By Merri Rosenberg
SPECIAL CORRESPONDENT

During the shift to distance learning due to the COVID-19 pandemic, a relatively new educational innovation has proved invaluable to school districts: Learning management systems (LMSs).

These online platforms connect students with teachers and each other, 24/7. They facilitate both synchronous lessons (comparable to streaming and participating in a live event) and asynchronous lessons (analogous to watching a video “on demand” and then completing an independent assignment).

Examples of LMSs used in high schools and middle schools include Canvas, Google Classroom, Microsoft Teams and Schoology. At the elementary level, Seesaw is a popular platform.

Many educators say they are impressed with the potential for improving teaching and learning through these programs.

“Distance learning has accelerated educators to engage our students in their future learning and prepare them for their new world,” said Miriam Digneo, principal of Family School 32 in the Yonkers City School District, which uses Seesaw.

“Seesaw’s digital portfolio platform is interactive, visually appealing, and easy to use,” Digneo said. “It allows for the teacher, student and parent to view activities and monitor student academic growth.” She added that Seesaw is “user friendly, engaging and fun – fun the way school should be.”

Schoology’s format is similar to Facebook, which appeals to many students, according to Elizabeth Freas, director of instructional technology and professional development for the Western New York Regional Information Center.

“IT has a news feed where they can chat and collaborate,” she said.

Thirteen states are using Canvas as a statewide solution for e-learning in K-12 this school year. Fans of Canvas in New York State public schools include Manami Tezuka, supervisor of library media services for the Syracuse City School District. She said it’s perfect for teachers who are designing custom programs for students, as Syracuse does in its credit recovery program.

NYSSBA will be using Canvas for online leadership development programs that are under development, according to NYSSBA Executive Director Robert Schneider.

See ONLINE, page 6

By Chris Carola
SPECIAL CORRESPONDENT

Some public school districts across New York state are seeing a dip in kindergarten enrollments as parents express concerns about COVID-19.

“With all the craziness, [delaying] was the right call for our family, for sure,” said Becky Hubacher, a married mother of three young children who live in the Clarence Central School District in Erie County. Her daughter Riley turns five this month and seems ready for kindergarten, she said. “If it was a normal year, I would’ve gone with my mom instincts and sent her.”

Hubacher’s friend Katie Sivic made the opposite choice. Although her husband considered home schooling 5-year-old Madelyn, the Sivics wound up opting for Clarence’s hybrid of days split between on-site instruction and at-home online learning.

“She’s a social kid. She wants to be with people, make new friends,” Sivic said. “She comes home from school so happy, it makes me happy with my decision.”

Like most states, New York doesn’t mandate kindergarten. Although statewide figures are not available, anecdotal reports suggest it’s not unusual for a district to have double-digit percentage declines in kindergarten enrollments.

“We definitely saw a number of parents holding their kids out,” said Patrick McGrath, superintendent of Burnt Hills-Ballston Lake Central Schools in Saratoga County. Enrollment is down 15 percent from the expected 255. One in five families opted for full-time virtual instruction.

A nationwide survey of more than 400 school principals and administrators conducted in late August by the Education

See KINDERGARTEN, page 6
Are we raising another ‘lost generation’?

Of all the names given to generations, none is as forlorn as “The Lost Generation.” It refers to those who came of age during World War I, many of whom were scarred by that experience and were depicted in literature as drifting and directionless.

Today, are we raising another kind of lost generation?

Part of the concern is academic. Time spent in classrooms is precious.

While schools across the state have made great strides to make the most of distance learning (see story, page 1), we all are worried about how effective this school year will be. And we are all concerned about the digital divide that prevents some students from accessing online education (see story, page 6).

Another part of the concern is economic. Gov. Andrew Cuomo has raised anxieties by repeatedly warning that a 20% cut in school aid is possible before this year is over – even going so far as withholding 20% of the July and August payments to schools. A 20% cut would lead to significant job losses, statewide, with profound implications for students and communities.

And no one knows how long the pandemic will last and how long the state’s finances will remain depressed.

If the state’s school funding situation stays on its current track for two-to-three years, the consequences will be dire, according to a survey NYSSBA conducted with the Association of School Business Officials New York.

Nearly four in 10 of the school business officials who responded the survey said that their districts would become financially or educationally insolvent – unable to provide legally required educational services.

The findings expose the deep concern local school district leaders feel right now as their schools struggle to hold it all together. Just a few examples:

- New York districts plan on spending an average of $580,000 to cover costs related to COVID-19 to open schools this semester, such as buying PPE (personal protective equipment). The average is $209 per student, but regional costs are as high as $370 per student on Long Island and $315 per student in the Mohawk Valley.

- The most common strategies for covering the added reopening expenses were dipping into fund balances and shifting funds from other areas of the budget. Each tactic was used by 71 percent of responding districts.

- The potential for a 20 percent aid cut this year would cost the state’s schools some $2,093 more for every student.

- At the very least, business officials said, continued aid cuts in the coming years would mean additional staffing reductions for 40 percent of districts that responded to the survey.

What will be the long-term effects of personnel cuts? How much academic growth will be sacrificed, particularly among the most vulnerable students that depend upon schools as a source of stability, nutrition and social connection? Who will be left to guide and support them when schools have shed teachers, counselors and school social workers?

There are solutions. Most importantly, it is clear that our country needs another round of federal funding to support public education. NYSSBA has been very vocal in publicizing the results of our survey with ASBO New York, because informing the public, news media and lawmakers of the dire consequences of budget cuts is another component of our advocacy efforts to secure this funding. In addition, our report recommends ways that state lawmakers can give districts more breathing room during this fiscal crisis:

- Raise the 4% annual cap on the fund balance a district could retain to cover future expenses. Right now, anything over that is considered a surplus and must be used to offset future expenses or placed in a restricted reserve fund. If a district is fortunate enough to have a fund balance above the 4%, the flexibility to be able to bank that money and use it as most needed would be very helpful.

- Prohibit negative tax caps. Under the current tax cap formula, a district’s maximum allowable tax levy can result in a negative change from the prior year. This does not fit the intent of the tax cap and is unnecessarily confusing to voters. The law should provide for a floor of zero percent change in the levy, as is the result if a district adopts a contingency budget. These measures can help schools, but nothing can fully replace the support of the federal government at this point in time. Right now, all eyes are on Washington, D.C. We need federal financial help to protect our students from permanent educational consequences of this pandemic.

Schools need a lifeline – a torch to light the way before we really do lose another generation on our hands.
State Briefs

Trump order on racial sensitivity training gets sharp response from Regents, SED

On Sept. 28, President Donald Trump issued an executive order that bans “race or sex scapegoating” in training for federal employees and federal contractors. The six-page order states that “training employees to create an inclusive workplace is appropriate and beneficial” but that such training sometimes “perpetuates racial stereotypes and division and can use subtle coercive pressure to ensure conformity of viewpoint.” Read the order at https://bit.ly/30matvx.

In response to the order, Interim Education Commissioner Betty Rosa and the Board of Regents issued a statement that said, “President Trump’s Executive Order banning racial sensitivity training in many workplaces is unconscionable, particularly now when our country is so bitterly divided on so many issues. At its core, sensitivity training is designed to bring people together by exploring the bonds in which people of color are treated under the law. These inequities are born of ignorance and fostered by those who have not learned to value and respect people’s differences. Only through better understanding of our biases will we be able to work toward a future where all people are treated with the dignity and respect that everyone deserves.”

SED: If state assessments occur, they will be ‘school-based’

Although state assessments are required by the federal government, the State Education Department and the Board of Regents have not decided whether they will be given this year. But one thing is certain: if they do take place, they will take place on school property.

