



New York State School Boards Association

Proposed Resolutions
and
Voting Delegate's
Guide

for the
Annual Business
Meeting

October 17, 2009
New York, New York

Your convention –
their future

OCT **2009** **NYSSBA**
15-18 **90TH ANNUAL**
CONVENTION
& TRADE SHOW

NYSSBA BOARD OF DIRECTORS

President	Wayne E. Schlifke, Erie 1 BOCES
Vice President	Florence D. Johnson, Buffalo
Vice President.....	Thomas Nespeca, Webster
Treasurer	Michael J. Masse, Fayetteville-Manlius
Immediate Past President	Carl P. Onken, Orange-Ulster BOCES
Area 1.....	David A. Smaczniak, West Seneca
Area 2	Thomas Nespeca, Webster
Area 3	Thomas S. DeJoe, Erie 2-Chautauqua-Cattaraugus BOCES/Brocton
Area 4	Douglas Ann Land, Trumansburg
Area 5	William L. Miller, Herkimer-Fulton-Hamilton-Otsego BOCES
Area 6	Dana Smith, St. Lawrence-Lewis BOCES
Area 7	Lynne Lenhardt, Bethlehem/Capital Region BOCES
Area 8	Antha Robbins, Delaware-Chenango-Madison-Otsego BOCES
Area 9	Richard Feller, Monticello
Area 10.....	Peggy Zugibe, Haverstraw-Stony Point/Rockland BOCES
Area 11	Susan L. Bergtraum, Nassau BOCES
Area 12.....	Fred Langstaff, Eastern Suffolk BOCES
Conference of Big 5 School Districts.....	Florence D. Johnson, Buffalo
Northeast Director, National School Boards Association.....	Anne M. Byrne, Nanuet
Chair, National Black Caucus of School Board Members	Edward McCormick, Arlington/Dutchess BOCES

RESOLUTIONS COMMITTEE

Area 1	Patrick D. Burk, Batavia
Area 2.....	Barbara Heuther Clark, Gates-Chili
Area 3	Delores Ackerman, Cattaraugus-Allegany-Erie-Wyoming BOCES
Area 4	Charles Cator, Auburn
Area 5	Harry B. Reeder, Herkimer
Area 6	Patricia Gengo, Brasher Falls
Area 7.....	Maxine Brisport, Schenectady
Area 8.....	Kathleen Taylor, Cherry Valley-Springfield
Area 9	Roseanne Sullivan, Pine Bush
Area 10.....	Bryan Burrell, Nyack
Area 11	Mary Jo O'Hagan, Baldwin, Chair
Area 12.....	Jeffrey Smith, Mattituck-Cutchogue/Eastern Suffolk BOCES

ANNUAL BUSINESS MEETING

Saturday, October 17, 1:00 p.m., New York Ballroom
Sheraton New York Hotel & Towers, New York, New York

DELEGATE ORIENTATION/ASK THE PARLIAMENTARIAN

Saturday, October 17, 11:00 a.m. – 12:15 p.m., Conference Room D

Join Jay Worona, NYSSBA's general counsel and parliamentarian for the Annual Business Meeting, and Resolutions Committee Chairwoman Mary Jo O'Hagan for an orientation to acquaint voting delegates with the business meeting process and answer any questions regarding conduct of the meeting. A voting delegate guide has been included within this resolutions book.



TO: School Board Members and Chief School Administrators
FROM: Mary Jo O'Hagan, Resolutions Committee Chair
DATE: August 2009

This is your report of the recommendations of the Resolutions Committee on proposed resolutions, which will be acted upon by the delegates at the New York State School Boards Association's Annual Business Meeting on Saturday, October 17, 2009, at 1 p.m. at the Sheraton New York Hotel & Towers in New York City.

You'll find within this report the following:

Proposed Order of Business	2
Resolutions Recommended for Adoption.....	4
Resolutions Not Recommended for Adoption	15
Deadlines for Amendments and Rebuttals.....	28
Precedence of Motions.....	29
Proposed Rules of Conduct for the Business Meeting	30
Voting Delegate's Guide to the Business Meeting	32

Voting delegates should bring this report and the **Amendments and Rebuttals** brochure, which will be sent to districts in mid-September, to the Annual Business Meeting since these will be the working documents used at the meeting. Note that each resolution has a box in which your delegate can record the position taken by your board on the resolutions, as well as that taken by the delegates at the meeting.

PROPOSED ORDER OF BUSINESS

Order of Business

President's Welcome and Comments

Announcement of a Quorum

Adoption of Order of Business

Adoption of Rules of Conduct for the Business Meeting

The Business Meeting

Announcement of Election Results – Areas 1, 3, 5, 7, 9, and 11

Introduction of Officers and Directors

Election of Officers

President

1st Vice President

2nd Vice President

Treasurer

Report of the Executive Director

Report of the Treasurer

Report of the Task Force on Maximizing School District Resources

Report of the Resolutions Committee

Consideration of Proposed Resolutions Recommended for Adoption

Consideration of Proposed Resolutions Not Recommended for Adoption

Other Business

RESOLUTIONS RECOMMENDED FOR ADOPTION

1. Burden of Proof (Kingston).....	4
2. Restore One-Year Statute of Limitations on Due Process (Kingston)	5
3. Cancellations of Regents Exams (Schenectady)	6
4. Certified Special Education Teacher Requirement (NYSSBA Board of Directors)	7
5. Special Act School District Rate-Setting Methodology (Greenburgh 11).....	8
6. Capital Equipment Purchases Under Contingency Budget (NYSSBA Board of Directors)	9
7. Offset the Cost of Private School Tuition (Kingston)	10
8. Funding of State Interests (Rockland BOCES)	11
9. Wicks Law Exemption (NYSSBA Board of Directors)	12
10. Cultural Diversity (NYSSBA Board of Directors)	13

RESOLUTIONS NOT RECOMMENDED FOR ADOPTION

11. Removal of “Seat Time” Requirements (Newark Valley).....	15
12. Use of Consumer Price Index (Putnam Valley)	16
13. Partial State Funding of Charter Schools (Schenectady)	17
14. Change Formula for Measuring Transportation Aid (Pine Bush)	19
15. Funding Foreign Language in Elementary School (North Salem)	20
16. Green High Performing Schools (North Salem)	21
17. Penalty-free TRS/ERS Charges (Hendrick Hudson)	23
18. Taylor Law Amendment (Bayport-Blue Point, South Huntington)	24
19. Improvement of Food Services (New Paltz)	26

RESOLUTIONS RECOMMENDED FOR ADOPTION

1. Burden of Proof

Submitted by the Kingston School Board on June 12, 2009.

LOCAL	NYSSBA

- 1 RESOLVED, that the New York State School Boards Association seek
- 2 legislation to restore the burden of proof in special education impartial
- 3 due process hearings to the party which initiates the proceeding.

Rationale

The Individuals with Disabilities Education Act (IDEA) and state Education Law, 20 U.S.C. § 1415(f), and the New York Education Law, §4401(1)(a), provide for an impartial hearing to resolve a dispute between a parent and a school district regarding the provision of a free appropriate public education to a student with a disability. In 2005, the United States Supreme Court held in *Schaffer v. Weast*, 546 U.S. 49, 126 S. Ct. 528 (2005) that “the burden of proof in an administrative hearing is properly placed upon the party seeking relief.”

Chapter 583 of the Laws of 2007 amended Section 4404(1) of the New York Education Law to provide that the burden of proof in an impartial due process hearing to challenge the recommendation of a Committee on Special Education or Committee on Preschool Education, or otherwise challenge actions or omissions relating to the provision of a free appropriate public education to a student with a disability, is generally placed on the school district. The effect of this amendment is that every individualized education program developed by a school district for a student with a disability is deemed invalid until the school district demonstrates that it is not.

Placing the burden of proof on the party which initiates a special education impartial due process hearing will not work against parents of students with disabilities. The IDEA, Article 89 of the New York Education Law and Part 200 of the commissioner’s regulations give parents many procedural safeguards (e.g., right to review educational records, right to an independent educational evaluation, etc.) in which operate to level the playing field between parents and school officials.

