



TO: School Board Members and Chief School Administrators  
FROM: Frank Chiachiere Ph.D, Resolutions Committee Chair  
DATE: August 14, 2017

This is the 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 14, 2017 at 8:00 a.m. in the 1932 Jack Shea Arena.**

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**ANNUAL BUSINESS MEETING**  
SATURDAY, OCTOBER 14, 8:00 A.M., 1932 JACK SHEA ARENA

**DELEGATE ORIENTATION / ASK THE PARLIAMENTARIAN**  
FRIDAY, OCTOBER 13, 1:45 – 2:45 P.M.  
INTERVALE, CONFERENCE CENTER

An orientation for delegates will be led by Jay Worona, NYSSBA’s Deputy Executive Director, General Counsel and Parliamentarian and Julie M. Marlette, Director of Governmental Relations and Staff Liaison to the Resolutions Committee for the Annual Business Meeting. This meeting will acquaint voting delegates with the business meeting process and answer any questions regarding conduct of the meeting.

**NYSSBA BOARD OF DIRECTORS**

President .....	SUSAN BERGTRAUM
1 <sup>st</sup> Vice President .....	WILLIAM MILLER
2 <sup>nd</sup> Vice President .....	FRED LANGSTAFF
Treasurer .....	THOMAS NESPECA
Immediate Past President.....	LYNNE L. LENHARDT
Area 1 .....	LINDA R. HOFFMAN
Area 2.....	RODNEY GEORGE
Area 3.....	CHRISTINE SCHNARS
Area 4.....	SANDRA H. RUFFO
Area 5.....	WILLIAM MILLER
Area 6.....	WAYNE ROGERS
Area 7.....	BARBARA MAURO
Area 8.....	BRIAN LATOURETTE
Area 9.....	DOROTHY SLATTERY
Area 10.....	PEGGY ZUGIBE
Area 11.....	ROBERT "B.A." SCHOEN
Area 12.....	FRED LANGSTAFF
Area 13.....	CARMEN FARIÑA
Director, Big 5 School Districts .....	WILLA POWELL

**RESOLUTIONS COMMITTEE**

Area 11.....	FRANK CHIACHIERE, Ph.D
Area 1.....	SCOTT JOHNSON
Area 2.....	MARK ELLEDGE
Area 3.....	THOMAS DEJOE
Area 4.....	MARISSA JOY MIMS
Area 5.....	RUSSELL STEWART
Area 6.....	ROBERT DEVINS
Area 7.....	CATHY LEWIS
Area 8.....	JUDITH BREESE
Area 9.....	VALERIE MAGINSKY
Area 10.....	FRANK SCHNECKER
Area 12.....	DANIENE BYRNE
Area 13.....	SHARON RENCHER
Big 5.....	ELIZABETH HALLMARK

**ORDER OF BUSINESS  
2017 BUSINESS MEETING**

**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
- 1<sup>st</sup> Vice President
- 2<sup>nd</sup> Vice President
- Treasurer

**PRESENTATIONS**

- Comments of the President Elect
- Report of the Executive Director
- Report of the Treasurer

**CONSIDERATION OF PROPOSED BYLAW AMENDMENTS AND RESOLUTIONS**

- Report of the Resolutions Committee
  - Consideration of Proposed Bylaw Amendment Recommended for Adoption
  - Consideration of Expiring NYSSBA Positions Recommended for Adoption
  - Consideration of Proposed Resolutions Recommended for Adoption
  - Consideration of Proposed Resolutions Not Recommended for Adoption

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RECOMMENDED BY THE RESOLUTIONS COMMITTEE FOR ADOPTION**

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**PROPOSED BYLAW AMENDMENT**  
**RECOMMENDED BY THE RESOLUTIONS COMMITTEE FOR ADOPTION**

**NOTE:** Language struck out (-----) and shaded represents proposed deletions to the existing bylaw and **underlined** language represents proposed additions to the existing bylaw.

**PROPOSED BYLAW AMENDMENT A**

Submitted by the *Elmont Union Free School Board (7/10/17)* Endorsed by the *Fayetteville-Manlius, Wyandanch Union Free, Amityville Union Free and the Westbury Union Free School Boards*

- 1 **RESOLVED**, that Articles 6 and 8 of the bylaws of the New York State School Boards Association shall be  
2 amended to expand membership on the Board of Directors to include a director from the New York State  
3 Caucus of Black School Board Members.

**ARTICLE 6. BOARD OF DIRECTORS**

There shall be a Board of Directors consisting of the president of the Association, who shall chair the board, the immediate past president, the first vice president, the second vice president, the treasurer, a director from each area, a director from the Conference of Big 5 School Districts (consisting of the cities of Yonkers, Syracuse, Rochester, New York and Buffalo) **and a director from the New York State Caucus of Black School Board Members.**

Any New York State board of education member who is serving as a director or officer of the National School Boards Association shall be a non-voting member of the board of directors of this Association. It shall be the duty of the Board of Directors to appoint an executive director, whose appointment; compensation, duties, and period and terms of employment shall be determined by a majority vote of the Board of Directors.

The Board shall adopt an annual budget and decide general policies of the Association. The general policies adopted by the Board of Directors shall be consistent with resolutions adopted by the membership. The Board of Directors shall review adopted resolutions annually to determine if the purposes of the resolutions have been accomplished or if the resolutions are due to expire, and to determine whether they have been modified by the adoption of subsequent resolutions.

The Board of Directors shall meet at least four times during each year and upon the call of the president at such other times as the president may deem advisable. A majority of the total voting membership of the Board shall constitute a quorum. Any action taken shall require a majority of the full voting membership of the Board.

Meetings also may be called by the executive director, upon the written request of five members of the Association's Board of Directors, which shall state the purpose of the meeting. Written notice of all meetings stating the purpose(s) of the meeting shall be sent so as to reach directors at least five days prior to the proposed meeting.

At the request of the president, in addition to the regularly scheduled meetings set forth in this article, the board of directors may meet by means of a telephone conference or electronic communication permitted by the Not-for-Profit Corporation Law. Notice of such meeting shall be given to members of the board at least 48 hours prior to such meeting.

## **ARTICLE 8. DIRECTORS AND THEIR DUTIES**

A director from each Association area, as defined in Article 3, shall be nominated and elected by the member school board(s) of that area. In even-numbered years, directors from even-numbered areas shall be elected for terms of two years, and in odd-numbered years, directors from the odd-numbered areas shall be elected for terms of two years.

Each candidate shall be a member of an active member board, as defined in Article 1 of these Bylaws. A director's term shall begin on January 1 of the calendar year following election. A director no longer serving on a member board may serve only through the current calendar year.

Nominations of persons to be directors shall be in writing and endorsed by at least five member boards from the nominating area, except in Area 13, where nominations will be accepted if endorsed by at least one member board from that area. Nominations must be received at the Association office before the close of the business day on July 31 of the year in which those directors are to be elected. Where July 31 is not a business day, such nominations must be received before the close of the business day on the Monday following such date.

A ballot containing the names of all persons duly nominated for the office of director shall be sent by mail or electronically to each member board within the area no later than August 10 of the year in which such directors are to be elected except in those areas where only one (1) individual has been nominated, in which case, such individual will be deemed the elected area representative who will take office on January 1. In those areas where more than one individual has been nominated, only those ballots verified as being from the president or vice president of the member board and received at the Association headquarters before the close of the business day on October 10 of the year in which such directors are to be elected shall be valid. Where October 10 is not a business day, such ballots must be received before the close of the business day on the Tuesday following such date. In the event there is a tie vote, a new ballot containing only those names of candidates who have tied for election shall be sent by mail or electronically to all member boards of the area within 10 days of such occurrence. Those signed ballots received at the Association office within 45 days of such occurrence shall be used to determine the director. This process shall be repeated until a director is elected.

