

## Law conference looks at school safety



In early October, about 70 school district leaders—school board members, superintendents, business officials, and others—met with members of the Monroe County Bar Association at the 27<sup>th</sup> Annual MCBA-MCSBA School Law Conference to receive updates on school safety and security issues.

Lynda Van Coske, Esq. of Monroe 2 – Orleans BOCES used props to demonstrate appropriate behaviors when searching students and their belongings for suspected contraband.



Aimee Lafever Koch, Esq., Osborn Reed and Burke, reviewed district obligations created by the new NYS 'Dignity for All Students' anti-bullying law.

Ronald J. Mendrick, Esq., Harter Secrest & Emery, discussed the pros and cons of treating various student behavioral infractions as school discipline or criminal activities.

Wayne Vander Byl, Esq. reviewed legal and ethical standards for district leaders in dealing with disruptive people during and outside board of education meetings.



TOP LEFT: Bonnie Seaburn (Spe), Mike Crumb (Spe), Scott Bischooping (Livonia), Jo Anne Antonacci (B2), and Karen Brown (B2).

ABOVE: MCSBA President Dick Rasmussen (HFL) welcoming participants.

LEFT: Lynda VanCoske, Esq. reviewing search and seizure.

FAR LEFT: Ronald Mendrick, Esq. discussing the difference between discipline and law enforcement in school districts.

BELOW: Marv Sachs (Bri) conferring after the program with Wayne Vander Byl who had spoken about dealing with disruptions.



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# Upcoming

## For New Board Members:

Sat., 11/6, 7:30 am – 3:15 pm (Holiday Inn Airport)

### Local Policies & NYS Regulations for Oversight of District Finances

MCSBA's SED-required, SED-approved program for new board members

## For ALL Members:

Wed., 11/10 Information Exchange Committee  
round table discussion of efficiencies  
districts are using to cope with budget cuts

Mon., 12/6 Albany bus trip to meet with key staff members

Wed., 12/8 Labor Relations Committee review of the effects  
of the Obama health plan on the local insurance  
consortium

## MCSBA members at NYSSBA convention



Joyce Kostyk photo

Fairport School Board President Ken Kathan speaking at the NYSSBA Convention while Bret Apthorpe, the district's head of technology and Superintendent Dr. Jon Hunter listen.

Approximately 80 people representing MCSBA districts participated in the NYSSBA Convention in New York City earlier this month to get updates on legislative and regulatory initiatives as well as on best practices from districts around the state. People from Monroe County who made presentations were:

Susan Allen and Miryam Matulic-Keller of East Irondequoit who described their district's value-added educational programs;

Michelle Ames of the Hilton Board who spoke on board self evaluations;

Ken Kathan and Jon Hunter of Fairport who discussed their district's efforts to transform district technology; and

Bonnie Seaburn and a team from Spencerport who described how their district Family Resource Center helps to address mental health barriers to learning.

## Family law & schools

In late October, the Monroe County Bar Association's School Attorneys Committee and Family Law Section co-sponsored a program on issues affecting the practice of family law that involve schools.

Participants included school attorneys, family law practitioners and representatives of several MCSBA member districts.

Among the topics reviewed were procedures attorneys must use to contact students while they are in school, student residency issues, applications of orders of protection and subpoenas in schools, and special education procedures.



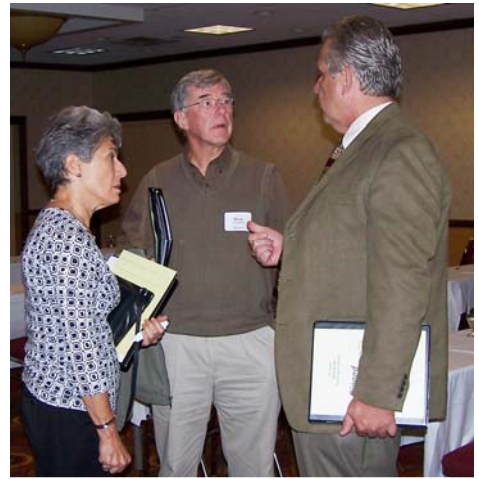
Jody Siegle photo

Amanda Insalaco (WI) concentrating on law conference materials.

## At the MCSBA-MCBA school law conference.....

RIGHT: Before the conference began, Pittsford leaders Kim McCluski, Alka Phatak, and Mary Alice Price confer.

BELOW: East Irondequoit Superintendent Susan Allen with Dr. James Tobin of the College at Brockport faculty at the conference.