“The department has determined that it will not be possible to administer any of this year’s state assessments remotely,” Regents Vice Chancellor Andrew Brown wrote in a memo sent to school leaders issued Sept. 30. “If they occur, assessments will be ‘school-based’ and ‘in-person.’ We know this will present unique challenges for our schools and we are committed to working through these challenges with you.”

Brown noted that the U.S. Department of Education has informed states that it expects them “to administer summative assessments during the 2020-2021 school year, consistent with the requirements of the law.” In a Sept. 3 memo, U.S. Secretary of Education Betsy DeVos said, “states should not expect to receive waivers from these requirements as they did in 2020.” (emphasis added) Nevertheless, Brown said New York “will apply for federal waivers from testing and accountability requirements” … “if it is determined exams cannot be safely and fairly administered to students in-person in school buildings.”

What to do when individuals display symptoms of COVID-19

On Oct. 1, the State Health Department issued a nine-page document to help parents, school employees and school officials make decisions regarding who belongs in school when symptoms associated with COVID-19 arise. A page for employees is labeled: “I have COVID-19 symptoms. When can I go back to work at the school?” The document also covers procedures for contract tracing. Download the document at https://on.ny.gov/2Gpo1zq.

Late-summer retirements skyrocket among teachers

In districts across New York State in August, 572 full-time teachers submitted their retirement papers, a 121% increase from August 2019 and 99% higher than the same period in 2018, according to figures from the New York State Teachers Retirement System (TRS). Between April and August this year, 6,054 teachers filed retirement papers with the TRS, up by 506 teacher positions from the same period a year ago.

Some retiring teachers are worried about contracting COVID-19, according to Andrew Pallotta, president of the New York State United Teachers. He noted the state already was facing a teacher shortage before the retirements. “It’s not a good narrative for us in the education world,” he said.

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The magnificent truth about how history is taught in public schools

Editor’s Note: This article was written by three social studies teachers: Rachel Murat, 2020 New York State Teacher of the Year; Jennifer Wolfe, 2021 New York State Teacher of the Year and Jason Manning, 2016 Empire State Teacher of Excellence. Murat teaches in the Maine-Endwell Central School District in Broome County while Wolfe and Manning both teach in the Oceanside School District in Nassau County.

On September 13, President Trump gave a speech in which he stated, “We must clear away the twisted webs of lies in our schools and classrooms and teach our children about the magnificent truth about our country.” (Read his remarks at bit.ly/WHCAH12020.) As social studies teachers, we were puzzled. What “twisted web of lies” was the president referring to? And what is the magnificent truth about our country that he thinks we are failing to teach?

Also jarring was the president’s suggestion that teachers “try to make students ashamed of their own history.” All three of us descend from military servicemen, and we were taught to love this country by our families. We learned at an early age that a patriot is an active member of society who votes, volunteers and respects the sacrifices made by our American ancestors of all ethnicities, races and genders. We were taught that, upon the blood and sweat of previous generations, we live in one of the greatest countries in the world.

Understanding the seriousness of his concern, the president announced the formation of a “1776 Commission” to “promote patriotic education.” So it seems likely that current methods used in the teaching of American history will become subject to greater scrutiny, and alternatives may be proposed. In this environment, it’s important that school leaders understand what is happening in our classrooms (education) and what is not (indoctrination).

State standards emphasize critical thinking

New York State requires students to pass a Regents exam in American history that asks students to demonstrate their ability to analyze and synthesize information from historical documents. While the president states that “propaganda tracts” are in vogue, the fact is that we rely on documents from the Library of Congress, the National Constitution Center and the National Archives (where the president delivered his remarks).

We also draw resources from the National History Education Clearinghouse (a $7 million initiative funded by the U.S. Department of Education), the Stanford History Education Group and Facing History and Ourselves, a nonprofit organization based in Brookline, Mass.

State standards call for teachers to introduce students to a cornucopia of voices, ideas and testimonies. To test the claims made by the authors and speakers, we ask students to contextualize, source, corroborate and use evidence.

We also pose open-ended questions intended to elicit critical thinking, evaluation and synthesis. Our job is to instruct students on how to think critically, not what to think.

American history includes glorious successes and events, and many examples of people of courage and ingenuity. While learning those stories can inspire feelings of pride and honor, our national story also involves tragic events and circumstances that bring shame and sadness. Is teaching students what happened in the Tulsa Massacre or the story of Emmett Till “teaching students to hate America”? We think it is merely teaching students about what happened in our past so that we can better understand our present and create a better future.

History is complex

The way history is taught has evolved over time. In recent years, there has been a determined effort to include marginalized voices and perspectives. Could this be what the president was referring to when he claimed there has been a “crusade against American history” that he thinks may “dissolve the civic bonds that tie us together”?

If so, the concern is misplaced. American history, like the histories of all countries, is complex. A good teacher works hard to present all sides of an issue and let students draw their own conclusions. American history includes many periods of struggle. There is no shame in having a full picture of the past, even when it is painful.

When we teach, we try to include the perspective of people at all levels of society. For instance, one of us (Jason) teaches a class called Post-WWII America. After students analyze the exceptional feat of defeating fascism, he asks them to consider a vignette about a returning soldier who, because of the color of his skin, is not allowed to eat at the same lunch counter with the men he fought beside. The blending of those two stories illustrates that one form of progress always illuminates the need for another.

Part of our role is helping young people become good citizens who contribute to their communities, and that’s why it’s important to ask students to think about historically marginalized people and consider their perspectives. “Civics is not just about how government works; civics is really about the relationship between people who live together in a society,” according to Kevin Feinberg, senior program manager at Facing History and Ourselves.

His nonprofit group offers resources on topics involving the civil rights movement as well as contemporary subjects such as “Latinx Rights in 1960s California” and “Facing Ferguson: News Literacy in a Digital Age.”

Why develop curricula on such topics? “We help students think about the complexities of history and the complexities of democracy -- including democracy’s triumphs, its failures, and the gray areas in between,” Feinberg said. “We’re building not just knowledge, but the skills and dispositions of citizenship. This can be a challenge in polarized times, but it is essential for our public schools.”

The 1619 Project and Critical Race Theory

In his remarks, the president took particular aim at the 1619 Project, an effort by The New York Times to reexamine slavery 400 years after the arrival of the first enslaved Africans in the Virginia colony in 1619. Originally a collection of essays, it has evolved into “an ongoing initiative” that the Times says “aims to reframe the country’s history by placing the consequences of slavery and the contributions of black Americans at the very center of our national narrative.” (Read the essays at https://nyti.ms/30wMrhR or download the 1619 podcast from Apple Podcasts or Google Podcasts).

Many social studies teachers have welcomed the 1619 Project because the profession has been looking for better materials on the topic of slavery and its long-term effects. According to the president, however, it is wrong to “teach our children that we were founded on the principle of oppression, not freedom.” We don’t agree that the question of differing narratives is a binary choice; both oppression and freedom are a part of our nation’s history. That complex story is what we present to our students as social studies teachers.

What the 1619 Project asks Americans to consider is the nature of a society in which there is freedom for some and oppression for others, and what the relationship between these two groups meant to the development of early America as well as the subsequent 400 years. While South Africa had Truth and Reconciliation Committees after the end of Apartheid, America has never fully and openly addressed the issues around the impact of slavery, and it is just beginning to recognize the social construct of race. In our view, the 1619 Project amplifies voices that need to be heard.