In the event a vacancy shall occur in the office of area director during the first year of a term of such director, the Board of Directors shall hold an election within such area to fill the unexpired term. In the event a vacancy shall occur in the office of any director during the second year of a term of such director, the Board of Directors shall hold an election to fill the unexpired term, and the person elected to fill such unexpired term shall also be deemed elected to fill the next succeeding full term. In the event that a vacancy shall occur in the office of any director during the second year of a term of such director after an election has been held to fill the



next succeeding full term, the person elected to fill the next succeeding full-term vacancy shall also be deemed elected to fill the remainder of the term preceding the full term and shall take office immediately upon the occurrence of such vacancy.

In addition, the Conference of Big 5 School Districts shall be authorized to designate a member of one of its boards, which is a member of the Association, to serve on the Board of Directors. **The New York State Caucus of Black School Board Members shall be authorized to designate one of its members, who sits on a board which is a member of the Association, to serve on the Board of Directors.** Such designations shall be filed with the Association annually.

### **Rationale**

In 2014, the New York State Caucus of Black School Board Members (Caucus) petitioned the NYSSBA Board of Directors (Board) seeking greater cooperation and engagement between our organizations. The Board invited the Caucus to designate one of its members to be a special guest at all non-executive session Board meetings commencing in September 2014. By a letter dated January 19, 2016 the Caucus requested that the Association convert its non-voting seat to a seat with full voting rights in order to add the diversity that the Association seeks to promote across the state. The Board indicated it feels this relationship has proven successful and has provided the Board with perspectives on education issues it might not otherwise receive. It is crucially important to ensure minority viewpoints are heard consistently. Accordingly, the Board of Directors voted in 2016 to extend membership, with full voting rights, to a designee of the Caucus on a permanent basis. The sponsoring district is asking that this change again be considered this year.

## **PROPOSED RESOLUTIONS (2012 Sunseting Position Statements) RECOMMENDED BY THE RESOLUTIONS COMMITTEE FOR ADOPTION**

### **PROPOSED RESOLUTION 1 (Sunsetting Position Statement)**

Submitted by the *Erie 2-Chautauqua-Cattaraugus BOCES Board (6/28/17)*

- 1 **RESOLVED**, that the New York State School Boards Association opposes legislation expanding New York  
2 State's charter school law to allow for virtual charter schools.

### **Rationale**

The theory that corporate efficiencies combined with internet can revolutionize public education offering high quality education at a reduced cost has led almost 30 states to enroll students in "cyberschools" or virtual learning programs. The reality is that many of these students drop out without completing course work or fall behind in math or English language arts and do not graduate on time.

The education corporations that provide these virtual charter schools expect to profit in the hundreds of millions of dollars regardless of the sufficiency of the education that they provide. These companies receive

monies from districts, states, and the federal government. In some states, they collect nearly as much money per student as brick and mortar schools without any facility costs. A large percent of the profit is spent on advertising rather than improving student outcomes. Whether their students succeed or fail, these corporations win.

While teachers in virtual charter schools do not have the burden of a full day of classes, they are forced to take on more students, sometimes up to 250 per class, for whom they must field questions, monitor progress, review and grade class work daily or weekly, on each student's differing schedule. Many times, rigor and achievement benchmarks go by the wayside under the pressure of time, over enrolment, and low wages.

Moreover, virtual students miss out on the socialization provided by brick and mortar schools. These students work from home, hundreds of miles from teachers who must communicate with them by email, Skype or telephone. There is no cafeteria and no gym. Child development requires regular interaction with other children to develop collaboration and teamwork skills.

There is a time and place for virtual learning, especially for the more advanced or personally responsible student, but for most children a more traditional public school or even charter school experience should not be replaced by virtual charter schools.

### **PROPOSED RESOLUTION 2 (Sunsetting Position Statement)**

Submitted by the *Erie 2-Chautauqua-Cattaraugus BOCES Board (6/28/17)*

- 1 **RESOLVED**, that the New York State School Boards Association supports the creation of a regional high
- 2 school when locally determined to be educationally or fiscally appropriate by the local boards of education.

### **Rationale**

Fierce competition for scarce financial resources in New York State and our nation has made cost effective educational alternatives a top priority. Demographic shifts and the need to provide more advanced courses to prepare students for college and 21<sup>st</sup> century jobs, has further accelerated the pace of the exploration of workable alternative models.

Regional high schools are a proven model in many states; there are documented cost savings and an array of course offerings that only a regional economy of scale could provide. The Education Law in New York State, however, only permits regional high schools in Suffolk County.

This resolution would provide the opportunity for other areas of the state to form regional high schools and to derive the benefits experienced by this high school model.

**PROPOSED RESOLUTIONS**  
**RECOMMENDED BY THE RESOLUTIONS COMMITTEE FOR ADOPTION**

**PROPOSED RESOLUTION 3**

Submitted by the *NYSSBA Board of Directors (6/10/17)*

- 1 **RESOLVED**, that the New York State School Boards Association supports proposals that would expand after-  
2 school programs.

**Rationale**

There can be numerous benefits derived from after-school programs. The most basic after-school programs provide a safe, supervised space for school-age children, who would otherwise be home alone or in their community unsupervised after school hours. Some programs have the resources to provide more than supervision and provide access to tutoring, help with homework and a variety of other academic and recreational activities.

However, the availability of after-school programs is limited and the costs of creating these programs can be prohibitive particularly in those communities that need it most. To run after-school programs successfully, districts need funding, staff, space and, in some instances, transportation. While the state and federal governments, alongside a number of nonprofits and foundations are investing in these important programs the current resources are not enough. School districts need additional resources, and in some instances, additional operational flexibilities to operate successful programs. School districts that want to be able to provide an extended day to students who need it should be afforded the opportunity to partner with external groups, access transportation and secure funding to do so.

**PROPOSED RESOLUTION 4**

Submitted by the *NYSSBA Board of Directors (6/10/17)*

- 1 **RESOLVED**, that the New York State School Boards Association supports efforts to have the state require all  
2 teacher preparation programs demonstrate the quality of the preparation of the teachers they produce as  
3 graduates.

**Rationale**

Teacher quality is a critical factor in improving student achievement. New York school districts seek to attract the highest caliber teachers possible.

In order to help improve the rates of success for New York's students, teachers should be properly prepared to serve their students prior to entering the classroom. While districts are prepared to do their part to onboard, mentor, and provide ongoing in-service professional development, new educators should be completing their

preparation programs with the skills necessary to effectively plan, manage a classroom and deliver a rigorous and relevant curriculum. This preparation should be the obligation of institutions of higher learning operating teacher preparation programs.

When school districts consider an applicant, they should be confident that the candidate is well trained and ready for the classroom. Unprepared teachers can have a negative impact on individual student outcomes, and are a drain on the school district as a whole. School districts are held accountable for the performance of their students and institutions of higher learning should be held to that same standard.

### **PROPOSED RESOLUTION 5**

Submitted by the *NYSSBA Board of Directors (6/10/17)*

- 1 **RESOLVED**, that the New York State School Boards Association supports authorizing testing
- 2 accommodations for students with disabilities.