RIGHT: Sora and Marv Sachs, who serve on the BOCES #1 and Brighton boards respectively, at the conference.

FAR RIGHT: Gary Valenti (Bri) and Mike Crumb (Spe).



ABOVE RIGHT: BOCES #1 Board members Sora Sachs, Bob Dickson, and Ed Knaak after the conference.



## From our executive director: *Unfunded Mandates 101*



Jody Siegle

It appears very likely that a property tax cap is in the future for New York State. Virtually every candidate has the endorsed the idea, although few have elaborated about how local governments and school districts

will cope with this limitation. School leaders have repeatedly asserted that if state leaders are serious about helping local property taxpayers, they would reduce the costly unfunded and underfunded mandates that they have imposed on other levels of government. But there has been little interest in that approach because every mandate has advocates who will fight any change.

But another impediment is perhaps more easily addressed. It turns out that most legislators do not know how to recognize unfunded mandates! This spring when the state was cutting aid to education,

when the overdue state budget was still months away from being settled, at a time when school budgets had already been finalized and voted on, the Legislature was still voting to approve unfunded new requirements for school districts!

To help with the post-election power transition in Albany, we need to develop a curriculum to teach legislators how to recognize an unfunded mandate. We can start with the appropriate definitions:

- \* A mandate is an official order to do something. The word comes from 16th Century Latin *mandatum* meaning “something commanded.”
- \* Unfunded means the lack of funding for a specific purpose.
- \* An unfunded mandate is an official order to do something without the funding to cover the cost.

Bills introduced in the State Legislature include a line called Fiscal Implications, which does NOT provide the cost of implementing the law, only the direct cost, if any, to the State government. So costs to be borne by local governments or

school districts are not necessarily reported.

Legislators must insist on knowing the true costs of legislation. This could fundamentally change bill drafting. Most years between 10,000 and 12,000 bills are introduced in Albany and approximately 1,500–2,000 of them concern public education. We are always shocked when, after the fact, legislators admit they did not realize what they were voting on. But legislators ask to be trusted with legislative responsibilities, and reading and understanding legislation are a primary part of their job description.

Whether or not the next state government can move forward productively or the dysfunction continues remains to be seen. But if legislators learn to understand what an unfunded mandate is and how to avoid inadvertently passing them, that will do more than a property tax cap to reduce the costs in NYS.

*Jody Siegle*

# How districts orchestrate curriculum changes

RIGHT: Listening to presentations are Chuck Allan (HFL), Dick Rasmussen (HFL), Bob Dickson (B1), April VanGelder (Bro), Dave Lane (GC), Sue Allen (EI), and Carol Watt (EI).

BELOW: Presenters Loretta Orologio (CC), Robert Banzer (Bro), and Dr. Deborah Baker (Bri), all of whom are assistant superintendents for curriculum and instruction matters.



Sharing with members of the Information Exchange Committee and other area leaders how their districts identify which reform initiatives best fit the needs of their students were:

- Dr. Deborah Baker**, ASCI, Brighton CSD
- Robert Banzer**, ASI, Brockport CSD
- Loretta Orologio**, ASI, Churchville-Chili CSD.

Among their comments were the following:

Program evaluation is a major first step in curriculum development.

Staff involvement is important.

Learner-centered instruction is being built into curricula.

Brighton and Brockport use Atlas system software which has national standards built in; Churchville-Chili developed its own software.

NYS standards will not need to change much to meet new national standards.

The biggest challenge is overcoming fear of change; teachers and administrators need to be assured that the focus is on what happens now, not on history.

Other challenges are staying focused and encouraging risk takers.



ABOVE: Dan Milgate (Spe), Margy Richards (ER), Lisa McCarthy (Spe), Peter Sullivan (Pit), Dr. Mark Davey (GC), and Dr. Kevin McGowan (Bri) listening to presentations.

## MCSBA going to Albany on December 6

Join your school board and administrative colleagues as we take our issues and concerns to key state officials, many of whom this year may be new to their positions.

Board our bus early in the morning at the Bushnell's Basin Park & Ride and return there by 6:15 pm at the latest.

Details and registration information to follow.

# How new evaluation regulations affect districts

Pilar Sokol, Esq., Associate Deputy General Counsel for NYSSBA, met with the MCSBA Labor Relations Committee to update members on the development of regulations governing evaluation of teachers and principals. She is a member of an SED advisory committee discussing how best to implement the new evaluation laws.

