: *The APPR Resource Packet, Strategies for Successful Negotiations, Employment Termination and Position Abolishment in Uncertain Times, and The Administrator's Handbook.*

Congratulations Retiring Members

- John Adams
- Edythe Alcombright
- Alan Alterbaum
- Mary Lou Assante
- Martha Benedict
- Candace Bennis
- Laurie S. Boughter
- Edward A. Bronson
- Karen Aronson
- Larry Burud
- Nancy Caputo
- Margaret Cardona
- Jane Case
- Ernest J. Casile
- Tom Castellano
- William Chick
- Mary Connery
- Carolyn Cutler
- Karen D'Angelo
- Maria Dubie
- Kevin Duffy
- Alan Fairey
- Sharon Fellner
- Gordon Fitting
- Patricia Forest
- Audrey Gangloff
- Terry Grajek
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- Ronald L. Jackson
- Irene M. Judy
- June Karassik
- Linda Kellner
- Peter Krisniski
- Carol LaCoppola
- Mary Louise Lamberti
- Jay Lewis
- Robert Litz
- Gary Lott
- Carol Lynch
- Charlene Maniscalco
- Karen Marcucci
- Karen Markoff
- Pamela B. Martin

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Think Tank . . .

cont. from page 4

this reason, the US Department of Education has indicated that it will consider variance requests from states. In regard to the variances, Secretary Duncan has indicated that "No states are competing against each other [for the granting of variances]." In fact, the administration is hoping that every state will apply. The formal announcement of timelines and specifications for the submission of variance requests is expected in September, and the assistant commissioner wants to be in a position to take advantage of this opportunity.

The Unknowns – Secretary Duncan is expected to include a quid pro quo provision in the variance application, requiring that states agree to adopt a prescribed set of education reforms in order to be granted a variance. However, what the reforms will be (and the types of variances that may be approved) remain unclear.

Timeline – The first meeting of the Think Tank was held on August 25, but it is expected that a number of additional meetings will also be scheduled. Please provide any thoughts/recommendations you may have for an improved and fairer accountability system at the district and/or school levels to Jim at JViola@saanys.org.

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It is hoped that participation in the Think Tank will provide the opportunity to advance two planks of SAANYS' legislative agenda:

- Successful school completion and the calculation of graduation rates should be based on all students who remain in school and graduate with a high school diploma or the equivalent, regardless of the number of years the students has been in high school. The current criterion to complete in four or five years should be discontinued.
- Students who remain in school and graduate with a high school equivalency diploma should "count" as successful school completers, and be included in some manner in the calculation of graduation rates. The current system under reflects the extent of successful school completers.

Another possibility is:

- For students with more severe disabilities, for whom graduation with a Regents/local diploma is not an appropriate educational goal, transition from high school to a vocational rehabilitation program or other appropriate adult program should be regarded as successful school completion. ■

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Retiring Members

continued from page 7

- Ronald Martin
- Joseph P. McCourt
- Karen McCrossen
- Thomas McGowan
- Constance Miller Filzen
- Bernadine Moldoch
- John Moore
- Patrick Moriarty
- Sandra Morley
- Edward Mucci
- Daria Murphy
- Thomas Nemmer
- Jan C. Nichols
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- Douglas Regan
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- Diane Scholl
- Barbara Schultz
- Sloan Sheridan-Thomas
- Laya Marcia Simon
- Jo Slovak
- Richard Snyder
- Deborah Starr
- Irwin Sussman
- Sherri Taber
- Joan Taylor
- Chris Townsend
- Cathy Tuminno
- Gail Tummarello
- Thalia Venditti
- Patricia Walmsley
- Julie Welch
- Steven Williams
- Harry Witkin



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Save Our Schools . . . *cont. from page 1*

the new laws coming from our state or national education departments. We complain a bit and move forward like good little soldiers. Unfortunately, many of us do not believe in much of what we are told to do in these top-down initiatives.

SOS backers believe we do have an educational issue in this country and it was created by policy makers, not educators, and it's called No Child Left Behind (NCLB). Politicians claim that it was created to make schools more equal, more accountable, but many are not convinced that this is true, as there is research that suggests it merely continued to make schools segregated based on class and race.

In the days preceding the March, the SOS Conference was held at American University in Washington, D.C. and began with a keynote from Jonathan Kozol. Kozol compared the segregation going on in the public school system to that of apartheid. He said a quality education should not be based on class or wealth, but rather, every child should be able to receive a proper education. There were numerous breakout sessions that focused on how to build a campaign against high-stakes testing, and other sessions that focused on the key issues that SOS calls their guiding principles, including:

- Equitable funding across all public schools and school systems.
- Full public funding of family and community support services.
- Full funding for 21st century school and neighborhood libraries.
- An end to economically and racially re-segregated schools.



The crux of the matter, however, can be seen in the frustration around, and call to end, high-stakes testing used for the purpose of student, teacher, and school evaluation; performance pay; and school closures or conversions. Read one picket sign: "Teach Me, Don't Just Test Me."

Diane Ravitch gave the keynote speech on July 29 and tried something different. She interviewed herself. In conservative media Diane has been portrayed as someone who wants to maintain the status quo and she wanted to make sure we all know that. She ended her speech by saying she has never seen a country try so hard to prove that their public education system is failing.

The rally itself took form on July 30, when an estimated 5,000 educators and concerned citizens converged on Washington D.C. calling out for NCLB to be repealed and demanding a high-quality education for all students. Notables such as Diane Ravitch, Deborah Meier, Jonathan Kozol, Linda Darling-Hammond, and actor Matt Damon spoke at the march and rallied the troops. Said Damon, "This has been a horrible decade for teachers. The next time you feel down or exhausted . . . please know that there are millions of people behind you."

We may have been experiencing tough times over the past two years, but I sat next to teachers who have 35 to 40 students in a classroom, limited prep time, and no supplies. One gentleman said that in LA unified (California) where he teaches, the newspaper prints the names of every teacher who had a failing grade on their high-stakes testing results. Some school districts across the country have seen tough times for decades, and that is what SOS is fighting very hard to end.

SOS now has a long list of supporters. Between supporting candidates who want to repeal NCLB and sponsoring research that shows that high-stakes testing is harmful for students, teachers, and schools, it seems that the SOS movement has no plans to disappear. Find out more at www.saveourschoolsmarch.org. ■

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Smith, who worked in the District of Columbia public schools before graduating, said the range of views and insight from peers was eye-opening and instructive.

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