#### **Rationale**

Students with disabilities are screened by appropriate professionals, and the district Committee on Special Education (CSE) and 504 teams, in partnership with each student’s parents, agree on programs and services needed to allow that student to access the free and appropriate public education to which he/she is entitled.

In order for this to be accomplished, students may be afforded certain accommodations that students require to participate fully in their education. These accommodations do not change the content of the test, but rather remove obstacles to test taking. Accommodations might include allowing extra time, or a change in location to allow for greater concentration, or allowing sections to be read aloud. However, in some instances, these accommodations can be perceived as interfering with the integrity of the 3-8 assessments and are therefore prohibited. Fairness should be made uniform in all instances for all students with disabilities while taking tests.

### **PROPOSED RESOLUTION 6**

Submitted by the *NYSSBA Board of Directors (6/10/17)*

- 1 **RESOLVED**, that the New York State School Boards Association supports a rigorous process for granting
- 2 teacher certification.

#### **Rationale**

It is important that our students are taught by professional teachers who are subject-matter experts. In order to ensure school districts have high quality teachers in the classroom, a rigorous process for granting teacher certification is needed.

In recent years there have been many calls to reduce barriers to becoming a classroom teacher in order to

increase the number of teachers entering the profession. Where administrative barriers are impeding the establishment pipeline of new teachers, it is important that those barriers be removed. However, it is equally as important that the teachers entering our classrooms and educating our students are properly prepared. Before granting a candidate certification, these individuals must be required to demonstrate that they have attained the skills and knowledge needed to do the important job they seek. While the certification process may be challenging and candidates may be unsuccessful in their first attempt, the measure of preparedness must be whether or not an educator is ready to enter the classroom, not whether enough people are passing the certification exams. School districts must be confident that hiring a certified teacher is a true demonstration that the individual is qualified to do the job he/she has been hired for.

**PROPOSED RESOLUTION 7**

Submitted by the *NYSSBA Board of Directors (6/10/17)*

- 1 **RESOLVED**, that the New York State School Boards Association supports reforming the system of educator
- 2 discipline to cap the length of time educators awaiting 3020-a-proceedings are paid.

**Rationale**

School districts must follow the extensive administrative hearing procedures established in section 3020-a of the education law before a district can take disciplinary action against tenured staff. Except in very limited circumstance, educators who are the subject of a 3020-a continue to collect their full salary and benefits. Therefore, there is little incentive on the part of the employee to expedite resolution. Placing a cap on the length of time an educator can be paid while proceedings are pending maintains the due process protections in place for the employee while affording the school district protections against unnecessary delays in the process.

**PROPOSED RESOLUTION 8**

Submitted by the *NYSSBA Board of Directors (6/10/17)*

- 1 **RESOLVED**, that the New York State School Boards Association supports legislation to amend the
- 2 Triborough Amendment of the Taylor Law to eliminate the obligation of school districts to pay “step”
- 3 increments after the expiration of collective bargaining agreements.

**Rationale**

The continuation of automatic salary “step” increments after a negotiated agreement has expired creates an uneven playing field for the purposes of collective bargaining by providing regular salary increases to employees despite the absence of agreement on wages and other issues. The recent economic recession and local tax levy limits have limited the revenue districts have available. Removing automatic step increases from the Triborough Amendment while negotiations continue over an expired contract ensures that employees are protected and continue to receive fair compensation and benefits, while at the same time incentivizing all parties to come to the table for a good-faith negotiation.

## **PROPOSED RESOLUTION 9**

Submitted by the *Valley Stream 13 Union Free School Board (6/15/17)*

- 1 **RESOLVED**, that the New York State School Boards supports legislation which would amend Article 18-A of  
2 the General Municipal Law to permit school districts, at their option, to be necessary parties to Payment-in-lieu-  
3 of-taxes (“PILOT”) agreements.

### **Rationale**

Legislative reforms are necessary to the process by which Industrial Development Agencies (“IDA”) provide financial assistance to property owners. IDAs often provide financial assistance in the form of property tax breaks. These tax breaks can have unexpected and unintended consequences on school district budgeting practices under the property tax cap. They also result in increased tax rates for other property owners within a school district. This is a matter of statewide significance as the property tax cap requires school districts across the state to estimate PILOT revenue each year when calculating the school district’s tax levy limit. When a school district’s estimate of PILOT revenue is inaccurate it can result in a revenue shortfall. Although school districts are affected taxing jurisdictions under the current law, they are not currently a necessary party to a PILOT Agreement. This legislative reform would provide additional information and allow school districts to participate in the process by which PILOT agreements are granted. In turn, this would enable school districts to provide timely and accurate information to residents about the impact of the financial assistance being granted and accurately budget for PILOTs under the tax cap.

## **PROPOSED RESOLUTION 10**

Submitted by the *Irvington Union Free School Board (5/31/17)*

- 1 **RESOLVED**, that the New York State School Boards Association seeks legislation to change the date that  
2 union free and central school districts are required to hold a special election to elect additional board members  
3 upon the adoption of a proposition to increase the number of board members from the existing 30 to 60 day  
4 period after the annual meeting at which the proposition was adopted to the next annual meeting.

### **Rationale**

There is an inconsistency in the Education Law between union free and central districts and small city and common school districts with respect to the date for holding a special election to elect additional board members upon the adoption of a proposition to increase the number of board members.

In union free and central school districts the special election must be held between 30 and 60 days from the annual meeting at which the proposition was adopted. In small city and common school districts the election is held at the next annual meeting. There is no apparent reason for the discrepancy between school districts in the established date for the special election.

From both a financial and practical analysis the special election for union free and central school districts should be held at the next annual meeting like it is for common and small city school districts.

A special election will cost the school district thousands of dollars and require the utilization of district staff in the preparation and conducting of the election. By holding the election on the same date as the annual meeting the district will be able to consolidate costs and personnel.

Logistically, it is impossible for a school district to conduct a special election within most of the 30 to 60 day timeline because it is required to publish a legal notice of the special election at least 45 days before the election. Also the timeline for submitting a nominating petition and the first campaign expenditure statement is 30 days before the vote. As a consequence, a special election is most likely going to need to be held closer to the outer limits of the 30 to 60 day period from the annual meeting which is the second or third week of July. In that this is a time when school is closed and many residents are on summer vacation, such a schedule has the potential to disenfranchise a substantial number of voters who will be compelled to apply for absentee ballots to cast their vote.

Based on the foregoing, the law should be changed to provide that a special election to elect additional board members for union free and central school districts should be held at the next annual meeting which will conform to the existing requirement for common and small city school districts.

### **PROPOSED RESOLUTION 11**

Submitted by the *Washingtonville Central School Board (6/26/17)*

- 1 **RESOLVED**, that the New York State School Boards Association supports fully funding the Foundation Aid
- 2 Formula, that would ensure the viability and sustainability of New York's public schools.

### **Rationale**

State aid is critical in the support of public schools in New York. Without fully funded foundation aid and the 2% tax cap levy that is not 2% school districts are in an untenable position. They cannot budget and negotiate with all district stakeholders because they do not know what the state aid dollar numbers will look like and they cannot raise money locally because of the tax cap formula. For any budgeting process to be successful, it must have a reliable and predictable revenue stream.

### **PROPOSED RESOLUTION 12**

Submitted by the *Washingtonville Central School Board (6/26/17)*

- 1 **RESOLVED**, that the New York State School Boards Association supports meaningful reforms to the Tax
- 2 Cap Levy Formula, that would ensure viability and sustainability of New York's public schools.