It is troubling that the president believes that “critical race theory is being forced into our children’s schools” and that children are being taught that “America is a wicked and racist nation.” In our 100 years of combined experience as students and teachers, neither statement is true. However, we do discuss some wicked and racist events, such as the development of the eugenics movement, the creation of Jim Crow laws, and the history of voter suppression in the United States. We discuss the choices that historical figures made and why.

Often, we ask students to engage in debates because debates require knowing all of the facts thoroughly. And it hones skills that are essential for citizens in any functioning democracy. We encourage vigorous but respectful discussion of issues.

Unfortunately, Americans seem to have lost the ability to show respect for differing opinions, according to Sandie J. Schoell, a member of the Oceanside school board. That makes it even more important for us to foster civil discourse in our classrooms, she said.

The role of school boards in this controversy

The teaching of history has become a “political football,” according to Schoell.

We agree. While we believe we are serving our students well by challenging them to learn about multiple perspectives on the past and engage in debate and discussion, the 1776 Commission might favor a more rose-colored glasses version of history. As this subject is covered in the news, parents might take a greater interest in how public schools teach history.

Moving forward, it will be vital for school board members to have a good understanding of what is occurring in their districts’ classrooms and be able to respond to questions with facts. Consider inviting social studies teachers to brief your school board on what is being taught about American history in your schools. Also, consider hosting book talks with social studies teachers facilitating discussions that ask members of the community to discuss the same issues teachers discuss in class. It is our opinion that a strong democratic nation such as the United States only benefits from open discussion that rests upon civility and a common goal to create a better future for America’s youngest citizens.

Rachel Murat, Jennifer Wolfe, Jason Manning

October 12, 2020 On Board • 5

New York State School Boards Association | www.nysba.org
ONLINE: from page 1

“In public education, we think we are working through a crisis, but when we look back, I think we’ll realize that we worked through an educational revolution,” Schneider said. “In the same way we say that we don’t know how we lived without the internet and cellphones, soon we’ll wonder how we ever ran a class or a school system without an LMS.”

Anecdotal reports from last spring and this fall suggest higher levels of student engagement for schools with robust 1:1 learning programs (in which every student is provided with an internet ready device, an LMS and educational apps such as Google Docs). School districts that were early adopters of this “digital learning” strategy have reported particularly smooth and successful transitions to at-home learning.

For instance, East Irondequoit Central School District near Rochester began its 1:1 initiative eight years ago and has led regional efforts to support digital learning. The transition to online learning was “really easy,” according to Christine Osadciw, director of technology.

“What I like is that in every single class I’m teaching every single kid,” said Cole Lachance-Tofany, who’s in his fourth year of teaching ninth and 10th grade social studies at East Irondequoit. He uses Microsoft Teams to deliver synchronous (live) teaching to students who are in his classroom or at home.

“I’m interacting with every single kid in the class, regardless of their location,” he said. “I can put them in small groups to do projects. Even when students are working independently, I keep my webcam on so they can talk to me and answer questions.”

Technology is not about plunking students in front of a screen, but about engaging with them in new ways, according to Lindsey Audiino, an English teacher at Mineola High School in Nassau County.

“I will check in on them and see their faces,” said Audiino. “I call on kids via Webex. With Google Slides, I can write on top of their stuff, and have a discussion form within Canvas where students can respond to me and to each other.”

While Audiino describes herself as an early adopter of technology, other teachers say they feel as if they have been thrown into the deep end of the pool of virtual learning.

There certainly are a lot of new tools and approaches for teachers to learn, said Andrea Tejedor, assistant superintendent for curriculum, instruction and technology in the Highland Falls-Fort Montgomery

Central School District in Orange County. “These are new ways to provide information, and engage students as constant creators,” she said. “It’s pushed us to find new ways to engage kids.”

Her district uses Google Classroom.

Initially it was seen as a way to send and receive assignments, but teachers are warming up to all the bells and whistles. “Now we’re creating virtual learning environments that are more thoughtful and purposeful,” Tejedor said. Examples are “how to organize a digital classroom to be more responsive, layering access to tools, having a virtual bulletin board, being collaborative, having more authentic projects.”

The hard work of educators during the COVID-19 emergency will be worth it, according to Raffaele Borasi, former Dean of the Warner School of Education at the University of Rochester and currently director of the university’s Center for Learning in the Digital Age. The more comfortable teachers become with using systems like Canvas or Google Classroom, the more effective they will be long after the pandemic is over, she said.

“Use technology to enhance the experience of students,” she urged. “It takes time, effort and training to do this. LMS is at the core of what you can do in the classroom. It gives structure, where all the materials and work can be organized. Students can have on line discussions and share work with each other.”

The pandemic has forced what digital learning requires: students taking a greater role in directing their own learning.

Week Research Center found that more than half said their districts are experiencing a decrease in kindergarten enrollment.

In Burnt Hills-Ballston Lake, the enrollment drop will impact the district’s state funding down the line, but McGrath said he doesn’t expect it to make a “huge difference.” The bigger concern, he said, is what impact a family’s decision to opt out of kindergarten all together will have on a 5-year-old child’s early learning skills.

“We don’t want to have a big wave of kids who are behind when they show up for first grade,” McGrath said. “So we recognize some remedial work will be needed for some kids to keep that cohort on track.”

“Students are doing more independent work,” Borasi said. “You may need to change some of the tasks where support is not there, and learn how to leverage technology to see and hear students. It’s not the same as being in the classroom, and you need different pedagogical practices and strategies.”

With digital learning, the role of the teacher shifts from sage-on-the-stage to a facilitator and guide for students. This will prepare students to function at a high level in post-secondary education, she said.

She sees the situation as an opportunity for school boards to ask, “What do students really need to be prepared to be independent learners?”

“It’s time to experiment, to ask ‘What if we were able to make students more responsible for their own learning?’ and figure out how to assess in different ways,” said Sal DeAngelo, who is superintendent in the Chatham Central School District in Columbia County and president of a statewide support network called NYSCATE. “Could we have students demonstrate mastery differently, like project-based learning?”

He said teachers deserve credit for adapting to distance learning: “They were forced to pivot at a moment’s notice. Many [districts] were caught off guard by the complexity.”

He added: “This clearly is making people apprehensive. It’s understanding how school will look for the next generation of students.”

Special Correspondent Michael Goot contributed to this story.
Pandemic doesn’t slow NYSSBA advocacy

Dear NYSSBA Members:

This Report to the Delegates summarizes how NYSSBA has been active during the past year on priorities that were established by NYSSBA's member districts during annual business meetings over the past five years. I am proud to report that the COVID-19 pandemic has not deterred our advocacy on your behalf, despite many obstacles.

Just like your school district and BOCES, NYSSBA has spent a lot of energy adapting to rapidly changing situations and imperfect information. By mid-March, the state Capitol was shutdown to visitors, including NYSSBA Governmental Relations staff. Following adoption of the state budget in early April, the Senate and Assembly only returned to Albany on three occasions for less than 10 total days of session. While we continue to discuss important issues with state legislators and their staff, via email and phone calls, an unusual amount of NYSSBA's recent advocacy work has been directed towards the governor's office. This has become essential because, during the current state of emergency, executive orders have largely taken the place of the normal legislative process.

Our advocacy at the federal level has been stepped up as well, as we are all painfully aware of how much a new round of federal stimulus is needed. Shortly after adoption of the CARES Act, NYSSBA immediately drafted letters to our congressional delegation that called for a new round of stimulus funding. Additional federal funding is critical, as the state started the new school year by withholding 20% of aid payments to districts – possibly laying the groundwork for a true midyear aid reduction, as the governor has warned about since this past spring.