A Statement in Support from the Resolutions Committee

In addition to the persuasive arguments which are contained in the rationale to this proposed resolution, the Resolutions Committee would also point out that in shifting the burden of proof to school districts, Chapter 583 of the Laws of 2007 requires districts to prepare their cases in a proactive, not a reactive, manner. As such, districts are required to

present a defense that may go well beyond the specific nature of the parents' concerns in order to properly defend themselves. This means that time, energy and money may be unnecessarily expended as districts prepare and present their cases and not necessarily positively affect the educational rights of children.

2. Restore One-Year Statute of Limitations on Due Process

Submitted by the Kingston School Board on June 12, 2009.

LOCAL	NYSSBA

- 1 RESOLVED, that the New York State School Boards Association seek
- 2 legislation to restore the one-year statute of limitations that applied to
- 3 special education impartial due process hearings until Chapter 352 of the
- 4 Laws of 2005 extended the period to two years.

Rationale

The Education Law was amended in 2005 to establish a two-year statute of limitations for filing an impartial hearing request. Prior to 2005, New York State required that an impartial hearing be commenced within one year of the date on which the parent or public agency knew or should have know about the action that forms the basis for the complaint. Federal law continues to recognize a one- year statute of limitations for impartial hearing requests.

The effect of a two-year statute of limitations has been to double the amount of time for a party to bring a complaint, thereby increasing the complexity of impartial hearings and imposing substantial additional due process costs on school districts and the state. Requests for impartial hearings, in particular for claims for tuition reimbursement and compensatory education, have increased since 2005. In addition, the statute of limitations of more than one year to request an impartial hearing is programmatically inappropriate since individualized education programs are developed and revised annually.

A Statement in Support from the Resolutions Committee

The Resolutions Committee believes the arguments in support of the resolution are well stated in the rationale.

3. Cancellations of Regents Examinations

Submitted by the Schenectady School Board on June 5, 2009.

LOCAL	NYSSBA

- 1 RESOLVED, that the New York State School Boards Association sup-
- 2 port the adoption by the New York State Education Department of a pro-
- 3 cedure to respond to weather or other emergency-related cancellations
- 4 of Regents examinations.

Rationale

The successful completion of certain Regents examinations is a prerequisite for students to be eligible for a high school diploma in New York. Many high school students in January 2009 were unable to complete scheduled Regents examinations due to weather-related school closures. The school closures resulted in students, including seniors endeavoring to meet graduation requirements, being placed in limbo with regard to their ability to meet state standards. Some students were scheduled to take Regents examinations in January so as to avoid examination conflicts in June while others were attempting to redress a prior failed attempt to fulfill the examination requirement.

While the New York State Education Department communicated to school districts regarding mitigation of the impact of January 2009 school closures on seniors, the department also indicated that it would formulate "long-term strategies" in the future to address weather-related school closures during Regents examinations.

Other districts have reported issues with emergency-related closings that have affected their students taking Regents exams.

Inclement weather can be anticipated in January in New York State. School districts must safeguard students by canceling school when student travel is unsafe and impracticable. However, school leaders should not be placed in the draconian position of canceling students' aspirations for a high school diploma when school is cancelled during Regents week. It is imperative that the New York State Education Department formulate procedures that provide all students meaningful opportunities to meet state examination requirements notwithstanding the weather or the possibility of other emergency circumstances that preclude the administration of Regents examinations during the normally scheduled period.

A Statement in Support from the Resolutions Committee

The Resolutions Committee believes that the arguments in support of the resolution are well stated in the rationale.

4. Certified Special Education Teacher Requirement

Submitted by the NYSSBA Board of Directors on June 6, 2009.

LOCAL	NYSSBA

- 1 RESOLVED, that the New York State School Boards Association seek
- 2 legislation exempting certified special educators who teach core academ-
- 3 ic subjects to students with disabilities from having to be "highly quali-
- 4 fied" in every core subject they teach (federal No Child Left Behind Act).

Rationale

In January 2002, the Elementary and Secondary Education Act was reauthorized into law as the No Child Left Behind Act (NCLB). The primary goal of the reauthorization was to ensure the educational success of all children. NCLB addresses higher learning standards, assessment, accountability for all students and increased parental involvement. For special education students, the requirements of NCLB will lead to increased access to a rigorous general education curriculum and proficiency on the challenging New York State assessments.

Student access to a strong curriculum, taught by the best teacher, and adequate support services allow all students to acquire the knowledge, skills and strategies to be successful. Central to the theme of school success is the ability of school districts to meet NCLB requirements in relation to hiring teachers who meet the "highly qualified" criteria outlined in the law. As specified in NCLB, "highly qualified" teachers must have at least a bachelor's degree, have state certification and demonstrate subject matter competency for direct instruction of core academic subjects.

The NYSSBA Board of Directors supports the overall goals of the NCLB, yet believes the law takes a narrow view in defining "highly qualified" as it relates to special education teachers. The Association for School and Curriculum Development (ASCD), in its statement on teacher quality, suggests that NCLB misses the importance of pedagogy in the definition of "highly qualified." Although content is important, it is also critical that teachers have strong content knowledge, engage in successful practice to produce student learning, have effective classroom management skills and the use of innovative teaching methods. Content without the appropriate teaching skills will not lead to the desired results.

The ASCD statement also cites research which concludes that teachers who have had only coursework in content areas do produce results. The NYSSBA Board of Directors supports this position and also believes that experience, expertise and professional training acquired over time leads to a "highly qualified" staff. The New York State Education Department, in establishing the mandatory Mentor Program and Professional Development Plan initiative for teachers, recognizes the existence of other means to become "highly qualified."

Currently, the No Child Left Behind Act (NCLB) embraces the model of prevention rather than classification. Prevention is viewed as a shared responsibility between the general education teacher and special education teacher. As a result, NCLB views special education as a service and not a “place.” For example, special education teachers collaborate with general education teachers to adapt curriculum, employ behavioral supports and select appropriate accommodations for students with disabilities. Special education teachers must be well versed in the learning standards to provide this support. This knowledge is gained through college course work, personal and professional staff development, and the close collaborations developed with general education teachers. It is hoped that the reauthorization of the NCLB Act will give New York flexibility in defining “highly qualified” specific to special education teachers in the state and the State Education Department’s expectations for student improvement.

The federal government should recognize that there are methods other than certification and licensure in a subject area to obtain the necessary skills and knowledge to become “highly qualified” and to allow states local flexibility in ensuring a qualified workforce in the area of special education.

A Statement in Support from the Resolutions Committee

The Resolutions Committee believes that the arguments in support of the resolution are well stated in the rationale.

NOTE FROM THE RESOLUTIONS COMMITTEE: This resolution reflects NYSSBA’s current position. Passage of this resolution would continue this policy.

5. Special Act School District Rate-Setting Methodology

Submitted by the Greenburgh 11 School Board on June 4, 2009.

LOCAL	NYSSBA

- 1 RESOLVED, that the New York State School Boards Association sup-
- 2 port the redesign of the rate-setting methodology currently in use by the
- 3 State Education Department (SED) for the special act school districts so
- 4 that, among other things, SED utilizes the appropriate growth rate for the
- 5 areas in which each school district is located, in order to reflect each dis-
- 6 trict’s regional costs.

Rationale

The special act school districts, of which there are 13 statewide, are public schools that were created by the state Legislature to provide educational services to those children who reside on the grounds of agency treatment centers. Almost all of the students qualify for special education services and many have severe emotional disabilities. The special act

boards of education have no ability to tax the local community. Rather, the State Education Department sets a tuition rate for each of the programs in accordance with a state-approved tuition rate methodology. Tuition rates are based upon costs that are two years old and adjusted, using a low national growth rate. This rate-setting mechanism does not reflect local or actual costs and has not been changed for over 20 years, thus forcing special act districts to operate with inadequate funding. The mission of the special act districts is to provide a quality education for the most vulnerable students, those who cannot be educated in their home districts, and that mission should be a concern of every school board in the State of New York.