### Rationale

State aid is critical in the support of public schools in New York. Without fully funded foundation aid and the 2% tax cap levy that is not 2% school districts are in an untenable position. They cannot budget and negotiate with all district stakeholders because they do not know what the state aid dollar numbers will look like and they cannot raise money locally because of the tax cap formula. For any budgeting process to be successful, it must have a reliable and predictable revenue stream.

### PROPOSED RESOLUTION 13

Submitted by the *City of Niagara Falls School Board (6/28/17)*

- 1 **RESOLVED**, that the New York State School Boards Association supports legislation to ensure that no school  
2 district can have a negative property tax cap.

### Rationale

- Chapter 97 of the Laws of 2011 established a tax levy limit (generally referred to as the tax cap) that affects all local governments including school districts.
- In calculating this levy limit it is possible for the resultant limit to be a negative amount. Despite the districts attempt to maintain a zero increase, a successful budget vote would require a 60 percent majority to override the calculated negative statutory limit. We feel this is an unnecessarily onerous requirement given the already difficult ability to raise local funds as well as the limitations in state funding.
- We ask that legislation be put forward that would amend the Levy Limit calculation. That any Tax Levy Limit calculation that results in a negative amount be rounded to zero and need only a 50 percent approval to pass.

### PROPOSED RESOLUTION 14

Submitted by the *City of Niagara Falls School Board (6/28/17)*

- 1 **RESOLVED**, that the New York School Boards Association supports legislation that would establish a 10 day  
2 period for the filing and review of any objections to small city school district nominating petitions before the  
3 ballot is finalized.

### Rationale

- The education of all children is a primary and basic government objective and obligation.
- Residents of a school district are entitled to having the right to ensure that those nominated to serve on the Boards of Education, charged with the responsibility of directing and overseeing the education our children, have the required legal qualifications to serve as Board Members.
- The time periods for filing of petitions and the finalizing of the ballot provided in the law deprives



residents of small city school districts, the right to object to the sufficiency of the petitions filed on behalf of candidates nominated to the Board of Education.

- The current law provides for the last day to file nominating petitions in Small City School Districts to be 5:00 p.m. twenty (20) days prior to the election date.
- The current law also provides for finalizing of the ballot on the day after the last day for filing petitions.
- Education law section 2608 should be amended to provided that petitions be filed in the office of the of the clerk of board of education between the hours of nine a.m. and five p.m. on or before the thirtieth day preceding the date of the annual election as is provided for school districts other than small city school districts.
- Education Law 2608 should be further amended by adding that written specific objections to petitions be filed in the office of the clerk of the board of education within five days after the last day for filing of petitions and the Board of Education make it's determination as to the objections filed on or before the twentieth day preceding the annual election, by either permitting or refusing to have the name of the candidate placed on the ballot for the annual election.
- The provisions of Education Law paragraph b of subdivision two of section 2032 should be amended to provide the names of the candidates be arranged in the order as determined by drawing by lot, to be conduct by the clerk of the board of education on the day after the last possible day for the determination to be made by the Board as to the objections.
- The proposed legislation, amending the Education law, will permit residents who are qualified voters of the district, sufficient time to file written objections with the clerk of the board to petitions filed on behalf of prospective candidate and for the Board of Educations to make its determination as to the objection by either permitting or denying the candidate's name to be placed on the ballot of the annual election.
- The proposed legislation will also permit the ballot to be fixed in sufficient time before the annual election.

### **PROPOSED RESOLUTION 15**

Submitted by the *City of Niagara Falls School Board (6/28/17)*

- 1 **RESOLVED**, that the New York School Boards Association supports legislation that would provide finalizing  
2 the ballot for positions on the small city school district board on the day after a 10 day period for filing and  
3 reviewing of any objections to nominating petitions.

#### **Rationale**

- The education of all children is a primary and basic government objective and obligation.
- Residents of a school district are entitled to having the right to ensure that those nominated to serve on the Boards of Education, charged with the responsibility of directing and overseeing the education our children, have the required legal qualifications to serve as Board Members.
- The time periods for filing of petitions and the finalizing of the ballot provided in the law deprives residents of small city school districts, the right to object to the sufficiency of the petitions filed on

behalf of candidates nominated to the Board of Education.

- The current law provides for the last day to file nominating petitions in Small City School Districts to be 5:00 p.m. twenty (20) days prior to the election date.
- The current law also provides for finalizing of the ballot on the day after the last day for filing petitions.
- Education law section 2608 should be amended to provided that petitions be filed in the office of the of the clerk of board of education between the hours of nine a.m. and five p.m. on or before the thirtieth day preceding the date of the annual election as is provided for school districts other than small city school districts.
- Education Law 2608 should be further amended by adding that written specific objections to petitions be filed in the office of the clerk of the board of education within five days after the last day for filing of petitions and the Board of Education make it's determination as to the objections filed on or before the twentieth day preceding the annual election, by either permitting or refusing to have the name of the candidate placed on the ballot for the annual election.
- The provisions of Education Law paragraph b of subdivision two of section 2032 should be amended to provide the names of the candidates be arranged in the order as determined by drawing by lot, to be conduct by the clerk of the board of education on the day after the last possible day for the determination to be made by the Board as to the objections.
- The proposed legislation, amending the Education law, will permit residents who are qualified voters of the district, sufficient time to file written objections with the clerk of the board to petitions filed on behalf of prospective candidate and for the Board of Educations to make its determination as to the objection by either permitting or denying the candidate's name to be placed on the ballot of the annual election.
- The proposed legislation will also permit the ballot to be fixed in sufficient time before the annual election.

## **PROPOSED RESOLUTION 16**

Submitted by the *City of Niagara Falls School Board (6/28/17)*

- 1 **RESOLVED**, that the New York School Boards Association supports legislation that would require the  
2 submission of nominating petitions for small city school districts 30 days prior to the election.

### **Rationale**

- The education of all children is a primary and basic government objective and obligation.
- Residents of a school district are entitled to having the right to ensure that those nominated to serve on the Boards of Education, charged with the responsibility of directing and overseeing the education our children, have the required legal qualifications to serve as Board Members.
- The time periods for filing of petitions and the finalizing of the ballot provided in the law deprives residents of small city school districts, the right to object to the sufficiency of the petitions filed on behalf of candidates nominated to the Board of Education.
- The current law provides for the last day to file nominating petitions in Small City School Districts to be

5:00 p.m. twenty (20) days prior to the election date.

- The current law also provides for finalizing of the ballot on the day after the last day for filing petitions.
- Education law section 2608 should be amended to provided that petitions be filed in the office of the of the clerk of board of education between the hours of nine a.m. and five p.m. on or before the thirtieth day preceding the date of the annual election as is provided for school districts other than small city school districts.
- Education Law 2608 should be further amended by adding that written specific objections to petitions be filed in the office of the clerk of the board of education within five days after the last day for filing of petitions and the Board of Education make it's determination as to the objections filed on or before the twentieth day preceding the annual election, by either permitting or refusing to have the name of the candidate placed on the ballot for the annual election.
- The provisions of Education Law paragraph b of subdivision two of section 2032 should be amended to provide the names of the candidates be arranged in the order as determined by drawing by lot, to be conduct by the clerk of the board of education on the day after the last possible day for the determination to be made by the Board as to the objections.
- The proposed legislation, amending the Education law, will permit residents who are qualified voters of the district, sufficient time to file written objections with the clerk of the board to petitions filed on behalf of prospective candidate and for the Board of Educations to make its determination as to the objection by either permitting or denying the candidate's name to be placed on the ballot of the annual election.
- The proposed legislation will also permit the ballot to be fixed in sufficient time before the annual election.