We asked for our members to raise their voices, and I’m proud to report that that school board members and other members of our school communities sent nearly 10,000 letters to Washington, D.C.

This summer, NYSSBA staff coordinated virtual meetings with the state's congressional delegation to stress the need for funding. As has been NYSSBA’s longstanding custom, we have worked closely with the National School Boards Association (NSBA) on a wide variety of federal issues including the digital divide, child nutrition and student mental health.

Looking ahead, there is more uncertainty and need for strong school advocacy. In addition to the presidential election this fall, all 213 state legislative seats will be on the ballot. More than a few state Senate Republicans have previously announced their retirement or have otherwise chosen not to run for re-election. And on the Assembly side, some notable Democrats were defeated or have otherwise chosen not to run for re-election. And on the Assembly side, some notable Democrats were defeated in their primaries. So, we will need to establish relationships with a new generation of legislators in Albany. It will be important for individual school board members to connect with their fellow elected officials.

The political complexion of the Legislature seems unlikely to change, as Democratic majorities in both houses are all but certain to remain in place. However, the composition of legislative conferences is sure to change. So we will all be keeping a close watch on the November 3 election results and the leadership decisions immediately after. This report also contains profiles of your Governmental Relations team.

Our team has evolved plenty since this time last year, with departures, new hires and existing staff taking on new roles. We’ve shared information about our families and interests, and we hope this gives our members some fun starting points for future conversations, whether online or (we can’t wait) in person.

Finally, I want to thank you for your dedication over this past year, in what has been one of the most challenging situations that we have faced, individually and collectively. Know that your time, efforts and passion is meaningful and important. I look forward to our continued work together and wish you a healthy and successful 2021.

Notable Achievements

At the state level, NYSSBA works closely with allied organizations to promote worthy proposals and oppose ones that would interfere with school success. Prior to the pandemic, we were able to:

- Avoid implementation of executive proposals to adjust and reduce building aid and transportation aid.
- Defeat an executive proposal to consolidate expense-based aids.
- Secure an extension of the small group health insurance waiver for districts with 51-100 employees.
- Effectively repeal the additional mandatory employee time-off for voting, resetting to pre-2019 standards.
- Secure adoption of net neutrality principles for all internet service providers in the state.
- Gain enactment of multiple protections to address the use of vaping and e-cigarette products amongst the state’s youth.

The Virtual Annual Business Meeting

When?
Saturday, Oct. 31, 2020
8:30 – 10:30 a.m.

What happens?
- Reports from NYSSBA’s executive director and treasurer
- Election of NYSSBA officers
- Debate and voting on resolutions proposed by member districts and NYSSBA’s Board of Directors
- Adopted resolutions become the official positions of NYSSBA for five years and set the framework for NYSSBA’s advocacy agenda

Who can attend?
- Registered voting delegates
- Registered attendees of the Virtual Annual Convention & Education Expo

How to register?
- Contact your district clerk
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Brian C. Fessler
Director of Governmental Relations
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SCHOOL GOVERNANCE AND AUTHORITY

NYSSBA urges passage of legislation to support the sharing of programs and services between BOCES and local school districts with neighboring municipalities when it makes financial and programmatic sense. (2015)

NYSSBA supported S.1398 (Carlucci), which would have allowed municipalities, including school districts, to enter into cooperative services agreement for centralized public employee administrative and personnel services. This bill was not acted upon by the Senate Local Government Committee. NYSSBA supported S.4466A(Little)/A.6755 (Walczak), which would have authorized municipal governments to contract for services jointly with federal and state agencies through preexisting contracts (popularly known as “piggybacking”). This legislation was not acted upon by the Senate Local Government Committee or the Assembly Local Governments Committee.

NYSSBA opposed S.7665 (Marczuk)/A.3164 (Byrne), which would have required school districts to be a part of countywide shared services panels. These panels were mandated in the 2017 enacted budget to recommend education programs and services that would be put to referendum. It should be the choice of individual districts whether to participate or not. This legislation was not acted upon by the Senate Local Government Committee or the Assembly Local Governments Committee.

NYSSBA supported A.2239 (Stack), which would have authorized municipalities, school districts, and BOCES to share services. This bill was not acted upon by the Assembly Local Governments Committee.

NYSSBA supports legislation permitting boards of education to sponsor a referendum which would create voting wards to foster the community-wide representation. (2015)

NYSSBA supported legislation that would have authorized school boards to adopt a resolution that would allow a school district to decide if they wanted to create voting wards for boards of education. S.7587 (Skoufias/Johnston) passed the Senate but failed to move out of the Assembly Education Committee. It would have authorized school boards in Orange County to create school voting wards.

S.1633 (Skoufias)/A.5943 (Gunther) was a statewide bill that passed the Assembly in 2019, but has since not moved in either the Assembly or Senate Education Committees. Three district-specific election ward bills were introduced, but failed to move out of the Senate or Assembly Education Committee. Those bills were:

S.5883-A (Skoufias)/A.8764-A (Schmitt) would have authorized the Washingtonville Central School District to establish school election wards.

S.5884-A (Skoufias)/A.8758-A (Schmitt) would have authorized the Chester Union Free School District to establish school election wards.

S.6179-A (Skoufias)/A.8012-A (Brabenec) would have authorized the Warwick Valley Central School District to establish school election wards.

NYSSBA opposes raising the charter school cap. (2015)

The 2020-21 Executive Budget proposed authorizing the renaissance of charter schools in New York City that had been surrendered, revoked or terminated. While that proposal did not make a statutory change to the charter cap, it would have resulted in an increase in charter schools. NYSSBA opposed the de facto increase in the charter school cap and this proposal was not included in the enacted budget. NYSSBA opposes the expansion of mayoral control of school districts outside New York City. (2015)

The 2020-21 Executive Budget included a proposal for the Commissioner of Education and the Mayor of Rochester to jointly appoint a monitor to provide oversight, guidance and technical assistance to the Rochester City School District. The proposal required mayoral approval of a proposed financial plan agreed upon by the district and the appointed monitor. NYSSBA pushed back against mayoral involvement and, in the end, the enacted budget removed all mayoral inclusion from the Rochester monitor bill.

NYSSBA opposed legislation, A.2569 (Gunti), which would have imposed mayoral control on the Rochester City School District. This bill did not move out of the Assembly Education Committee and had no Senate sponsor.

NYSSBA also opposed A.7042 (Peoples-Stokes), which would have authorized the mayor to appoint at least two members of the Brighton City school board. This bill did not move out of the Assembly Education Committee and had no Senate sponsor.

NYSSBA supports the creation of regional high schools when locally determined to be educationally or fiscally appropriate by the local boards of education. (2017)

NYSSBA supported legislation backed by the State Education Department (SED), A.6594 (D’Urso), which would have directed SED to establish a regional secondary school advisory council to make recommendations regarding the establishment of regional high schools. The legislation passed the Assembly, but was not introduced in the Senate. NYSSBA also supported A.5427 (Goodell), which would have authorized two or more school districts located within the same BOCES district in Allegany, Cattaraugus or Chautauqua counties to enter into a contract to operate a regional high school. This bill was not acted upon by the Assembly Education Committee.

NYSSBA supports legislative changes to align the requirements for school district absentee ballot applications with the provisions of the State Board of Elections. (2017)

NYSSBA supported Chapter 616 of the Laws of 2019, signed in December, which aligned the absentee ballot application for general elections and school district elections.