A Statement in Support from the Resolutions Committee

The state has the ability to promptly and accurately assess actual costs in the region where the special act school is located. In the technological age, there is little excuse for basing decisions that affect the lives of our students most in need on outdated, inaccurate and geographically irrelevant information. Simply put, the artificial spending restraint placed on special act schools forces students to receive less than the full measure of needed assistance. The damage done to special act schools by the current rate-setting methodology foreshadows the kind of harm that would be inflicted on all school districts under an artificial cap on property taxes. The state Legislature itself has recognized the harm inflicted by the artificially low tuition rate and attempted to mitigate its impact by providing a one-time appropriation of \$1 million to the special act districts this year. The rate-setting methodology should be adjusted to provide timely and locally accurate cost information to enable these districts to provide the programs and services needed by this vulnerable student population.

6. Capital Equipment Purchases under Contingency Budgets

Submitted by the NYSSBA Board of Directors on June 6, 2009.

LOCAL	NYSSBA

- 1 RESOLVED, that the New York State School Boards Association seek
- 2 legislation that would allow a school district under a contingency budget
- 3 to purchase capital equipment in those instances when the district can
- 4 demonstrate that replacing it is more cost-effective than repairing the
- 5 current equipment.

Rationale

In the past, when a school board could set the amount of money under a contingency budget at any level, even greater than the rejected budget, it made sense for the commissioner’s regulations to exclude certain items under a contingency budget. Over the years, more and more items were included under contingency with the exception of capital equipment purchases such as desks and audio visual equipment.

Therefore these items, when not usable or broken, have to be repaired, if possible, and often at a cost that is higher than a new purchase. For example, it doesn't make fiscal sense to spend \$150 to repair a \$30 tape recorder. It also makes no fiscal sense to procure new eye protection in every lab if the sterilization machine is broken and it would be less expensive to replace that machine.

Placing a limit cap on the amount of the contingency budget has made this even more punishing to a district forced into contingency. This proposed, permissive legislation would allow districts to save money for both local taxpayers and the State of New York.

A Statement in Support from the Resolutions Committee

The Resolutions Committee believes that the arguments in support of the resolution are well stated in the rationale.

NOTE FROM THE RESOLUTIONS COMMITTEE: This resolution reflects NYSSBA's current position. Passage of this resolution will continue this policy.

7. Offset the Cost of Private School Tuition

Submitted by the Kingston School Board on June 12, 2009.

LOCAL	NYSSBA

1 RESOLVED, that the New York State School Boards Association seek
2 legislation allowing school districts to apply for state aid to offset the cost
3 of private school tuition ordered by the State Review Officer (SRO) of the
4 New York State Education Department (NYSED) to be paid by school
5 districts to parents of disabled students who have unilaterally placed their
6 children in private schools.

Rationale

School districts in New York have no authority to contract for the placement of a disabled student in a private school which has not been previously approved by SED to instruct students with disabilities. However, the SRO may later approve of the unilateral private placement of a disabled student made by his or her parents where the SRO concludes that the private school offers educational instruction specifically designed to meet the unique needs of the student. Such a finding requires the school district to reimburse the parents tuition costs associated with the private school. While a school district is eligible to recover from the state most of the costs associated with educating a disabled student in a private school approved by SED, using the system to track and account for children (STAC), school districts may not apply for state aid where a private school is approved by the SRO.

The funding dichotomy between private schools approved by SED and private schools approved by the SRO foster unnecessary litigation between parents and school districts, and siphons precious resources away from the education of disabled students in public settings.

A Statement in Support of the Resolution
from the Resolutions Committee

The Resolutions Committee believes that the arguments in support of the resolution are well stated in the rationale.

8. Funding of State Interests

Submitted by the Rockland BOCES Board on June 15, 2009.

LOCAL	NYSSBA

1 RESOLVED, that the New York State School Boards Association
2 oppose any effort, attempt, or action by New York State or any other
3 agencies or authorities to fund state interests by shifting the cost to the
4 property tax.

Rationale

The cashed-starved New York State government and its agencies and authorities are seeking creative funding streams. The Metropolitan Transit Association (MTA) recently enacted a payroll tax on school districts, BOCES and special act districts in the southern part of the state. The only way for school districts to raise this revenue is to increase property taxes. Actions like this will continue to be tempting targets in these tough economic times. State interests must be paid for by the state, not on the backs of public education.

A Statement in Support from the Resolutions Committee

The troubled economy has combined with the state Legislature's historical aversion to cutting programs and/or services, leading state officials to seek new and creative ways to continue the status quo. The fact that they now force local governments to directly pay the cost of state programs (using local rather than traditional state revenue sources) speaks volumes about which level of government's spending is actually out of control. Not only did the state use the local property tax to pay for public transportation in this year's budget, but it sought to push the cost of pre-school special education onto the school tax base, as well as the cost of its forest program and economic development zones. It is a practice that must be curtailed immediately if New York State is to avoid the continued loss of population to states that are literally less taxing.

9. Wicks Law Exemption

Submitted by the NYSSBA Board of Directors on June 6, 2009.

LOCAL	NYSSBA

1 RESOLVED, that the New York State School Boards Association seek
2 legislation exempting all school districts in New York from the Wicks Law
3 (section 101 of the General Business Law).

Rationale

The Wicks Law requires school districts to award separate construction contracts for plumbing, heating/air/ventilation and electrical work for projects exceeding \$500,000 upstate, \$1.5 million in the metro suburban areas and \$3 million in New York City. The additional cost and management issues that result from this mandate add from 10 percent to as much as 30 percent of the cost of the project onto the final bill as well as construction delays. Using a conservative 10 percent cost-savings estimate, the Wicks Law added at least \$1.25 billion in costs to New York school construction projects over the five-year period from 1999-00 through 2003-04 alone, according to the State Education Department's Office of Facilities Planning. It is the real property taxpayers who bear this burden.

A Statement in Support from the Resolutions Committee

The Resolutions Committee notes that the savings associated with an exemption do not come from cutting union wages because the state's prevailing wage laws govern wages applicable to municipal construction projects. In addition, other worker protection rules that did not exist when the Wicks Law was enacted nearly a century ago have long been in place under New York's labor laws.

Nor would savings come at the expense of subcontractors. First, they are protected by the state's prompt payment laws. Second, exemption legislation would protect trade contractors from bid shopping because key trade contractors would be listed by the general contractor by name and price in the single bid form. These restrictions provide subcontractors with all of the benefits of the Wicks Law while enabling the school district to hire a single general contractor who will be solely accountable to the public entity for execution of the contract.

New York State is the sole remaining state to approach the prompt payment issue in such an arcane, outmoded and costly manner. Here the Wicks Law serves primarily as a diversion, forcing governmental entities to concentrate on its repeal rather than on issues of primary importance to organized labor. In such an economically distressed time, the state can ill afford to continue artificially inflating the cost of public works

projects and school districts can ill afford the decrease in student safety posed by extended, idle construction sites on school grounds and often within school buildings themselves. Finally, the New York City and Buffalo City School Districts already have a Wicks Law exemption. All of the state's taxpayers should benefit likewise.

NOTE FROM THE RESOLUTIONS COMMITTEE: This resolution reflects NYSSBA's current position. Passage of this resolution will continue this policy.

10. Cultural Diversity

Submitted by the NYSSBA Board of Directors on June 6, 2009.

LOCAL	NYSSBA

1 RESOLVED, that the New York State School Boards Association take
2 a leadership role in encouraging school boards to develop successful
3 strategies for integrating respect for cultural differences into the educa-
4 tional experience. In carrying out this mission, NYSSBA shall encourage
5 school boards to:

- 6 • Ensure that the importance of tolerance of others who are
7 unique and different because of racial, ethnic, gender, sexual ori-
8 entation, disability and religiously related reasons is part of the
9 curriculum.
- 10 • Invite discussion among students, parents, staff and the commu-
11 nity regarding how hatred and bigotry based on race, ethnicity,
12 gender, sexual orientation, disability and religion endangers the
13 pluralistic and diversity principles for which this nation stands.
- 14 • Involve students, parents, staff and the community in developing
15 and supporting education which invites understanding and
16 acceptance of others' differences and which aims to eradicate
17 hatred and bigotry.