### **PROPOSED RESOLUTION 17**

Submitted by the *Henlett-Woodmere Union Free School Board (7/6/17)*

- 1 **RESOLVED**, that the New York State School Boards Association supports reforming the system of educator  
2 discipline to authorize school districts to terminate tenured teachers without a 3020-a hearing if:  
3  
4       ● They have been convicted of child abuse in an education setting, or  
5       ● Their teaching certificate has been revoked by the State Education Department, or  
6       ● They have failed to obtain permanent certification in the requisite time period.

### **Rationale**

Every student deserves to be in a safe classroom with a highly qualified teacher and attend a school with a highly qualified administrator. Tenure should not be a barrier to swiftly removing teachers and administrators convicted of child abuse, having their teaching/administrative credentials revoked, or failing to obtain permanent certification. Taxpayers should not be burdened with a long and costly 3020-a process.

## **PROPOSED RESOLUTION 18**

Submitted by the *Jamestown Public School Board (7/6/17)*

- 1 **RESOLVED**, that the New York State School Boards Association supports legislation that would set the  
2 allowable growth factor of the real property tax cap at a minimum of 2 percent.

### **Rationale**

When the property tax cap was enacted in 2011, it was advertised as a “2% tax cap.” In the six years since then, we know that is certainly not the case. The 2% refers to just one step in a multi-part tax cap formula. This step, the allowable growth factor, is actually 2% or the change in the consumer price index, whichever is less. After the first two years of a CPI at or near 2%, we have since experienced four consecutive years of a CPI below 2% - including a miniscule 0.12% in 2016-17. This has forced districts to propose budgets that may be less than what its schools and students actually need or face the potential damaging consequences of a failed override attempt. In future years when the CPI is eventually greater than 2%, school districts are likely to face costs that exceed what the cap will allow them to raise locally.

If the Governor and Legislature want to advertise the law as a 2% cap, then it should make sure the allowable growth factor is at least 2% every year for all districts.

## **PROPOSED RESOLUTION 19**

Submitted by the *Jamestown Public School Board (7/6/17)*

- 1 **RESOLVED**, that the New York State School Boards Association opposes the property tax cap and calls for  
2 its repeal.

### **Rationale**

The property tax cap, enacted in 2011, restricts a school district’s ability to provide the educational programs and services the district community feels is most appropriate for them. With school aid at the discretion of the Governor and Legislature and a property tax cap that limits how much local funds school districts can generate at home, our schools have very little direct control over their own revenue.

The cap also has little to no connection to the actual costs school districts incur. It does not account for changes in enrollment, nor does it account for levels of state aid a school district receives. The consumer price index, which serves as the main factor in the cap, is based on what a household consumer purchases, not what is necessary to run a school district.

Boards of education are elected by our community and school districts serve as the only level of government in New York that has their budget directly voted on by the community. The tax cap chips away at this important principle of local control in our state’s public education system.

## **PROPOSED RESOLUTION 20**

Submitted by the *Schenectady City School Board (7/7/17)*

- 1 **RESOLVED**, that the New York State School Boards Association supports legislation that would align legal  
2 requirements imposed upon small city school districts with those of central, union free and common school  
3 districts.

### **Rationale**

At this time and for many years, city school districts have been required to adhere to more strict and burdensome legal requirements. These requirements serve to confound the operations and functioning of the city school district while not providing any notable corollary benefits, to the District or the communities they serve. Changing the requirements such that they are the same as those applicable to central or common school districts would allow for more effective operations and more efficient use of school funds. Some of these unduly burdensome requirements include:

- Debt Limit – Debt cannot exceed 5% of the average full value of their tax rolls over the previous five years (most other districts are 10% of most recent full value tax roll)
- Nominating Petitions – Deadline of 20 days before the budget vote to submit nominating petitions for Board of Ed candidates (everyone else has 30 days)
- Annual Reorganizational Meeting – Must have meeting during first week of July (central districts can pass a resolution to hold during the first 15 days of the month)

## **PROPOSED RESOLUTION 21**

Submitted by the *Guilford Central School Board (7/7/17)* Endorsed by the *Schenectady City School Board (7/7/17)*

- 1 **RESOLVED**, that the New York State School Boards Association supports any and all proposed changes to  
2 state law, regulations and state policies that encourage and incentivize New York State school districts to  
3 address the health issue of sleep deprivation in teenagers by implementing later school start times that are  
4 developmentally-appropriate for middle school and high school students.

### **Rationale**

Sleep experts since 1993 have demonstrated that shifted circadian rhythms associated with puberty make it difficult, if not impossible, for many teenagers who have early school start times to fall asleep early enough at night to get sufficient sleep on school nights, resulting in sleep deprivation.

Sleep deprivation is a serious health issue for many teenagers. It has been shown to increase depression, anxiety, substance abuse, mood swings, behavioral problems, suicidal ideation, automobile accidents and sports injuries.

Numerous medical groups have issued statements on the benefits of later start times for adolescents. These

include the American Academy of Pediatrics, American Medical Association, American Academy of Sleep Medicine, and the American Association of Child and Adolescent Psychiatry. In addition, the National Institute of Health, Center for Disease Control, National Association of School Nurses, Society of Pediatric Nurses and former US education Secretary Arne Duncan have urged later start times! The California state PTA has also taken a position in favor of later start times for teens.

The issue of sleep deprivation in teenagers and its negative effects on teen health has attracted the attention of numerous state legislatures as well as Congress. California, Maine, Maryland, Massachusetts, Nevada, New Jersey, and Rhode Island have had bills introduced regarding later school start times for adolescents. Representative Zoe Lofgren from California has introduced HB2245, which directs the Secretary of Education to study, report on and make recommendations relating to the "relationship between school start times and adolescent health, well-being and performance."

In 2016, Governor Larry Hogan signed the Orange Ribbon for Healthy School Hours bill, which incentivizes school districts in Maryland to offer adolescents school start times that are developmentally appropriate.

In summary, scientific research has definitively shown that later school start times for teens has many positive benefits. Students' grades and test scores go up. Car accidents, drug use and sports injuries go down. Attendance improves. There is less sleeping in class, less student reported depression, fewer student visits to school counselors for behavioral and peer causes and more even temperament at home. The Brookings Institute in a recent Hamilton Project Report concluded that starting school later can be an immediate and inexpensive way to boost health, safety and achievement for all adolescent students.

## **PROPOSED RESOLUTION 22**

Submitted by the *Poughkeepsie City School Board (7/10/17)*

- 1 **RESOLVED**, that the New York State School Boards Association pursues legislative changes to align the
- 2 requirements for school district absentee ballot applications with the less intrusive requirements of the State
- 3 Board of Elections.

### **Rationale**

New York State Education Law §2018 prescribes the requirements for school district absentee ballot applications. The current requirements are overly intrusive requiring applicants to provide information such as “the dates upon which he expects to begin and end such vacation, the place or places where he expects to be on such vacation, the name and address of his employer, if any, and if self-employed or retired, a statement to that effect”.

The Board of Elections application for a New York State Absentee Ballot only asks an applicant to certify that the applicant is “absent from the county or New York City on Election Day”. Applicants need not supply information as to their destination, vacation dates, or employer. School Districts do not need this information

and should not be required to ask applicants for it.