NYSSBA will work with SED, the state Legislature and the governor to protect student privacy by allowing districts to use locally generated ID numbers for students to be used in all SED data collection instead of easily identifiable data such as names. (2017)

The Board of Regents adopted Part 121 of the Commissioner’s Regulations on Jan. 15, 2020 and the regulations went into effect 16 days later. The language adopted concerns the protection of personally identifiable information and outlines what school districts and third-party contractors must do to protect student privacy. According to the proposal, school districts must take steps to minimize their collection, processing and transmission of personally identifiable information, and third party contractors must use encryption to protect personally identifiable information in its custody. NYSSBA participated in conversations that shaped the drafting of the final regulatory language.

NYSSBA opposed in its present form S. 5140B (Kavanagh/A. 6787D (Wallace), which directs the commissioner of education to conduct a study on the use of biometric identifying technology and prohibits the use of biometric identifying technology in schools until July 1, 2022 or until the commissioner authorizes such purchase or utilization, whichever occurs later. This bill passed both houses, but has yet to be delivered to the governor.

NYSSBA opposes any legislative and regulatory mandates that would impose new unfunded or underfunded mandates. (2018)

Throughout the 2020 legislative session, NYSSBA opposed a number of new mandates and supported proposals to relieve existing mandates. The following represents some of the highlights of that work:

NYSSBA supported a bill, S.4732 (Grifo)/A.6523 (Galef), that would have required every state legislative bill introduced to include a note with an estimate of anticipated fiscal impact on all political subdivisions, including school districts, for any change to their health tax years. The bill was not acted upon by the Government Operations committees in either house.

NYSSBA opposed the following bills:

S.307 (Felder) would have required a police officer or police presence outside schools in New York City for one hour prior to instruction, during the entirety of instruction and one hour following the completion of teaching. While it is important for district staff and students to feel safe in their environment, the presence of an officer could have adverse effects and pose a large financial burden on our public schools. The bill did not move out of the Senate Committees. 

S.2885 (Sanders)/A.1116 (Miller MG) would have required a substance abuse prevention and intervention counselor in all NYC schools, but with no funding attached. This bill was not acted upon by the Senate City Committees or the Assembly Education Committee.

S.5930 (Breslin)/A.7870 (Abinanti) would have required notification to public retirees by their former public corporation that they must file a new application each year for their plans or premiums. This bill was not acted upon by the Senate Local Government Committee or the Assembly Governmental Employees Committee.

S.6091 (Kaminsky) would have required annual screenings for depression of students in grades 7-12. This bill was not acted upon by the Senate Education Committee.

S.6516 (Bailey)/A.5475 (Fernandez) would have required all public school districts to be employed by every school district. This bill was not acted upon by the Senate or Assembly Education Committee.

S.7612 (Carlucci/A.9806 (Fernandez) would have required all teachers to undergo at least three hours of mental health training each year. This bill was not acted upon by the Senate or Assembly Education Committee.

S.7664 (Breslin)/A.9117 (Cusick) would have required contractors to use encryption to make it easier in the contractor process, specifically once at least partial occupation is possible, thus reducing the amount of time districts are allowed to hold reprogramming on the project. This bill passed both houses and awaits delivery to the governor.

S.8550 (Hoyman)/A.10649 (Fall) would have required annual reporting concerning concussions among students. This bill was not acted upon by the Senate Rules Committee or the Assembly Education Committee.

A.448 (Rosenthal) would have required all public elementary and secondary schools to have a staff member trained in administration of an opioid antagonist

GET TO KNOW YOUR ADVOCACY TEAM

Caroline Bobick and husband David

Caroline Bobick, Governmental Relations Representative

COVID-19 coping mechanism: Chasing after my 1 year old, Elijah!

Accomplishment in 2020: I published my first novel! Censored can be found online at Amazon and Barnes and Noble.

Best thing about working for school boards: I can’t imagine being an advocate for something I don’t believe in. Our public agenda is in line with my passion for equity and advancement, which would find ways to advocate for public schools even if this weren’t my career.

Not-so-obvious talent: I speak fluent Turkish and Spanish, and I’m taking online classes in conversational Hebrew.

Why I’m optimistic about public schools: I’m optimistic that the lessons learned as teachers became overnight experts on remote learning will benefit students in the years to come. When it is safe to bring all students back to classrooms, I am hopeful that remote learning will continue to be used strategically to enhance academic offerings, as well as allow students to connect with their peers nationally and internationally.
and have at least two doses of such opioid antagonists be on site at all times. This bill was not acted upon by the Assembly Health Committee.

A.645 (Rosenbaum) would have required schools to purchase and maintain, at their own cost, two epinephrine auto-injectors, and have trained personnel for the administration of the injectors during all school hours. This bill was not acted upon by the Assembly Health Committee.

A.1535 (Richardson) would have required school child abuse abuse reporters undergo two hours of training in the identification of child abuse and maltreatment prior to accepting a position in which they are a mandated reporter. Following the acceptance of such a position, all mandated reporters would be required to undergo annual training on the signs and symptoms of a seizure, as well as the appropriate steps to be taken to respond to such symptoms. This bill was not acted upon by the Assembly Education Committee.

NYSSBA supports proposals to allow boards of education to determine if their buildings will be used as polling places for all elections. Since the adoption of a similar position in 2014, NYSSBA has actively advocated for legislative change to provide boards of education the authority to decide whether or not their buildings are used as polling places. Over the years, we have met with policymakers in Albany and in district, issued memos to every member of the Legislature and conducted lobby days with school board members to increase the importance of such legislative action. The bill we were most supportive of was S.5287 (Culellicia)/A.4743 (Galef), which would have allowed school districts to declare their buildings’ use as polling places for general, special and primary elections, as well as school board elections. Unfortunately, this bill did not move out of the Assembly or Senate Education committees this session.

NYSSBA also supported legislation, S.6930 (Kruoger)/A.9655 (Galef), which would have prohibited any public school building from being designated as an early polling location. This bill passed the Senate but was not acted upon by the Assembly Education Committee.

Other NYSSBA-supported bills introduced this session that addressed schools as polling places included:

S.108 ( Kaminsky) would have removed the requirement that schools be used as polling places, provided those primary or secondary schools are in session with few or no students. This bill failed to move out of the Assembly Education Committee.

S.116 (Gislason)/A.4140 (Smith) would have prohibited any polling place designated by the Board of Elections from being located on the premises of any public or private school, except for preschool children.

S.828 (Boyle)/A.5866 (Englebright) would have required the State Board of Elections and State Education Department to jointly make recommendations concerning schools used as polling places.

John Daley, Governmental Relations Representative

COVID-19 coping mechanism: Reading

Accomplishment in 2020: Starting work at NYSSBA!

Best thing about working for school boards: The people. We have a great team and great members. I enjoy learning about each district.

Not-so-obvious talent: I’m good at impersonations: I do a mean Christopher Walken, and I do a lot of comedians like Adam Sandler and Jerry Seinfeld. It would be career suicide to impersonate any politicians, so I don’t do Donald Trump, Bill Clinton or George W. Bush and especially not Gov. Cuomo. If anyone tells you anything different, it’s baloney!

Why I’m optimistic about public schools: Public schools have always been the backbone of the American education system. They have always prepared the next generation for leadership and personal development. This will never change, and that is because of hardworking board members, teachers, faculty, staff, administrators, parents and especially students.

S.7975 (Mey/A.7554 (Sirpe) would have allowed school districts to decline school building designations as early polling locations.

However, none of the aforementioned bills moved out of either the Assembly or Senate Elections committees.

NYSSBA supports legislation authorizing municipalities to install speed zone cameras in school zones.