Rationale

The foundation of public education exists on ideals of pluralism and diversity. We must understand our differences to truly comprehend ourselves and our relationships to one another. Misunderstandings of our cultural differences continue to divide this nation and its educational system. New York State must lead the nation in ensuring that cultural diversity education is integrated into the public education system. Placing students in a position of understanding one another's differences will go a long way to eradicating decades of hatred and bigotry which have thrived on ignorance.

A Statement in Support from the Resolutions Committee

The Resolutions Committee believes the arguments in support of the resolution are well stated in the rationale.

NOTE FROM THE RESOLUTIONS COMMITTEE: This resolution reflects NYSSBA's current position. Passage of this resolution will continue this policy.

RESOLUTIONS NOT RECOMMENDED FOR ADOPTION

11. Removal of “Seat Time” Requirements

Submitted by the Newark Valley School Board on June 12, 2009.

LOCAL	NYSSBA

1 RESOLVED, that the New York State School Boards Association
2 advocate for the State Education Department to remove “seat-time”
3 requirements for students who pass the state standard testing in the
4 given subject, allowing local districts to determine whether seat-time
5 in a course should be required for course credit and/or graduation
6 requirements.

Rationale

- 1) If we are a state system based upon standards, then let’s recognize that when the student passes the standard he or she should no longer be required to “sit” in the course.
- 2) In order to truly consider flexibility in school day, week and year, and to consider the most effective uses of technology (podcasts, Internet learning, etc.), the “seat-time” requirements must be removed.
- 3) Seat-time should be a local option, but should not be required by the state. This should be an item of local control where the decisions’ impacting individual students is most effective.

Students who pass the standards should be allowed to move on to other things. That will allow teachers to spend time and focus upon students who need the teaching/classroom environment in order to pass the standards. Such focus on students is a better use of our limited resources. It will also allow districts to consider delivering education in more flexible ways to meet the societal and financial challenges that seem to become more prevalent and pressing each year.

While it could be argued that our current state tests are actually inadequate for this level of educational freedom, that argument is a double-edged sword. The exams are adequate enough to do school ratings in aggregate, and to deny graduation to individuals. If the exams are inadequate, then they should be fixed. Given that we are a “standards-based” State, we should recognize that point in our daily mission of education and our districts should have the authority to do what is best for their individual students.

A Statement in Opposition from the Resolutions Committee

While the resolution appears to support local school district discretion, it ignores the benefit of classroom instruction beyond the attainment of a minimum state standard. Releasing students merely because they have attained the state standard fails to acknowledge that additional information can be learned, specifically, that needed to attain mastery of a subject or to contribute to the knowledge of others in the class. Meeting the state standard alone is insufficient for college preparation in particular. While the advancement of technology will provide future educational options, the state is currently ill prepared to simply eliminate instructional requirements and expect that each individual school can implement and integrate podcasts, Internet learning and distance learning in a coordinated and meaningful manner without increasing the risk of failure. Freeing students to pursue a broader range of subjects is laudable, but not at the expense of mastering fundamental subjects. Simply put, a student is better served learning a significant amount in a core subject than learning a minimal amount and moving on to a less vital subject.

12. Use of Consumer Price Index

Submitted by the Putnam Valley School Board on May 11, 2009.

LOCAL	NYSSBA

- 1 RESOLVED, that the New York State School Boards Association seek
- 2 legislation requiring that all educational laws where the consumer price
- 3 index (CPI) is used as a maximum limit with respect to financial expendi-
- 4 tures, the most applicable regional rates (CPI-U specific) be applied.

Rationale

The New York State Legislature and the State Education Department mandates using the National Consumer Price Index for All Urban Consumers (CPI-U) to set limits for education contingency budgets. It is noted that CPI-U for the United States can be significantly different than the CPI-U for a specific metropolitan region (NY-Northern NJ). Since 2002 the CPI-U for NY-Northern NJ averages 3.4 percent while the national CPI-U averages 2.8 percent, a difference of 21.4 percent. These differences in the various CPI-U and their applicability can cause significant financial, and thus educational, problems for our local school districts and their administrative teams. It should also be noted that the NY-Northern NJ CPI-U is already mandated by law to be used for school lunch and transportation contract extensions. Finally, the current NYS Legislature is inappropriately considering setting tax levy limits based on the national CPI-U therefore this resolution is being put forth asking that for each region of the state, the most applicable CPI be applied for these limits.

A Statement in Opposition from the Resolutions Committee

The Resolutions Committee believes that the consumer price index (CPI) is an inappropriate measure of school costs and should not be used to limit school spending, irrespective of the version used. The CPI is a gauge of what consumers can afford, not what services should cost. It is an inappropriate measure upon which to base school spending levels. Expending time and effort to more accurately reflect consumer costs that are inappropriate for schools misdirects focus away from the central issue. What is needed is not a more accurate measure of consumer prices (given that school district costs and consumer costs are diverse), but a change in law to eliminate the use of CPI for school finance altogether. Schools have a constitutional responsibility to provide services. When faced with a contingent budget, functions outside of the core mission should be eliminated (such as sports, field trips and community use of facilities). Contingent budgets should not be limited by a percentage of increase, but instead they should force schools to devote resources to providing the fundamental educational program. If a limit must be placed on budget growth, the state has the capability to annually adjust that limit based on the increase in actual school expenses, rather than consumer based costs. If school board members and this association must devote time and effort to revise the law, they should attempt to truly correct it and not merely make the wrong measure easier to live with.

13. Partial State Funding of Charter Schools

Submitted by the Schenectady School Board on June 5, 2009.

LOCAL	NYSSBA

- 1 RESOLVED, that the New York State School Boards Association sup-
- 2 port legislation to amend the Education Law to require partial state fund-
- 3 ing of charter schools and to incorporate grade-appropriate per-pupil
- 4 allocation to charter schools in order to reduce the financial burden on
- 5 local taxpayers caused by the current funding mechanism of charter
- 6 schools in New York.

Rationale

Under current New York State law, charter schools are created by state entities that bear no responsibility to fund the schools so created. Instead, local residents are obligated to completely finance the state experiment in education, including paying a per-student fee based upon a K-12 formulation. A graduated per-student fee for elementary, middle school and high school charter students that reflects the fact the education of secondary students is more costly than the education of elementary students is warranted. There is growing evidence that the current K-12 formulation results in windfalls to private education management companies which operate elementary-level charter schools. These facts are

documented in numerous reports, including “Paying for the Vision: Charter School Revenue and Expenditures” (AFT Education Foundation 2003) and “Venturesome Capital: State Charter School Finance Systems” (National Charter School Finance Study 2000).

Many other states are more equitable in how they fund state-imposed school choice, including the complete state financing of all charter schools. Other states provide a funding mechanism that addresses the fiscal impact of charter schools on local districts, including the provision of initial transition funds from the state to the local district for the first years of charter school operation as well as state payment for several years of charter school students who previously were enrolled in non-public schools or were home-schooled in recognition that such students do not result in cost savings to the district.

A Statement in Opposition from the Resolutions Committee

The Resolutions Committee remains disinclined to recommend its adoption for the following reasons:

First, NYSSBA has a well-articulated policy that supports charter schools only when requested by the host school district. Adoption of this resolution might give the misimpression that if the funding formula were changed, NYSSBA would no longer object to charter schools. NYSSBA would be left with conflicting positions.

In addition, the Resolutions Committee believes the rationale for this resolution is incorrect. While it is true that charter schools are largely funded by the school district where a charter school student resides, the expense of financing charter schools is not borne entirely by local taxpayers. Per-pupil payments supplied by districts to charter schools come from three sources: state aid (44%), federal aid (6%) and revenue generated by local property taxpayers (50%).