### **PROPOSED RESOLUTION 23**

Submitted by the *Freeport Public School Board (7/10/17)*

- 1 **RESOLVED**, that the New York State School Boards Association supports raising the allowable undesignated
- 2 fund balance for school districts.

### **Rationale**

Maintaining an adequate fund balance is a prudent fiscal practice that provides critical benefits for any school district. These include the ability to minimize educational service disruptions, stabilize educational performance, fund educational growth, and manage unforeseen expenditure demands and revenue shortfalls. Optimum fund balance levels are a significant component of the well-being of a district or, for that matter, any organization.

Across the United States, 40 states have no mention of fund balance restrictions and only 10 states have some requirement related to school district fund balance. Even in those instances, the lowest limit is six percent as opposed to the four percent limit in New York State. The state and local governments such as counties, towns, villages, and fire districts in New York State have no limit on unrestricted fund balance and can carryover a “reasonable amount” for their particular situation to address volatility of revenues and expenditures and for contingencies.

The Government Finance Officers Association (GFOA) recommends that governments maintain adequate levels of fund balance to mitigate current and future risks and to ensure stable tax rates. They also note that a school district’s particular situation may often require a level of unrestricted balance in excess of recommended levels. GFOA clearly recommends an unrestricted fund balance to be a minimum of two months of general fund operating revenues or general fund operating expenditures which is approximately 16.7 percent. This amount exceeds the current four percent limit imposed by the state.

The Federal Government has proposed deep cuts to the education budget including Medicaid, literacy programs, teacher training and class size reduction. This will impact funding to the State and therefore funding to school districts. Potential policy shifts can impact as well. It is imperative that school districts be able to maintain an adequate fund balance under these circumstances. Currently, bills to increase fund balance allowances to ten percent in excess of the operating budget are both in committee in the state senate and assembly. The NYSSBA should support legislation to increase the allowable undesignated fund balances.

### **PROPOSED RESOLUTION 24**

Submitted by the *Freeport Public School Board (7/10/17)*

- 1 **RESOLVED**, that the New York State School Boards Association supports increased and timely state funding
- 2 for provision of appropriate mandated instruction for ENL (English as a New Language) students, including

3 unaccompanied minors.

### **Rationale**

An increasing number of ENL students and unfunded mandates based on changes to the Part 154 Regulations have created a staffing and financial burden for school districts throughout the state. The costs to meet the needs of students who have Limited English Proficiency (LEP) and/or are immigrant students have risen steadily as enrollments of those students have increased and new mandates were implemented last year. The number of students requiring ENL services is steadily increasing.

Additionally, since 2014, the Federal government has placed unaccompanied minors in New York State. The cost of educating these students is unplanned for and out of the control of school districts. Districts will not shortchange these students nor can they cut other existing programs midyear to accommodate these new costs. Planning for the scheduling of teacher and student class assignments in a high school requires, in the aggregate, one staff member for every 17 students. School districts have had to hire additional ENL staff to meet the enhanced needs of the ENL students and their mandated instructional requirements. Districts which receive unaccompanied minors placed by the federal government or state government should be compensated at the per pupil costs for each such student.

There is little federal or state funding available to assist districts with these increased costs. The Foundation Aid formula has not been fully phased in and the minimal Federal Title III funding allocated may only be used for supplemental support program costs. While fully phasing in the Foundation Aid, along with a change in the Foundation Aid formula structure to more accurately account for ENL students should be implemented, this will not provide fiscal relief to districts struggling with these costs currently. NYSSBA should support state initiatives to provide LEAs with immediate additional funding targeted for the services required for the proper and equitable instruction of ENL students.

### **PROPOSED RESOLUTION 25**

Submitted by the *Port Washington Union Free School Board (7/10/17)*

- 1 **RESOLVED**, that the New York State School Boards Association work with SED, the NYS Legislature and
- 2 the Governor to protect student privacy by allowing districts to use locally generated ID numbers for students
- 3 to be used in all NYSED data collection instead of easily identifiable data such as names.

### **Rationale**

In this day in age, personally identifiable information is a prime resource for many people, including big business and others with malicious intent. Cyber-attacks happen with increasing regularity and many Government agencies and private industry have had data breaches. We have an obligation to protect our students and their families from unwanted intrusions into their privacy. Whether by malicious intent or simple error we cannot allow this information to potentially impact our children later in life. By assigning identification



numbers, we keep the student's name from being tied to any records that can be breached and by keeping the ID#s on a local server we are limiting the number of places where intrusions can occur.

SED will be able to process and use the data in the exact same way just without names attached.

We don't want this to become a mandate that is handed to school districts, and thus we were looking at it from a perspective of supplying the information that SED is looking for, without giving the actual names of the individuals it is tied to. However, an identification number system may also help to transfer records and avoid the possible transfer of records for the incorrect student.

**PROPOSED RESOLUTIONS**  
**NOT RECOMMENDED BY THE RESOLUTIONS COMMITTEE FOR ADOPTION**

**PROPOSED RESOLUTION 26**

Submitted by the *Patchogue-Medford Union Free School Board (5/31/17)*

- 1 **RESOLVED**, that the New York State School Board Association supports legislation that requires that Level 1  
2 sex offenders convicted of sexually violent offenses, predicate sex offenders, or sexual predators remain on the  
3 New York State Sex Offender Registry.

**Rationale**

- Keeping these offenders on the Sex Offender Registry ensures safety of children and our employees.
- Under the current law, Level 1 sex offenders, who are convicted of sexually violent offenses, are sexual predators, or predicate offenders may drop off the New York State Sex Offender Registry after 20 years.
- Due to a moratorium, some Level 1 sex offenders have committed offenses that are characteristic of higher-leveled offenses, and have been inaccurately categorized.
- Under the current law, Level 1 sex offender names that disappear from the registry can be cleared to volunteer and coach our children in sports or activities.
- Sex offender names who drop off the registry may live in close proximity to schools without community or prospective organizations or employers having any knowledge whatsoever of their prior offenses against minors or any other individuals.

**EXPLANATION OF THE RESOLUTIONS COMMITTEE**

The Resolutions Committee believes that the intent of this resolution is reflective of current law.

168-h of the Correction Law states:

*§ 168-h. Duration of registration and verification. 1. The duration of registration and verification for a sex offender who has not been designated a sexual predator, or a sexually violent offender, or a predicate sex offender, and who is classified*

*as a level one risk, or who has not yet received a risk level classification, shall be annually for a period of twenty years from the initial date of registration.*

*2. The duration of registration and verification for a sex offender who, on or after March eleventh, two thousand two, is designated a sexual predator, or a sexually violent offender, or a predicate sex offender, or who is classified as a level two or level three risk, shall be annually for life. Notwithstanding the foregoing, a sex offender who is classified as a level two risk and who is not designated a sexual predator, a sexually violent offender or a predicate sex offender, may be relieved of the duty to register and verify as provided by subdivision one of section one hundred sixty-eight-o of this article.*

*3. Any sex offender having been designated a level three risk or a sexual predator shall also personally verify his or her address every ninety calendar days with the local law enforcement agency having jurisdiction where the offender resides.*

As reflected above, Correction Law section 168-h states that Level 1 sex offenders who are designated sexually violent offenders, predicate sex offenders or sexual predators will remain on the New York State Sex Offender Registry for life.