Among her comments were the following:

- No concrete regulations are expected until Spring 2011, but they will need implementation in time for the 2011-2012 school year. Board discussion now is useful, but actual agreements with bargaining units should wait until the final regulations are in place.
- Evaluations will be based on four factors, each to be given numerical value, in an attempt to objectify the evaluation process. The federal teaching standards will be absorbed into the state's plan for evaluation.
- Guidelines for evaluator training are likely to be developed.
- NYSUT is seeking to add 'teaching conditions' as a factor in teacher evaluation.
- Individualized professional development based on an individual's areas needing improvement will be part of the regulations.
- Teachers can challenge a district's evaluation process. The SED is developing a model appeals process which seeks to expedite the 3020-a discipline process for those found to have engaged in patterns of ineffective performance for two consecutive years using the new evaluation rating system.
- Any contract remains in effect until replaced by a new contract; all new contracts must adhere to the new evaluation mandates; and if a contract has expired without a new contract approved, the law states that a district must implement its last best offer that is in compliance with the evaluation mandates.



TOP: NYSSBA's Pilar Sokol addressing the Labor Relations Committee as Co-Chair Tom Gallagher (Spe) listens.

ABOVE: After the meeting Pilar Sokol discusses issues with Labor Relations Committee Co-Chair Jeanine Cushman (Web) and Dr. Michelle Kavanaugh (HFL).



ABOVE: Sue Smith (RH), Steve Barbeau (RH), Dr. Ray Giamartino (ER), Jackie Polito (Roc), and Mike DeLaus (B1).



BELOW: Janet Somes (HFL), Dr. Michelle Kavanaugh (HFL), Rhonda Laskoski (GC), Lowell Benjamin (GC), Scott Massie (Hil), Lou Alaimo (Gre), and Brian O'Connor (Gre).

ABOVE: Dr. Kevin McGowan (Bri), Gary Valenti (Bri), Karin Wilson (Pen), Patty Gallagher (Pen), John Carlevatti (Pen), Julie Christensen (Ken), and Bob Iveson (Bro).



# First Amendment symposium for educators



LEFT: Introducing members of the symposium panel that discussed the teaching of religion in public schools is symposium organizer Dr. Peter Knapp of Roberts Wesleyan College. Panelists are David Scott, Northport Schools; Dr. Muhammad Shafiq, Executive Director, Department of Religious Studies, Nazareth College; Dr. Stephen Solomon, NYU; Kathy Wildman, Fairfax County Schools; Charles Haynes, Senior Scholar, First Amendment Center; and Dr. Emile Lester, University of Mary Washington.

To achieve genuine neutrality in religious matters within classroom walls, school districts should be teaching about the world's religions and how they have affected culture and history, according to Charles Haynes of the national First Amendment Center. Among the points he made were the following:

- \* To inculcate respect for one another among students and remove the fear and suspicion that ignorance can induce, students need to learn the value of religious freedom as well as the variety of religious thought among their peers and the world at large.

- \* Our nation is closer than ever before to consensus on how to deal with religion in public schools.

- \* This consensus is needed for the well-being of our country.

Haynes was the keynote speaker at the symposium on "Public Schools, Religion, and the First Amendment" held in early October at Roberts Wesleyan College. Also on the program were discussion of relevant court cases, as well as panel discussions of curriculum and teaching, and of religious expression and liberty issues. Those who attended received materials to use in their classrooms.

To learn more, contact symposium organizer Dr. Peter Knapp at [knapp\\_peter@roberts.edu](mailto:knapp_peter@roberts.edu).

# RAC CEMS annual collaboration event attracts STEM teachers

Approximately 150 educators from our region, including 52 from MCSBA districts, participated in the 4<sup>th</sup> Annual Educators' Collaboration Event held in October by the Rochester Area Colleges' Center for Excellence in Math and Science (RAC CEMS). The theme for the event was "Collaborating to include all learners." Participants heard presentations on brain-based learning, and took part in smaller group sessions on integrating instruction and assessment, problem-based learning using numeracy across the curriculum, and Universal Design for Learning.

During the luncheon, the five finalists for the Excellence in STEM Teaching Award were presented. Each finalist received \$2,000 for attending a STEM conference of their choice. The grand prize winner received a \$10,000 classroom makeover courtesy of Ward's Natural Science. The grand prize was awarded to Robert Hollwedel, Alexander. Other finalists included Andy Maillet, Greece; Laura Westerman, West Irondequoit; Robin Hill, Rochester; and Scott Krebbeks, Honeoye Falls-Lima.