A funding mechanism to help districts that have been significantly impacted by a concentration of charter schools has been in place since 2007. The governor and Legislature provided \$21 million in transition aid in the 2008-09 enacted state budget. The formula provides temporary assistance to districts with charter school payments or enrollment that exceeds 5 percent of district totals. In addition, federal stimulus funding may substantially increase this fund in the coming year.

It should be noted that unlike most districts in the state, New York City spends more to educate its elementary students than secondary students. The formula, by which such determinations would be made, would need to reflect this aberration. More important, however, is the fundamental issue of the funding of charters by local taxpayers itself. The resolution calls for partial state funding, which already exists. It calls for a graduated funding scheme, which would have unintended negative

consequences for the school district responsible for fully one third of all students in the state.

Finally, the federal government has taken a strong stance in support of charter schools. Future federal funding is likely to be tied to state support of charter schools. As such, in the near future, NYSSBA should discuss the more central issue of how charter schools affect the mission of NYSSBA and not on alterations to a funding formula.

NOTE FROM THE RESOLUTIONS COMMITTEE: This resolution was defeated by delegates to NYSSBA's 2008 Annual Business Meeting.

14. Change Formula for Measuring Transportation Aid

Submitted by the Pine Bush School Board on June 12, 2009.

LOCAL	NYSSBA

- 1 RESOLVED, that the New York State School Boards Association seek
- 2 legislation to change the State Education Department's formulas for
- 3 measuring transportation aid to school districts by treating secondary
- 4 school-age children as adults for purposes of determining the maximum
- 5 passenger capacity on school buses.

Rationale

The current state aid formula for computing transportation aid penalizes school districts because the maximum passenger capacity rates, which generate the maximum allowable aid, do not account for the age and physical size disparities between elementary and secondary school-aged students. The DMV rules permit the maximum of 66 student passengers and 44 adult passengers on school buses. SED rules define students as a child under the age of 21. Thus, regardless of the age of the student, SED treats maximum passenger capacity of 66 students, even if it is physically impractical and jeopardizes the safety of all students to place 66 secondary school-aged students on a bus. The operation of buses, filled with secondary school-aged students at capacity to achieve the maximum transportation revenue, subjects students riding those buses to potentially hazardous conditions.

A Statement in Opposition from the Resolutions Committee

Each year NYSSBA successfully advocates for optimal state aid for public education. This is best accomplished in total and not piecemeal through minor revisions to individual aid categories. If transportation aid is altered to allow more funding to flow through this category, it will ultimately arrive at the expense of other aid categories unless our focus is on maximizing the total amount of aid provided. NYSSBA must advocate for sufficient aid for all school districts as a whole and not only for those that might benefit from an increase in one categorical aid. In addition,

school board members need to lead the effort to maximize existing resources and not simply continue to call for more aid. The public has long ago tired of seemingly endless increases in local taxation. The state's economic condition precludes merely asking for more and more education aid. Any increase in transportation aid will only come at the expense of more flexible operating aid.

15. Funding Foreign Language in Elementary School

Submitted by the North Salem School Board on June 15, 2009.

LOCAL	NYSSBA

- 1 RESOLVED, that the New York State School Boards Association
- 2 advocate for state and federal funding for the teaching of world lan-
- 3 guages beginning in elementary school.

Rationale

It is difficult to overstate the importance of sensitizing students to languages, cultures and political systems that are different than their own. Traveling the world or working for a multi-national company, one is struck by the fact that educated people in most countries speak more than one language. Americans are at a distinct disadvantage if they can speak only English.

Research shows that the human brain is most receptive to language in the early stages of development. There is evidence that the window for receptivity to language begins to close around the age of 12. By waiting until sixth or seventh grade to introduce world language, schools are missing out on an important cognitive opportunity. The research also shows that when a person learns a second language, he or she learns how to learn another language, so when learning a third language as the need arises in business, government service, etc., learning that language is easier.

Many districts in New York State have recognized the importance of commencing a language program in their elementary schools, but only a select few can afford it. As a matter of both state and federal educational policy, world language instruction should be a top priority in the 21st century. NYSSBA should advocate strongly for state and federal programs to assist in the funding of world language instruction beginning in elementary school. In its advocacy for funding for foreign language instruction beginning in elementary school, NYSSBA should be mindful of concerns that foreign language instruction somehow becomes an unfunded or under-funded state or federal mandate. Furthermore, care should be taken to insure that this initiative does not compete for resources with the government's pre-existing obligation to fully fund existing mandates.

A Statement in Opposition from the Resolutions Committee

While the intent of this resolution is laudable, the Resolutions Committee believes that even with adequate funding, districts would have great difficulty launching foreign language programs at the elementary level due to a lack of competent teachers of languages other than English (LOTE).

There is a shortage of LOTE teachers in nearly every region of the state. In 2006-07, 8 percent of core classes in LOTE were taught by teachers who were not highly qualified. That number soars into the double digits in the large cities. Twenty-two percent of LOTE teachers in Buffalo are not highly qualified. In Syracuse, 40 percent are not highly qualified. The demand for common branch teachers who are also certified to teach a foreign language in grades K-6 would far exceed the supply. Employing teachers that are not “highly qualified” under NCLB can have serious repercussions for school districts.

The committee also feels that any funding that would be provided for this purpose may ultimately result in a mandate that would require all schools to provide instruction in languages other than English. With increased emphasis on accountability for student performance in core academic subjects, some districts might have difficulty finding the time to offer world languages in their school day. Given the fact that state funding is unreliable and often insufficient even for English, requesting funding for a specific category of program rather than for discretionary funding is counterproductive. NYSSBA should continue to advocate for increases in state aid that can be spent at the district’s discretion. This would allow all districts capable of providing such instruction to do so without binding other districts who (for either financial or programmatic reasons) have other educational priorities.

NOTE FROM THE RESOLUTIONS COMMITTEE: This resolution was defeated by delegates to NYSSBA’s 2008 Annual Business Meeting.

16. Green High Performing Schools

Submitted by the North Salem School Board on June 15, 2009.

LOCAL	NYSSBA

- 1 RESOLVED, that the New York State School Boards Association
- 2 advocate for federal and state funding to help schools upgrade their
- 3 facilities to be more energy efficient.

Rationale

Energy conservation policy is critical at all levels of government. School districts have a responsibility to taxpayers to reduce energy use in order to compensate for the ever increasing cost of fuel and other utilities. School districts are also in a unique position to educate new gener-

ations of citizens about the importance of energy and resource conservation. There is no better way to teach than by example, but updating the existing infrastructure is expensive and cannot be accomplished at the local level alone.

Despite research showing a strong correlation between school facility quality and student achievement and teacher retention, since 2001 the federal government has provided almost no direct aid to help schools pay to modernize. The U.S. House of Representatives has recognized the importance of modernization and energy conservation policy in passing the 21st Century Green High-Performing Public School Facilities Act. However, NYSSBA believes that the 21st Century Green High-Performing Public School Facilities Act is flawed because, among other things, it contains labor provisions that are undesirable in New York. NYSSBA should advocate for similar legislation that does not have the same flaws. To be eligible for funding, projects should be required to meet one of three widely recognized standards: Leadership in Energy and Environmental Design (LEEDS) Green Building Rating System, Energy Star or collaborative for High Performance Schools. In its advocacy for funding for facilities upgrades to promote energy efficiency, NYSSBA should be mindful of concerns that such upgrades might be taken to insure that this initiative does not compete for resources with the government's pre-existing obligation to fully fund the Individuals with Disabilities Education Act (IDEA) and other pre-existing mandates.

A Statement in Opposition from the Resolutions Committee

Incentives for funding environmentally efficient schools have already been provided in federal stimulus funding. Further, the State of New York is winding down an unprecedented state effort to provide support for school construction. In addition to one of the most lucrative state aid levels for school construction in the nation, New York has provided an additional 10 percent building incentive for the past several years, as well as EXCEL aid to pay the local share of building projects. Districts that have failed to take advantage of state building aid in some form in recent years are truly difficult to find. As a result of this unprecedented financial commitment, when compared to other states, New York currently has arguably the best school facilities in the nation. To request a new round of funding solely to make environmentally friendly improvements, particularly in the midst of frozen state operating aid, cuts by all state agencies, layoffs and other circumstances resulting from the economic crisis, would be to invite legislative derision.