In 2019, Gov. Cuomo signed into law Chapter 30 and 148 of the Laws of 2019 authorizing the installation of cameras in school speed zones in the cities of New York and Buffalo, respectively. Since then, NYSSBA has supported further legislation to enhance the safety of school speed zones.

NYSSBA supported legislation, A.8618 (Carroll), which would have reduced the liability for a speed zone ticket from 10 mph to 7 mph above the speed limit of a school speed zone in New York City. This bill failed to move out of the Assembly Transportation Committee.

NYSSBA supports legislation to expand the definition of Child Safety Zones in the Education Law of New York State by adding criteria that pertain to neighborhoods with high crime rates or with deteriorating vacant buildings that create safety hazards. (2019)

NYSSBA supported legislation, S.5719 (Jackson)/A.7422 (Fahy), which would have allowed school boards to adopt resolutions that would allow them to transport students who live within the transportation mile limits to school if they live in a violent area or an area with many vacant buildings. This bill passed the Senate, but failed to move out of the Assembly Education Committee.

STATE AND FEDERAL AID

NYSSBA supports legislation providing additional state aid inclusive of special grants for all school districts to increase the length of either their school day or school year or restructure their school instructional year to create year-round instruction. (2015)

NYSSBA has presented to both Gov. Cuomo’s Reimagine Education Advisory Council and the Board of Regents’ School Reopening Task Force, and continues to have frequent conversations with both the Executive Chamber and the State Education Department regarding flexible school calendars. We strongly reemphasize guidance and flexibility around the 180 day requirement, as well as providing districts more latitude to determine how they will divide the school year and school day and look.

NYSSBA also supported SED-promoted legislation, A.7113 (Lifton), that would have authorized school districts to pass resolutions allowing them to begin the school year before Sept. 1. This bill failed to move out of the Assembly Education Committee.

NYSSBA supports funding to expand New York State- and industry-approved and certified career and technical education programs. (2015, 2017)

NYSSBA supported the Executive’s proposed $6 million allocation to support the creation of at least 10 new Early College High School programs. However, this, along with other competitive grant proposals, was not included in the enacted budget due to the extreme fiscal pressure of COVID-19.

NYSSBA also supported SED-backed legislation, S.6537 (Montgomery/A.7501 (Benedetto), that would codify the New York State Smart Scholars early college high school program and the New York State Pathways in Technology Early College High School program in order to continue funding of the funds. The bill passed the Senate, but failed to move out of the Assembly Education Committee.

NYSSBA supports making pre-kindergarten transportation for children four years old and older aidable to the same extent as other students. (2015)

NYSSBA supported legislation, S.4409 (Jackson)/A.5467 (Fahy), that would have provided school districts with reimbursement for the transport of pre-kindergarten students. This bill was not acted upon by the Senate or Assembly Education Committee.

NYSSBA opposes legislation that would provide tuition tax credits or educational vouchers that benefit private or parochial schools.

NYSSBA opposed legislation, A.8192 (Palmoulo), that would have expanded the New York State College Choice Tuition Savings Program (529 plan) to allow parents to make tax-deductible contributions for elementary and secondary education expenses. This bill did not move out of the Assembly Education Committee.

NYSSBA has also held meetings with Congressional representatives around the state and in Washington D.C. opposing federal measures to divert public funds to private schools, including the U.S. Department of Education’s “equitable services” rules that would have deducted education funding available through the federal CARES Act stimulus bill from public school private school.

NYSSBA supports state legislation that would modify the reimbursement formula for school lunches. (2016)

NYSSBA recommended additional funding from the state for school meal programs in our 2020-21 Budget Recommendations documentation distributed to the Executive and Legislative Chambers.

NYSSBA supports changes that ensure that Special Act School Districts are treated equitably with all other public school districts, including a tuition rate that reflects their special status. (2019, 2020)

NYSSBA supported several pieces of legislation that addressed increasing financial support to special act school districts:

S.5192 (Mayer) would have included interim plus rates in special act reimbursement methodology for tuition to account for the years it may take before these districts receive rate increases to ensure a more timely reimbursement of funds. This bill did not move out of the Assembly Education Committee and was not introduced in the Assembly.

S.5606 (Mayer/A.8001 (Benedetto) would have authorized special act school districts to establish state capital reserve fund and would ensure that such districts receive the same percentage increase as that of general support for public schools. This bill did not move out of the Assembly or Senate Education committees.

S.8014C (Harckham)/A.31019 (Abinanti) would protect school districts from negative financial impacts, including reduced tuition payments from reduced enrollment and from the inability to operate for a full year. This bill passed both the Senate and Assembly and now awaits delivery for action by the governor.

S.8623 (Mayer/A.10834 (Benedetto) would have authorized special act school districts to establish fiscal stabilization reserve funds. This bill passed the Senate but did not move out of the Assembly Education Committee.

A.4130 (Ro) would have established that special act tuition rates grow by a percentage that reflects the average per capita support for public schools appropriation. This bill did not move out of the Assembly Education Committee and was not introduced in the Senate.

A.7120-A (Benedetto) would have ensured that special act tuition rate increases are more timely and accurate. This bill advanced
NYSSBA calls upon the state Legislature and the governor to reform New York State education funding in accordance with the following tenets to ensure adequate resources to public schools in the State of New York by providing for:

- Adequacy that provides sufficient resources to meet the state's mandate for a sound basic education for all students;
- Equity to distribute a foundation level of state aid for every student that is based on the actual cost of providing a sound basic education that fairly compensates for differences in community costs, needs and resources while precluding munificent districts from using state aid to replace local education resources;
- Flexibility to increase the percentage of operating aid so that boards of education retain the discretion to determine what educational programs best address local needs while local communities should not have to risk their academic performance.

Despite NYSSBA's advocacy and in light of the novel coronavirus. NYSSBA supports fully funding the districts' state aid flat.

NYSSBA supported legislative proposals that would allow districts to adopt an earlier start to the instructional year with those dates being eligible for state aid and also allow for extending the school year beyond the last Regents exams.

NYSSBA has frequent conversations with Gov. Cuomo’s Reimagine Education Advisory Council and the Board of Regents’ School Reopening Task Force.

NYSSBA has supported Medicaid funding to school districts, while also seeking to streamline associated reporting requirements and provide reimbursement for all required administrative costs.

NYSSBA supported additional state and federal funding for school safety programs, school and employee health and telemedicine prevention programs directed toward social emotional development and mental health programs.

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Your guide to the virtual convention experience

Visit convention.nyssba.org for the most up-to-date information

1 Schedule
On the virtual convention menu (see center of this page), click on “Schedule” to select a session to view, including:
- 40 hours of programming – seminars, workshops and roundtables.
- Keynote Presentation (Oct. 25: 8:30 to 9:30 a.m.)
- Conversation with the Interim Commissioner of Education
- School Board – The Musical

You will be able to see slide decks and presentation materials from this tab.

All sessions will be recorded! Recordings will be available 48 hours after the live presentation and online for all Convention registrants until Dec. 31. This means you will be able to view all sessions at your convenience.

2 Expo
Review the searchable list of exhibitors and enter their virtual booths by clicking on their logo. Schedule a meeting, sign up for email information and view videos. Exhibitors are eager to interact with you briefly or at length. They will be available Tuesday, Oct. 27 to Thursday, Oct. 29 from 8 a.m. to 5 p.m. and during dedicated Expo time (indicated on the Convention schedule).

3 Sponsors
See who supports our Convention and educational programming and you will earn points toward the Game of Points. Visit their virtual booths in the Expo (See menu item 2.)