## **PROPOSED RESOLUTION 27**

Submitted by the *Patchogue-Medford Union Free School Board (5/31/17)*

- 1 **RESOLVED**, that the New York State School Boards Association supports legislation that authorizes Counties  
2 to establish by local law or resolution residency restrictions for registered sex offenders to avoid residency in  
3 close proximity to our schools and to victims.

### **Rationale**

- In February of 2015, the New York State Court of Appeals overturned local residency restriction laws, leaving communities vulnerable to registered sex offenders, not under supervision who were convicted of a sex offense against a minor, or Level 3 high-risk offenders, moving into homes where their property line borders that of a school.
- Due to the Court of Appeals decision, registered sex offenders not under supervision have the ability to actively watch and monitor our students, staff, and faculty on playgrounds and while entering and exiting school grounds and buildings, from their own property without restriction.
- Due to the diversity in population density across the state, the authorization of the counties across New York State to enact by local law or resolution reasonable residency restrictions for Level 3 sex offenders and sex offenders convicted of offenses against minors who are no longer under supervision, would provide a more reasonable level of safety and perspective equity to victims, employees, and residents.

### **EXPLANATION OF THE RESOLUTIONS COMMITTEE**

The Resolutions Committee takes seriously the responsibility of school districts to keep their children safe at school.

The Committee referred to the Court of Appeals ruling in *People v. Diack* (24 N.Y.3d 674 (2015)), (The 2015 Court of Appeals case referenced above), which determined the enactment of the state’s legislative and regulatory scheme of sex offender monitoring provides clear evidence of the state’s intention to exercise overriding authority with regard to sex offender management, including where sex offenders may reside. Specifically, concerns were raised that if the *Diack* decision were addressed legislatively, communities could impose local restrictions that would unduly burden other localities by clustering all offenders in those areas last to adopt local residency requirements.

The Committee also noted the complications that can arise already when parents of students in their schools are registered offenders and there is a need to interact with teachers and other school personnel on behalf of their child. The children of the individuals in question are already subject to potential stresses because of the actions of their parent(s) and should not be further singled out by local legislative action.

**PROPOSED RESOLUTION 28**

Submitted by the *Patchogue-Medford Union Free School Board (5/31/17)*

- 1 **RESOLVED**, that the New York State School Boards Association supports legislation that would allow
- 2 counties, directly or through a third party contractor, to verify compliance with required registration in the
- 3 State’s sex offender registry.

**Rationale**

- Accurate and up-to-date registries which provides the community valuable current information about those known to pose a risk to public safety.
- Counties across New York State are diverse in many ways.
- Safety in and around our schools is a priority.
- Counties and their designees have a tangible insight on their communities in order to effectively monitor and verify registration compliance and to implement community-based programs through their designees to ensure an accurate and up-to-date registry.
- Such jurisdiction would maintain the accuracy of information regarding registered sex offenders thus actively working to ensure safety in and around our schools.

**EXPLANATION OF THE RESOLUTIONS COMMITTEE**

The Committee expressed concerns with the idea of outsourcing law enforcement responsibilities to private third party vendors.

The Committee cited the ongoing *Jones v. County of Suffolk* (164F. Supp.3d388(EDNY 2016)), lawsuit in their discussions. In that case, the court has refused to dismiss the plaintiff’s suit that alleged that a county operating verification and monitoring program violated his fourth amendment rights. According to the court, the actions of the third party agents hired by the county to carry out its verification and monitoring program constituted a

seizure of the plaintiff. A seizure occurs when an officer of the state, by means of physical force or a show of authority in some way, restrains the liberty of a citizen. In the event that the courts continue to find these “verification” processes in violation of the Fourth Amendment, no state legislative change can override that to allow a local government or third party to supersede the present authority of the state.

**PROPOSED RESOLUTION 29**

Submitted by the *Nassau BOCES Board (6/14/17)*

- 1 **RESOLVED**, that at the New York State School Boards Association Annual Business Meeting, resolutions
- 2 shall be discussed in the order that they are received by the Association with the exception of by-law
- 3 resolutions, which shall be discussed first.

**Rationale**

Priority should not be given to those resolutions supported by the Resolutions Committee. In recent years, many resolutions have not been discussed because a quorum has been lost. This is unfair to those that have submitted resolutions for discussion. In addition, some delegates view resolutions not recommended as not valid, and coming at the end of the meeting, they see no reason to stay.

This, in no way, would make the business meeting any more cumbersome. Resolutions would be printed in the booklet in the order received (after a determined “open” period) and discussed in order.

At the meeting, the Resolutions Committee could still move those resolutions that it supports without a second. Those not approved by the Committee would have to be moved and seconded on the floor.

**EXPLANATION OF THE RESOLUTIONS COMMITTEE**

The committee did not recommend this resolution because there was not a majority consensus regarding how to deal with this resolution. In reviewing history, it was determined that a quorum at the annual business meeting has been lost only twice in recent years. In the first of the two incidents (2014) all resolutions submitted were considered and quorum was lost only when a motion was made to suspend the rules to consider late resolutions. In the second recent instance (2015), quorum was lost before consideration of the 30th and final resolution.

A significant portion of the committee felt that the current process should remain as is, with recommended resolutions being considered first and not recommended resolutions considered after the completion of recommended resolutions.

Ultimately, the committee noted that the order in which resolutions are considered at the annual business meeting is set by the order of business and rules of conduct, approved by the NYSSBA board of directors in June and then adopted by the voting delegates. Therefore this proposal to change to the order of business and rules of conduct could be accomplished outside of the resolutions process.

### **PROPOSED RESOLUTION 30**

Submitted by the *Valley Stream 13 Union Free School Board (6/15/17)*

- 1 **RESOLVED**, that the New York State School Boards Association supports legislation which would amend the  
2 New York State Election Law to grant greater discretion to Boards of Education to deny the use of school  
3 district facilities as polling places.

#### **Rationale**

The law in its current state unnecessarily restricts the discretion of boards of education to make determinations regarding the use of school district facilities. This unfunded mandate results in school districts across the state being required to make district facilities available as a polling place if the facility has been so designated by the local Board of Elections as a polling place. This legislative reform would restore the local control to boards of education statewide to make the decision whether to permit district facilities to be used as polling places instead of being required to do so even if it would be disruptive to the school district's purpose.

#### **EXPLANATION OF THE RESOLUTIONS COMMITTEE**

The committee expressed strong support for legislation which would amend the New York State Election Law to grant greater discretion to boards of education to deny the use of school district facilities as polling places. However, the committee did not recommend this resolution because NYSSBA already has a very similar position statement that was adopted in 2014. This statement is listed below.

*NYSSBA supports proposing legislation to enhance school safety by limiting the power of local boards of elections to designate public school buildings as polling places absent the consent of the school district. (2014)*

### **PROPOSED RESOLUTION 31**

Submitted by the *Hewlett-Woodmere Union Free School Board (7/6/17)*

- 1 **RESOLVED**, that the New York State School Boards Association supports funding to expand career and  
2 technical education programs.

#### **Rationale**

For students to succeed, we need to prepare them for the ever-changing world of work, which means not only college readiness, but career readiness. Career and technical education (CTE) is an educational strategy for providing young people with the academic, technical, and employment skills and knowledge necessary to pursue postsecondary training or higher education and/or enter a career field prepared for ongoing learning (Partnership for 21st Century Skills, Association for Career and Technical Education, & National Association of State Directors of Career Technical Education Consortium, 2010).