Further, Chapter 287 of the Laws of 2004 charged the New York Power Authority (NYPA) with assisting school districts in lowering power costs and the New York State Energy Regulatory Development Authority also provides the ability to remove several charges from energy bills. NYPA has the authority to fund these green projects outside of voter approved bonding because they pay for themselves in savings over time.

Few school districts have taken advantage of the programs that these entities must provide by law to lower school energy costs. Given low school compliance with programs already available, it would be difficult to urge state leaders to provide more.

While no one can object to the benefit of greener schools, the resolution would create funding competition with existing (already under-funded) federal programs. The Resolutions Committee is concerned that this program would compete for already limited federal and state resources. Notably, the federal government (while dramatically increasing its commitment this year and next) has still failed to honor its existing promises to fully fund NCLB and IDEA. The federal government should take care of its existing funding promises first.

NOTE FROM THE RESOLUTIONS COMMITTEE: This resolution was defeated by delegates to NYSSBA's 2008 Annual Business Meeting.

17. Penalty-free TRS/ERS Charges

Submitted by the Hendrick Hudson School Board on June 15, 2009.

LOCAL	NYSSBA

- 1 RESOLVED, that the New York State School Boards Association support
2 legislation allowing school districts to spread Teachers' Retirement
3 System/Employees' Retirement System charges over several fiscal
4 school years with no penalty imposed.

Rationale

The State Employees' Retirement System (ERS) and Teachers Retirement System (TRS) pension funds were significantly impacted by the downturn in the financial markets. Local school districts were obligated to restore this fund through real estate taxes. The latest estimate for the TRS contribution will almost double in the 2010-2011 school year, from about 6-7 percent of salaries to about 11 percent. In order to meet this obligation, while controlling tax rate increases, school districts will face the prospect of dramatic staff and program reductions.

Districts are currently permitted to spread TRS/ERS charges over several years with an interest charge if they demonstrate a hardship. The intent of this resolution is to make it easier for districts to even out the impact of the pension plan shortfalls on any single budget year.

This resolution is consistent with recommendations NYSSBA has already supported, including:

- starting a new Tier 5 pension plan, similar to Governor Paterson's proposal, and
- permitting districts to put TRS reserves in place, as is currently allowed for anticipated ERS bills.

A Statement in Opposition from the Resolutions Committee

The Resolutions Committee recognizes the difficulty likely faced by school districts attempting to absorb future increases in the retirement system employer contribution rate. However, encouraging procrastination in paying current obligations is a recipe for fiscal distress and community distrust. While the public would no doubt initially welcome nonpayment of increased obligations, they would just as certainly disdain high “catch up” payments in later years when they would otherwise enjoy lower rates. Districts would find it difficult to garner public support for budgets that include high costs from prior year obligations, leading to the inevitable question of why the bill hadn’t been paid on time. While legitimate tools to manage difficult financial conditions are always welcome, school boards must always be watchful of becoming entrapped by inviting but ultimately unwise fiscal practices. Pushing off today’s obligations only compounds tomorrow’s tax pressure. Our current economic condition illustrates all too well the consequences of easy borrowing. The better approach has been advanced by the state comptroller – namely, to allow district borrowing of only the amount needed to pay the difference between current rates and future increases. This legislation includes the ability to borrow from the state at a low rate of interest.

Finally, forestalling payments to the retirement system deprives the system of the funds needed to recover and re-establish lower rates. Market performance is the primary factor affecting the employer contribution rate. If districts are further encouraged to withhold payment, the system is unable to take full advantage of positive market changes, forcing additional years of an inflated employer contribution rate. Helping to keep the employer rate as low as possible is simply a better approach than providing additional ways for districts to respond to a high rate. To date, NYSSBA has appropriately been focused on maximizing school district resources. NYSSBA’s recommendation, such as implementing a new pension tier or offering alternative pension plans focus on systemic improvements that restrain costs, rather than making it easier for the state to continue to impose high costs, safe in the knowledge that they’ve made it easier for districts to comply.

18. Taylor Law Amendment

Submitted by the Bayport-Blue Point School Board on June 11, 2009.

LOCAL	NYSSBA

- 1 RESOLVED, that the New York State School Boards Association sup-
- 2 port an amendment to Section 209 of the Taylor Law to require that the
- 3 entire fact-finding process be open to the public, following an initial confi-
- 4 dential scheduling conference between the fact-finder and the parties,
- 5 and further requiring that the said fact-finding hearing be held at a school
- 6 district building located within the school district, upon specific notice to
- 7 the media and public at large.

Rationale

The design of the Taylor Law provides for limited dissemination of information to the public respecting impasses between local government and the unions with which they engage in collective bargaining. Impasse procedures under the Taylor Law, as administered by the Public Employment Relations Board (PERB), with respect to public educational institutions, provides the three impasse procedures – mediation, fact-finding, and super-conciliation – with publication of fact-finding reports, following a full hearing between the parties. Fact-finding reports and recommendations provide a basis to inform thoughtful public opinions.

Requiring formal fact-finding hearings to be held in public will further the transparency of the fact-finding process as contemplated by the Taylor Commission, providing an opportunity for the media, public and employees to be fully informed on the issues and hear and appreciate the respective positions of the school district and union involved in the particular collective bargaining impasse.

NOTE: This resolution was endorsed by the South Huntington School Board on June 15, 2009.

A Statement in Opposition from the Resolutions Committee

Although the Resolutions Committee recognizes the frustration school districts experience in following the dictates of the collective bargaining process, this proposed resolution, if adopted into law, would make matters even worse.

First, there is nothing in the Taylor Law which necessarily requires that the fact-finding report be kept confidential if a party refuses to agree to secrecy. To the extent to which this proposed resolution would preclude school districts from keeping the fact-finding report confidential for any period of time, if that is their choice, it would negatively affect local control.

Second, this proposed resolution is too broad. It would require that the entire fact-finding process be open to the public, following an initial confidential scheduling conference between the parties. It would even foreclose the fact-finder from meeting privately with each party to make critical assessments as to where in the middle each party might be able to reach an agreement. Thus, the fact-finder would be seriously impaired in his or her ability to render an appropriate assessment into the strength of each party's position.

Third, the present impasse process results in a fact-finder's report which, when made public, oftentimes has the effect of convincing the constituents of both management and labor of the need to reach a middle ground. If the entire process is required to be held in public, each side would be forced to "own" the positions that they discuss at the table on behalf of their constituencies, much to their potential political peril. Accordingly, under this proposed resolution, both sides will be more likely to posture in their dialogue than to work toward a meaningful agreement.

Even though the Resolutions Committee generally favors openness in government, the solution sought in this proposed resolution will not prove workable.

19. Improvement of Food Services

Submitted by the New Paltz School Board on June 10, 2009.

LOCAL	NYSSBA

1 RESOLVED, that the New York State School Boards Association will
2 advocate at the federal level for the abolition of all policies and programs
3 that inhibit the function of the free market as it pertains to the purchase
4 of food, beverages, and snacks by public school systems. The New York
5 State School Boards Association will seek to coordinate with the National
6 School Boards Association in these efforts.