4 Networking
Start networking with your colleagues. See a directory and add anyone to your list of connections (My Connections). Create your e-business card and/or biography. You can begin chatting instantly.

Also, check out the leaderboard for the Game of Points, in which someone will earn a $1,000 Amazon gift card for their school district! (Second place is $750 and third is $500. See menu item 6.)

5 Forum
Congratulations a speaker or make an observation. The Convention will be also talked about on Twitter, Facebook and other public forms of Social Media (see menu item 9).

6 Game of Points
You will earn points by viewing sessions and participating in other Convention activities as noted in this guide. Compete with your colleagues from other districts. Check out the leaderboard under menu item 4 to see who has racked up the most points.

1st Place - $1,000 Amazon gift card
2nd Place - $750 Amazon gift card
3rd Place - $500 Amazon gift card

The gift cards will be mailed out in the name of the winning school districts as well as to the membership.

7 Awards
Watch video presentations of the Everett R. Dyer Award for Distinguished School Board Service, the President’s Award and Teacher of the Year.

8 Student Talent
Recorded performances of student musical groups from schools throughout New York State will be accessible under the “Student Talent” tab in the interface menu. Also view student artwork and our “students in action” photo loop.

9 Ask NYSSBA
Ask a question, share information or chat with NYSSBA experts on advocacy, policy, leadership development, as well as our Member Relations team.

10 Social Feeds
See what people are saying on Facebook, Twitter, Instagram, YouTube and LinkedIn, and be sure to follow using #nyssba20. Participation will earn you points toward the Game of Points.

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Judy Katz
Ed Nitkewicz
Jennifer Wolfe

Visit convention.nyssba.org for the most up-to-date information

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New York State School Boards Association | www.nyssba.org
NYSSBA supports legislation that would require the Smart Schools Review Board (“SSRB”) to meet monthly and promptly acknowledge, review and act on all school district submissions. (2018)

NYSSBA supported legislation, S.1347 (Serino)/A.7119 (Benedetto), that would require the smart schools review board to meet at least once every three months. This bill passed the Assembly, but did not move out of the Senate Education Committee.

NYSSBA supports proposals to require the state to fund all state-mandated school meal programs and practices. (2019)

NYSSBA recommended, in our 2020-21 Budget Position document, additional funding from the state to support the “No Student Goes Hungry” and “Breakfast After the Bell” programs. The document was distributed to the Executive and Legislative Chambers.

NYSSBA supports federal and state legislative and regulatory action in addressing the educational and fiscal needs attendant to the increase of unaccompanied minors into New York State. (2019)

NYSSBA supported the reauthorization of $1.3 million for the Multilingual and Immigrant Student Welcome Grants program that prioritizes awards to schools that work with minority and immigrant populations, including unaccompanied minor students.

NYSSBA has also actively supported federal proposals that would protect individuals whose immigration status has been threatened due to the suspension of the deportation for children arrivals (DACA) program.

CURRICULUM, INSTRUCTION AND ASSESSMENT

NYSSBA shall advocate for an overhaul of the current, inadequate testing system to more accurately measure achievement in skills, knowledge and abilities, and it shall do this by:

Working collaboratively with the New York State Board of Regents and the New York State Education Department, superintendents, administrators and teachers to create tests that are developmentally appropriate, of reasonable length and frequency, and which avoid the unintended consequences of narrow testing curricula, teaching to the test, reducing love of learning and undermining school climate;

Insisting that educators throughout the State be included in all aspects of the creation of standardized tests; and

Demanding that district personnel be permitted to examine test results, answer keys, and their students’ responses so that educators can better assess what each child is learning in relation to what is being taught and so that such tests can truly inform instruction. (2015)

NYSSBA actively supports legislation which would require the design and validation of an APPR process that truly informs instruction, thereby promotes student learning. (2015)

In December 2015, the New York Common Core Task Force released a report that included a dozen recommendations to overhaul the existing testing system. SED has since taken many steps to implement these recommendations. (2016, S6, St. O.) SED increased the involvement of state educators in the review and development of state assessments. That same year, SED transitioned to untimed testing. In spring 2018, SED reduced the number of days of the 3-8 exams from 3 days to 2.

Additionally, the state budget adopted in 2019 amended law that required state assessments to be used for teacher evaluation purposes. Such assessments are now permitted, not required, to be used toward an educator’s performance evaluation. NYSSBA supports programs and policies to expand access to Advanced Placement, International Baccalaureate or other enrichment programs to high BOCES and online delivery. (2015)

NYSSBA supported the state’s continued investment in funding to offset the cost of Advanced Placement (AP) and International Baccalaureate (IB) exams for students eligible for free and reduced-price lunch, and $1 million for advanced coursework grants that can be used for teacher training, materials or equipment for digital learning in districts with no or very limited advanced course offerings. At the federal level, NYSSBA distributed memos to all Congressional representatives addressing access to technology and advocating for increased broadband connectivity statewide, as well as $5 billion in additional funding to the E-rate program to better equip schools and students to successfully implement online learning.

NYSSBA supports proposals that would expand after-school programs. (2017)

NYSSBA supported the Executive budget proposal to include an additional $70 million in after-school grants to expand programming to an additional 6,230 students. This expansion was not included in the final budget, but NYSSBA was grateful that preservation of funding for existing programs remained in place.

NYSSBA supports proposals that would make kindergarten attendance mandatory. (2018)

NYSSBA supported the signing of Chapter 763 of the Laws of 2019 which allowed an end to the 2019-2020 school year. This expansion was included in the final budget, and NYSSBA was grateful that preservation of funding for existing programs remained in place.

NYSSBA opposes legislative curriculum mandates. (2019)

NYSSBA opposed a number of curriculum mandate bills including the following: S.350 (Felder) would have required instruction on the Sept. 11, 2001 attacks. The bill did not move out of the Senate Education Committee.

S.378 (Lanza) would have required a course on the provisions of the federalist papers and the U.S. Constitution. The bill did not move out of the Senate Education Committee.

S.941 (O’Mara)/A.3696 (Palmasano) would have required a course on the history of public secondary school, upon request of ten or more students enrolled in that school, to establish a curriculum for hunting, fishing and outdoor education consistent with the courses required by the Department of Environmental Conservation for license applicants. This bill did not move out of the Assembly Education or Senate Environmental Conservation committees.

S.1104 (Hoyman)/A.2234 (Roeic) would have required two hours a week of civics instruction for students grades K-12. This bill did not move out of the Senate or Assembly Education committees.

S.1164 (Jacobs)/A.2309 (Dinowitz) would have required instruction in cursory writing and memorization of multiplication tables. This bill did not move out of the Senate or Assembly Education committees.

S.1478 (Hoyman)/A.4744 (Seagrave) would have required instruction on LGBT awareness. This bill did not move out of the Senate or Assembly Education committees.

S.2382 (Comrie)/A.6001 (Seagrave) would have required instruction in consumer awareness and financial education. This bill did not move out of the Senate or Assembly Education committees.

S.4050 (Stavisky)/A.579 (Braunstein) would have required all textbooks to reference the Sea of Japan as the East Sea. This bill did not move out of the Senate or Assembly Education committees.

S.4853 (Parker)/A.377 (Rosenthal) would have required instruction in food, agriculture and nutrition. This bill did not move out of the Senate or Assembly Education committees.

S.5539 (Stewart-Cousins)/A.3831 (McDonnell) would have required instruction on the history of the Ukrainian genocide-holocaust of 1932-33. This bill did not move out of the Senate or Assembly Education committees.