Well-designed CTE programs offer students the opportunity to internalize and transfer their knowledge related to competencies required in today's workplace. Effective CTE programs also allow for the application of these desired competencies in context, so that students can see the relevance of what they are learning, and its connection to the future workplace.

Furthermore, research on high-quality CTE programs and pathways shows that these programs reduce dropout rates; encourage participation in postsecondary education; and enable students to earn dual enrollment credits, industry-endorsed certificates, and technical endorsements on high school diplomas (Plank, DeLuca, & Estacion, 2005).

Increased funding would better enable New York State to provide a systemic approach to providing CTE programs to students in an equitable manner. The utilization of school-based and BOCES programs will provide a continuum of CTE opportunities that could range from exploratory to intensive, career simulation settings. As these programs are developed and broadened in scope, it will be important that they serve the needs of the students they were designed to engage.

### References

Partnership for 21st Century Skills, Association for Career and Technical Education, & National Association of State Directors of Career Technical Education Consortium. (2010). *Up to the challenge: The role of career and technical education and 21st century skills in college and career readiness*. Retrieved from: [http://www.p21.org/storage/documents/CTE\\_Oct2010.pdf](http://www.p21.org/storage/documents/CTE_Oct2010.pdf)

Plank, S., DeLuca, S., & Estacion, A. (2005). *Dropping out of high school and the place of career and technical education: A survival analysis of surviving high school*. St. Paul, MN: National Research Center for Career and Technical Education.

### **EXPLANATION OF THE RESOLUTIONS COMMITTEE**

The committee expressed strong support for funding to expand career and technical education programs. However, the committee did not recommend this resolution because NYSSBA already has a very similar position statement that was adopted in 2015. This statement is listed below.

***NYSSBA supports funding to expand New York State and industry approved and certified career and technical education programs. (2015)***

## 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
  - b. a request for information
  - c. call for division (i.e., for a show of hands or standing count when the result of any “yes” and “no” vote is in doubt)
  - d. a parliamentary inquiry
  - e. a point of order (be sure that it designates a parliamentary error by the president)
  - f. an appeal from any decision of the president
  - g. a quorum call
10. A request to raise a question of privilege
11. Recess
12. Adjourn

## PROPOSED RULES OF CONDUCT FOR THE 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. **FLOOR ACCESS.** All voting delegates shall be seated on the convention floor. Voting delegates shall be permitted full access to the floor including the right to speak on proposed bylaw amendments, resolutions and nominations. All nonvoting members in attendance shall be seated in locations designated by the chair. Seats on the floor shall be designated for the resolutions committee as well as the board of directors and non-board members serving as tellers. Such members shall not be permitted to speak on bylaw amendments and resolutions unless they are also the voting delegate for their district; with the exception of the members of the resolutions committee who may address the delegates if called upon by the chair or chair of the resolutions committee; and members of the board of directors who may speak on bylaw amendments and resolutions submitted by the board of directors if they have been designated to do so.
4. **NOMINATIONS.** Pursuant to Article 7 of the Association's bylaws, the chair, or his or her designee, shall announce the nominations from the Board of Directors for the offices of President, First Vice President, Second Vice President, and Treasurer. 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 ballot. 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 there are no such nominations from the floor, the vote shall be by a showing of hands.

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. **BYLAW AMENDMENTS AND RESOLUTIONS.** All bylaw amendments and resolutions will be considered in the order printed in the *2017 Voting Delegate Guide – Proposed Bylaw Amendments and Resolutions*. Resolutions recommended for adoption by the Resolutions Committee require no second (Robert's Rules of Order, Newly Revised).



6. **PRESENTATION OF BYLAW AMENDMENTS AND 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.
- 6A. **RESOLUTIONS ON CONSENT.** Existing NYSSBA positions that have been resubmitted and recommended for adoption by the Resolutions Committee will be considered first, on consent, as a single motion. Any delegate wishing to remove a resolution from the consent agenda (and thus have it debated by the delegates) may do so by simply requesting that action when the consent agenda is called. If a resolution is removed from the consent agenda, it will be considered under “Recommended Resolutions” and needs no second.
7. **RECOGNITION BY CHAIR.** A voting delegate or designated member of the board of directors 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 or member of the board of directors shall speak in debate more than twice on the same question or nomination, with the first presentation limited to two minutes and the second limited to one minute. No voting delegate or member of the board of directors 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 proposed resolution shall be limited to 10 minutes.

Debate on any amendment to a resolution shall be limited to five minutes. Such time is not to be counted in the time allotted to debate on the resolution itself. Amendments shall be considered and voted upon in the order presented. Amendments to a resolution should be voted upon prior to consideration of a second amendment. “Amendments to the amendment” should be avoided.

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

If continuation of a debate on such a proposed amendment to the bylaws or a resolution is desired after the time has already been extended once, a motion may be passed by a majority vote to extend the debate time for no more than two minutes. A separate motion is 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 review and approve the minutes of the Annual Business Meeting at the first regular meeting of the board subsequent to the Annual Business Meeting.

## INFORMATION FOR THE VOTING DELEGATES

The voting delegates at the Annual Business Meeting vote on a slate of officers for the Association, including a President, a First Vice President, a Second Vice President 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 2017 meeting starts promptly at 8:00 a.m., Saturday, October 14.** 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 voting paddle. To ensure a quorum is present throughout the meeting, each delegate will be issued a number. This number will be on the voting paddle. The voting paddle 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 3) 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 8:00 a.m. with several procedural items. First, the Association President, who presides throughout the meeting, announces the presence of a **quorum**.

Following the announcement of a quorum, the President calls for a **motion to adopt the Order of Business**. The President also calls 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 32 through 34.

### THE BUSINESS MEETING

Next, the President will announce the winners of this year's Area Director Elections, which was 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 in Areas 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

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, or his or her designee, calls for other nominations from the floor. If there are no such nominations, the vote is taken by hand at the time. If there is a nomination from the floor, the vote is also taken by ballot after such individual accepts the nomination. The President then announces the winner.

## PRESENTATIONS

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

- President Elect
- Executive Director
- Treasurer

## ADOPTION OF RESOLUTIONS

The next item 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 representative from the Conference of Big 5 School Districts.

The chair is designated by the President from among those appointed to the committee. 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.

The Resolution Committee Chair first moves recommended bylaw amendments. 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 July 10 and all amendments to the bylaws must be sent to each member board by a date that will allow each member board time to review them in advance of the Annual Business Meeting.

The Resolutions Committee Chair next moves those existing NYSSBA positions that have been recommended for adoption under a consent agenda. These previously approved resolutions are established NYSSBA positions that are scheduled to sunset if they are not renewed. Because these resolutions have been previously approved by voting delegates, these resolutions are moved on consent (where several resolutions may be voted on en masse). Delegates may remove any resolution from the consent agenda simply by making a request at the time the resolution is called for consideration. No second or vote is required. Resolutions removed from the consent agenda are considered under the "Resolutions Recommended for Adoption" portion of the meeting.

After the consent agenda has been considered and voted upon, delegates will next be asked to address newly recommended resolutions individually. 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 by 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 pages 32 through 34.

Following consideration of the report of the Resolutions Committee consisting of those bylaw amendments and resolutions recommended for adoption, the President shall provide voting delegates the opportunity to move any of the "not recommended" bylaw amendments and resolutions. (Since the Resolutions

Committee Chair will not move items that were not recommended, each motion requires a second by a voting delegate).

## **OTHER BUSINESS**

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 the purpose 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.