Rationale

As school systems throughout New York State strive to improve the quality and health standards of our food services for our students, we consistently run into insurmountable obstacles due to the inability of suppliers of healthier, more diverse, and locally produced foodstuffs to provide meal components, beverages, and snacks at prices that can even remotely compete with USDA-subsidized suppliers. It is common for small school districts to discover that even something seemingly simple, like switching to canned fruit that is not bathed in corn syrup, can cost them tens of thousands of dollars per year. Federal commodity crop production and distribution subsidies, crop purchases for price support, distribution of USDA-acquired foodstuffs to schools and other federal policies all contribute significantly to the inability of commercial food service enterprises that stand outside federal subsidy and price support structures to compete on price for school contracts. This, by extension, compromises school district sovereignty over wellness policies; policies that are federally mandated. There is also a strong intrusion upon education engendered by these federal policies. Because food price structures and distribution of key components of school nutrition programs, at no cost to the schools are determined by federal policy that prohibits cost competitiveness, schools are unable to model their health and wellness curricula, and in fact are forced to largely negate them in their food, snack and beverage modeling. This paradox creates cognitive dissonance for our students within the educational facilities themselves—places already under-

equipped and inadequately funded to compete with the poor health messaging of the mass media and retail food industry. As educators we consider the inability to implement mandated wellness policies that reflect the standards of sound science, coupled with the educational failure represented by the inability to model our curriculum and the standards of sound science within our facilities to be unacceptable. Only through the concerted effort of major educational and child-centered advocacy institutions like NYSSBA can we begin to unravel the tangled market inequities that have been created by federal agricultural and nutritional safety-net programs. This resolution is consistent with NYSSBA's mission statement, vision statement, core beliefs and advocacy goals as outlined in official NYSSBA documents.

A Statement in Opposition from the Resolutions Committee

For the past several years, NYSSBA has successfully fought for local district discretion in its approach to student nutrition. During this time, the state Legislature has sought to pass uniform standards and practices for all school food programs. In its zeal to eliminate federal disincentives to good nutrition, this resolution could force NYSSBA to accept the benefits of a state nutrition mandate, since such a mandate would force schools to purchase healthier foods irrespective of price. As a result, federal incentives to purchase certain products would no longer allow cost to override nutritional benefit in the operation of school nutritional programs.

To expect a significant increase in state funding while all other state agencies and programs are experiencing significant cuts is unrealistic. Schools are certainly not in the economic condition to reject existing federally restrained food prices. Neither can they realistically expect any significant increase in the state reimbursement rate. For NYSSBA to advocate for the elimination of supportive federal subsidies would be detrimental to a great many school districts that rely on these lower prices to successfully continue their food programs. Many could not continue without them.

While the current system is not ideal, it does allow schools to provide largely beneficial food programs that at times are the primary sustenance of students. Jeopardizing the continuation of these programs in search of the ideal result is a significant risk in this economic and legislative climate.

DEADLINES FOR AMENDMENTS AND REBUTTALS

Proposed resolutions were submitted to NYSSBA by June 15 and reviewed by the Resolutions Committee on July 6. No additional bylaw amendments or resolutions can be proposed at this time (Association Bylaw Article 17). A member school board may, however, propose an amendment to any resolution printed in this report by mailing the proposed amendment to each member board at least 30 days prior to the Annual Business Meeting – this year, on or before **September 17, 2009**.

To facilitate the amendment process, NYSSBA publishes an Amendments and Rebuttals brochure which is transmitted to every school board member and superintendent. Amendments and rebuttals to the proposed resolutions in this report must be received in NYSSBA's offices by 5:00 p.m. on **Friday, September 4**, to be included in the booklet. This booklet will be mailed in mid-September to everyone who receives this report.

Amendments to resolutions printed in the Amendments and Rebuttals brochure and any other amendments mailed to all member boards before **September 17** need not be submitted in writing at the rostrum of the Annual Business Meeting, but must be moved and seconded from the floor to be considered.

Any amendments not mailed to the membership by September 17, either as part of the Amendments and Rebuttals brochure or by a member board, will have to be submitted in writing at the rostrum, moved, seconded and voted upon at the Annual Business Meeting. A majority of those voting is necessary to approve an amendment. Pursuant to Article 17 of the Association's Bylaws, proposed amendments to the bylaws may not be amended on the floor.

Following adoption of the proposed Order of Business, the proposed resolutions will be considered in the order printed in this report. The resolutions have been categorized into two groups: recommended and not recommended. Those resolutions which the Resolutions Committee has recommended for adoption will be moved by the Committee Chair, no second being needed. Those resolutions not recommended for adoption will be considered only if they are moved and seconded by voting delegates from the floor.

PRECEDENCE OF MOTIONS

Included here are those motions likely to be used in meetings of this Association.

While any motion on this list is under consideration, any other motion below it may be introduced.

1. Action on resolution
2. Postpone consideration of the resolution indefinitely
3. Amend resolution
 - a. by striking out designated words, or
by adding words at the end of the resolution, or
by inserting words somewhere within the resolution (specify where), or
by striking out certain words and **in the same place** inserting new words
 - b. amend above amendment of resolution – by any of the four methods above
4. Refer that resolution to a committee
 - a. amend above motion to refer
 - b. amend above amendment of motion to refer
5. Postpone consideration of a resolution to a specified time later in this meeting
 - a. amend time to which it is to be postponed
 - b. amend above amendment of motion to limit or extend debate
6. Limit or extend debate on any debatable motion
 - a. amend above motion to limit or extend debate
7. Close debate and vote immediately on any debatable motion
8. Lay the resolution on the table (in order to take it from the table later in the meeting)
9. Any “incidental” motion
 - a. a motion to withdraw a motion previously introduced a request for information
 - b. call for division (i.e., for a show of hands or standing count when the result of any “aye” and “no” vote is in doubt)
 - c. a parliamentary inquiry
 - d. a point of order (be sure that it designates a parliamentary error by the president)
 - e. an appeal from any decision of the president
 - f. a quorum call
10. A request to raise a question of privilege
11. Recess
12. Adjourn

PROPOSED RULES OF CONDUCT FOR THE ANNUAL BUSINESS MEETING

The following rules are recommended for adoption by the delegates. Once adopted, all delegates will know the rules by which they will be bound. Following them will make for orderly progress.

1. Credentials. The credentials of all voting delegates shall be displayed where they may be easily recognized.

2. Parliamentarian. There shall be an official parliamentarian to whom questions may be directed only through the chair.

3. Seating. All voting delegates shall be seated on the convention floor, or in the case of the Resolution Chair, on the platform. All nonvoting members in attendance shall be seated in other locations designated by the chair.

4. Nominations. Pursuant to Article 7 of the Association's Bylaws, the chair shall announce the nominations from the Board of Directors for the offices of president, two vice presidents and treasurer. When nominations are made from the floor, the consent of the nominee must be secured. As set forth in Rule No. 8, once the nominee's consent has been secured, that individual shall have the right to address the delegates for not more than two minutes, after nominations are closed and prior to debate by the delegates as set forth in Rule No. 8. The order in which such nominees are asked to address the delegates will be determined by the drawing of lots.

If there are nominations from the floor, consistent with Article 7 of the Association's Bylaws, such vote shall be by a show of hands. If more than two individuals are nominated for any office, the individual or individuals securing the greatest number of votes cast will be elected.

If the chair of the meeting is nominated for any office in which other individuals are also nominated, the chair will call upon a vice president who has not also been nominated for such office to chair the meeting during the time that

the election for such office occurs. In the event that both vice presidents are also nominated for the same office for which the chair has been nominated, the chair will call upon another officer of the Association's Board of Directors who has not been nominated for such office to chair the meeting during the time that the election for such office occurs.

5. Resolutions. All resolutions will be considered in the order printed in the 2009 **Proposed Resolutions** booklet. Resolutions recommended for adoption by the Resolutions Committee require no second (**Robert's Rules of Order**, (4)).

6. Presentation of Resolutions. The Resolutions Committee chair or his or her designee shall move resolutions recommended by the committee and such motions shall not require a second.

7. Recognition by Chair. A voting delegate wishing to speak from the floor shall rise and secure recognition of the chair before speaking. The delegate shall give his or her name in full and the name of the board he or she represents.

8. Debate on the Floor. No voting delegate shall speak in debate more than twice on the same question or nomination, with the first presentation limited to two minutes and the second to one minute. No voting delegate shall speak a second time on the same question or nomination until all other voting delegates have had an opportunity to speak once.