ABOVE: Scott Krebbeks, Honeoye Falls-Lima Middle School science teacher and finalist for the 2010 Excellence in STEM Teaching Award, with his superintendent, Dr. Michelle Kavanaugh, at the event's awards luncheon.



LEFT: Participants in the seminar's Universal Design for Learning (UDL) strand discussing multiple means of representation, expression, and engagement, using UDL software.

# RTTT funds for Monroe County schools

Race To The Top money cannot be used to support regular district expenses. Local districts can only use these funds for specific initiatives related to New York State's application. These include adopting the new learning standards and assessments to be developed by the state; collecting data and providing professional development that will enable schools to use this data to improve instruction; redesigning teacher and school leader evaluations using performance-based assessments to inform promotion, retention, tenure, termination and compensation decisions; and, where appropriate, incorporating one of four turnaround models to restructure schools that fail to make academic progress.

This money can be used over 4 years.

Since currently NYS provides only 7% of the SED operating budget (\$42 million), the half of the RTTT money that will go to the State Education Department will provide much needed revenue to allow SED to pursue their program initiatives.

The preliminary allocations available to Monroe County districts are as follows:

Brighton	\$ 62,000
Brockport	\$139,644
Churchville-Chili	\$103,910
East Irondequoit	\$164,143
East Rochester	\$ 81,901
Gates Chili	\$156,901
Greece	\$522,497
Hilton	\$107,244
Honeoye Falls-Lima	\$ 17,618
Kendall	\$ 35,537
Penfield	\$ 35,489
Pittsford	\$ 25,510
Rochester	\$8,178,000
Rush-Henrietta	\$189,823
Spencerport	\$101,631
Webster	\$153,621
West Irondequoit	\$ 80,946
Wheatland-Chili	\$ 38,650

# Why a property tax cap won't work

The Wayne-Finger Lakes Superintendents' Association, consisting of the chief school officers of 26 school districts issued this news release in the form of an open letter on October 13, 2010:

## Why the Property Tax Cap Doesn't Go Far Enough

If the property tax cap proposals, as introduced by the Governor, passed by the Senate, and supported by gubernatorial candidates seem too good to be true for the highest taxed state in the nation, it probably is. The property tax cap alone is a political solution and is not the real solution to our economic plight. To realize true reform, we believe the lawmakers must go even further.

As school superintendents, we are charged with the great responsibility of educating children as an investment in our collective futures. Overseeing a school district is no small task, and it has been made extremely difficult by the myriad of laws that have come down from Albany without much positive impact on children. We are in favor of property tax reform, but we firmly believe it must be combined with additional reforms to be truly effective.

Generally, budgets consist of two equally important parts, revenue and expenses. Albany's current proposal only addresses the revenue side of the balance sheet and completely ignores the expense side.

Our schools are facing daunting financial issues on both sides of their budgets. The challenges have become so great that the delivery of quality educational programs has been jeopardized. Property tax cap proposals do not go far enough because they don't address two major, out-of-control, mandated expense categories including employee pension expenses and health insurance costs.

Below are the facts and our recommendations:

**Fact 1** – Teacher retirement system payments have increased by 1,693 percent over the past eight years, or 211 percent per year on average ([www.statewideonline.org](http://www.statewideonline.org)). Lawmakers will state that they approved a new Tier 5 Pension Plan to control pension costs, but the reality is, it will take 20 years before schools will benefit. In addition, our schools received a 45 percent increase in costs in 2010-11 after the Tier 5 Bill was passed.

**Recommendation** - We propose that a law be passed that immediately **caps** employer contributions for retirement system (pension) payments.

**Fact 2** – Over the past eight years, health insurance costs for our schools have gone up 122 percent or more than 15 percent per year on average.

**Recommendation** - We propose that a law be passed to **cap** a public employer's contribution to health insurance for each employee at a set dollar amount.

Schools need Albany to control skyrocketing mandated expenses that are currently out of their control. True property tax reform must address both sides of the equation not just the revenue side. Our communities and our school districts cannot endure another politically motivated, faulty law pushed through Albany. We believe that a property tax cap can only be effective if it is combined with **caps** on employer pension costs and health insurance contributions.

To learn more, contact Dr. Joseph J. Marinelli, District Superintendent Wayne-Finger Lakes BOCES [315-332-7292].