Discussion on nominations for officers shall be limited to five minutes per nominee. If more than one individual is nominated for any office and accepts, each such individual nominated will be permitted to address the delegates for no more than two minutes, which shall not be subtracted from the total time allotted for discussion of nominations described above.

In the event that there are two or more nominees for any office, the chair shall recognize delegates wishing to speak from the floor in support of particular nominees on a rotating basis at microphones designated for each candidate.

Discussion on a proposed amendment to the bylaws shall be limited to 15 minutes.

Discussion on a resolution shall be limited to 10 minutes.

Debate on any amendment to any resolution, including any amendment to that amendment, shall be limited to five minutes. Such time is not to be counted in that allotted to debate on the resolution itself.

If continuation of a debate on a proposed amendment to the bylaws or on a resolution is desired, a motion may be passed by a majority vote to extend debate for no more than five minutes. A separate motion is required for each such extension of discussion time.

If continuation of debate on such an amendment **to the bylaws or on a resolution is desired after time has already been extended once**, a motion may be passed by a majority vote to extend debate time for no more than two minutes, with a separate motion required for each such extension of debate time.

9. Written Submission of Resolutions. No late resolution may be introduced until it has been submitted in writing at the rostrum. A late resolution shall be considered under Other Business. Such resolution shall be submitted by a motion to suspend Article 9, Section 2, of the Association's Bylaws. Such motion shall identify the subject matter and purpose of the resolution, shall require a second, be debatable, and shall require a two-thirds vote of the voting delegates present and voting.

10. Written Submission of Amendments. No amendment to a resolution may be introduced until it has been submitted in writing at the rostrum.

11. Privilege of the Chair. The chair may call upon the Parliamentarian, Association staff members, members of the Board of Directors, and members of the Resolutions Committee to provide delegates with essential information regarding resolutions, bylaws and procedures. Time allotted for such requested explanations shall not be deducted from the total time allotted for discussion of the resolution.

12. Recording and Approval of Minutes. The Secretary shall be responsible for recording the minutes of the Annual Business Meeting. The Board of Directors is authorized to approve the minutes of the Annual Business Meeting at the first regular meeting of the board subsequent to the Annual Business Meeting.

VOTING DELEGATE'S GUIDE

The voting delegates at the Annual Business Meeting vote on a slate of officers for the Association, including a president, two vice presidents and a treasurer. They debate and vote on changes to the Association's bylaws; and debate and vote on resolutions that will establish the Association's position on various legislative and policy matters.

Check-in Procedure

NYSSBA's bylaws require that a quorum of 200 voting delegates be present at the Annual Business Meeting in order for any business to be conducted. **The 2009 meeting starts promptly at 1 p.m., Saturday, October 17.** There is a check-in/check-out procedure for Business Meeting delegates. Each delegate must wear a delegate button to be admitted to the delegate floor where he or she will be issued a handheld voting device. To ensure a quorum is present throughout the meeting, each delegate will be issued a number. This number will be on the voting device. The voting device must be turned in each time a delegate leaves the floor. This procedure will allow NYSSBA to ensure only voting delegates are voting. If a delegate's alternate takes over during any part of the meeting, the alternate must follow the same procedure.

Order of Business

The Order of Business for the Annual Business Meeting (page 2) is the agenda for the meeting. It sets forth the items of business which are scheduled to be accomplished during the course of the meeting.

The meeting will begin promptly at 1:00 p.m. with several procedural items. First, the Association President, who presides throughout the meeting, will announce the presence of a **quorum**.

Following the announcement of a quorum, the president will call for a **motion to adopt the Order of Business**. The president will also call for a **motion to adopt the Proposed Rules of Conduct** for the meeting. These rules were prepared to be consistent with the Association's bylaws. The rules describe how delegates must conduct themselves during the meeting, such as

setting out the time allotted for discussion of certain items. Delegates can find a summary and clarification of the Proposed Rules of Conduct on pages 30 and 31.

Next, the president will announce the **winners of this year's elections**, which were conducted locally in each of the designated areas. According to NYSSBA's bylaws, area directors serve for two-year terms. Election of area directors in Areas 1, 3, 5, 7, 9 and 11 occur in odd-numbered years. Election of Area Directors 2, 4, 6, 8, 10 and 12 occur in even-numbered years. This year, election results will be announced for Areas 1, 3, 5, 7, 9 and 11.

Election of the NYSSBA officers is the next item on the Order of Business. Each June the Board of Directors, which acts as the nominating committee for the delegates to the Annual Business Meeting, nominates a slate of officers who stand for election at the Annual Business Meeting. These individuals are automatically placed in nomination.

Once this occurs, the president calls for other nominations from the floor. If there are no such nominations, the vote is taken by hand at that time. If there is a nomination from the floor, the vote is also taken by hand after such individual accepts the nomination. The president then announces the winner.

A series of reports from the following individuals and committees will be given next:

- Executive Director
- Treasurer
- Report of the Task Force on Maximizing School District Resources

The next Order of Business is the Report of the Resolutions Committee. The Resolutions Committee is a standing committee of the Association created by Article 9 of the Association's bylaws. The committee chair reports directly to the delegates rather than the Board of Directors. The Resolutions Committee is appointed by the president upon recommendation of the Area Directors. The committee has one member from each Association area and one representa-

tive from the Conference of Big 5 School Districts. The chair is designated by the President from among those appointed to the committee.

The chair will move adoption of each proposed bylaw amendment, which was recommended for adoption by the committee. (There were no proposed bylaw amendments in 2009.) In accordance with Robert's Rules of Order, once the chair moves adoption of a bylaw amendment or resolution recommended for adoption by the Resolutions Committee, no second is required.

Each recommended bylaw amendment will be debated and voted on separately. *Any amendment to the bylaws must have the approval of a two-thirds majority of those present and voting.* In accordance with Article 17 (2) of the bylaws, bylaw amendments may not be proposed or amended from the floor of the business meeting. Thus, all proposed bylaw amendments must be submitted by June 15 and all amendments to bylaw amendments must be mailed to each member board at least 30 days prior to the day of the Annual Business Meeting.

Following consideration of the recommended bylaw amendments, voting delegates are given the opportunity to move any of the "not recommended" bylaw amendments since the Resolutions Committee Chair will not move bylaw amendments that were not recommended. Each motion requires a second by a voting delegate from another school board.

After the bylaws are completed, the delegates turn to the **proposed resolutions**. The Resolutions Committee Chair moves each resolution recommended for adoption by the committee. Each recommended resolution is presented and voted upon separately. The Resolutions Committee Chair will move those resolutions recommended by the committee for adoption; a second is not needed. *Resolutions require approval of a simple majority of those present and voting for passage.* Any resolution submitted to the

Resolutions Committee may be amended from the floor. All information on how to offer amendments from the floor, as well as the length of debate, can be found in the Proposed Rules of Conduct on page 30.

Following consideration of all of the resolutions recommended for adoption, the delegates may choose to consider any of the **resolutions not recommended** by the Resolutions Committee. To be considered by the delegates, a resolution that was not recommended must be moved by a voting delegate and seconded by a delegate from another school board. If a delegate plans to move a resolution that was not recommended, he or she should arrange for a delegate from another board to second the motion. This will ensure that the resolution is considered. If the resolution fails to receive a second, it will not be considered by the delegates.

Those resolutions deemed to be **continuing policy** will be considered by the delegates following the not recommended resolutions. The President will request a single motion for all of these resolutions.

At the end of the Annual Business Meeting, the President will open the floor to Other Business. **Other Business** may include a motion to suspend the rules for purposes of considering a particular resolution submitted from the floor. This motion requires a second and a two-thirds majority vote of the delegates before the resolution may be considered. A two-thirds majority is required because this type of motion calls for suspending the bylaws. A motion to suspend the bylaws is required to be moved, seconded and adopted for each and every resolution submitted from the floor. Once the motion to suspend the bylaws is adopted, the new resolution can be moved and seconded, and a simple majority of those present and voting is all that is required to adopt a resolution proposed under **Other Business**. If the motion to suspend the bylaws fails, the resolution cannot be considered.