S.7907 (Liu)/A.9844 (Kim) would have required instruction on the importance of Yu Gwan-Sun and her contribution as a globally recognized human rights activist. This bill did not move out of the Senate or Senate Education Committees.

S.7938 (Addabbo)/A.10256 (Pfeiffer Amato) would have required the instruction of water safety. This bill did not move out of the Senate or Assembly Education committees.

A.1037 (Rosenthal) would have required the instruction of state and local government’s primary and middle schools. This bill did not move out of the Assembly Education Committee.

A.1065 (Miller MG) would have required instruction in Indian Subcontinent/Indo-Caribbean studies. This bill did not move out of the Assembly Education Committee.

S.3493 (Barnwell) would have required certain school districts to offer instruction in American Sign Language. This bill did not move out of the Assembly Education Committee.

S.10296 (McMahon) would have required education on personal content. This bill did not move out of the Assembly Education Committee.

SPECIAL EDUCATION

NYSSBA shall seek legislation that assigns responsibility for the payment of tuition and fees associated with students attending the state schools for the blind and deaf to the State of New York. (2015)

The 2020-21 Executive proposal included a provision to eliminate the measure of maintenance costs related to Committee on Special Education (CSE) placements.

Brian Fessler with wife Katie and son Calvin

Brian Fessler, Director of Governmental Relations

COVID-19 coping mechanism: My 2-year-old, Calvin, is a blast and has kept me plenty busy! I’ve also been able to read a bit more than I normally would, and I’ve been able to build up my political memorabilia collection with lots of socially-distanced eBay shopping.

Accomplishment in 2020: My wife and I watched both of the entire Star Wars and Marvel movie series. And I was promoted to my current position at NYSSBA.

Best thing about working for school boards: I am deeply appreciative of the public education I received in New York, from elementary school up through my graduate degree. Being able to work with school board members across the state to help support the next generation of students is something that means a lot to me.

Not-so-obvious talent: I can make a wide array of animals sounds. It even helped get me a job in college!

Why I’m optimistic about public schools: It’s a cliché, but public education will always be the great equalizer. There are, and will continue to be, plenty of challenges to face, but there are few things in life that can match the power and opportunity created by a quality public education.
for districts outside of New York City, and to shift the financial burden of special classes for maintenance costs of state-operated schools for the blind and deaf onto school districts. NYSSBA advocated against this cost shift, and while it was included in the enacted budget, the final version of the law set the expiration for that year.

NYSSBA urges the Commissioner of Education to increase the maximum age of participation in inclusive sports for secondary school students. In March 2020, the Board of Regents voted to permanently adopt this rule.

LOCAL MANAGEMENT AND BUDGET

NYSSBA will advocate changes in the Affordable Care Act to modify conditions under which penalties may be imposed on employers for health insurance premiums that exceed a benchmark established by the law. NYSSBA supports the ability of districts with 51-100 employees to choose to opt out of “small group” coverage. Presently, school district employees who are employed in other small groups may choose to exclude themselves from the definition of "small group" for purposes of health insurance coverage. Forcing these districts into the small group category would lead to massive rate increases for more than 100 school districts.

NYSSBA continues to push for a permanent waiver, the enacted state budget extended existing provisions for an additional year, until 2022.

NYSSBA supports the state assuming responsibility for subsidizing the veterans’ tax exemption. (2015)

As in recent years, this past legislative session saw numerous attempts to increase or expand property tax exemptions to certain groups of taxpayers. Consistent with our position, NYSSBA requested amendments on any proposed legislation that did not offer state reimbursement. If a bill advanced without state funding, NYSSBA would opposed the legislation. Such proposals included the following:

S.127 (Ortiz/A.4977) (DiPietro) would have extended the residential-commercial exemption program to all municipalities in the state. This legislation was not acted upon by the Senate Local Government Committee or the Assembly Real Property Taxation Committee.

S.393 (Lanza) would have increased the amount by which combat veterans are exempt from real property taxes from 10% to 35%. The bill was not acted upon by the Senate Committee for Veterans, Homeland Security and Military Affairs.

S.406 (Lanza)/A.3447 (Zebrowski) would have increased the alternative veterans property tax exemption for fully disabled veterans to 100% of their property value. The bill was not moved by the Veterans Committee in either house.

S.1244 (Carlucci) would have increased the income threshold for eligibility for the senior citizen and disabled person property tax exemptions. This bill was not acted upon by the Senate Local Government Committee.

S.1676 (Skoufis)/A.5941 (Roe) would have expanded eligibility for the alternative veterans tax exemption to include veterans who served in the Persian Gulf War. The bill was not acted upon by the Veterans Committee in either house.

S.1913 (Gaughran)/A.6712 (Stern) would have authorized school districts to grant the volunteer firefighter/ambulance worker property tax exemption to homeowners who reside within the school district but provide volunteer services to a neighboring municipality. The bill passed the Senate, but was not acted upon by the Assembly Real Property Taxation Committee.

S.2570 (Bailey) would have increased the value of the alternative veterans’ tax exemption for households with two or more qualified residents. The bill passed the Senate but was not introduced in the Assembly.

S.2900 (Kaplan)/A.49 (Cash) would have authorized a green development neighborhood property tax exemption. The bill advanced to the Senate floor, but was not brought up for a vote and did not move out of the Assembly Real Property Taxation Committee.

S.4662 (Ranzenhofer) would have authorized a residential redevelopment incentive property tax exemption to be enacted by any local government in the state. The bill was not acted upon by the Senate Local Government Committee.

S.6342 (Adlhabha)/A.6839 (Pfeffer Amato) would have established a real property tax exemption for the primary residence of a veteran with a service-connected disability. This bill was not acted upon by the Senate Committee for Veterans, Homeland Security and Military Affairs or the Assembly Real Property Taxation Committee.

S.700 (Carlucci)/A.1586 (Abinanti) would have required that the tax burden imposed by a property tax exemption authorized by school districts to veterans not be shifted to other school district taxpayers or reduce revenue. This bill was not acted on by the Senate Committee for Veterans, Homeland Security and Military Affairs or the Assembly Veterans’ Affairs Committee.

S.8143 (Parkner)/A.6966 (Ramos) would have expanded eligibility for the alternative veterans tax exemption to include active members of the armed forces. The bill was not acted upon by the Veterans Committee in either house.

A.588 (Fitpatrick) would have granted an exemption from real property taxes to disabled veterans regardless of whether they served in wartime. The bill was not acted upon by the Assembly Veterans Affairs Committee.

A.887 (Thiele) would have authorized the parents of an unmarried combat veteran killed in combat to be entitled to the real property tax exemption. This legislation was not acted upon by the Assembly Veterans’ Affairs Committee.

Conversely, NYSSBA has supported bills consistent with this position statement. This year, NYSSBA supported a number of pieces of legislation to that end, including the following:

S.756 (Kennedy) would have replaced the current system of veterans’ real property tax exemptions funded by municipal tax revenue reductions with something new. This legislation was not acted upon by the Senate Committee for Veterans, Homeland Security and Military Affairs.

S.1141 (Carlucci)/A.3359 (Abinanti) would have expanded the enhanced STAR benefit to veterans, including state reimbursement of the benefit. This bill was not acted upon by the Senate Committee for Veterans, Homeland Security and Military Affairs or the Assembly Real Property Taxation Committee.

S.1662-C (Skoufis) would have set a seven year limit on the real property tax exemption for unimproved property of certain nonprofit organizations. This bill was not acted upon by the Senate Local Government Committee.

NYSSBA supports legislation enabling school districts and BOCES to create dedicated reserve funds to help offset the costs of all employee pensions (including teachers) and other post-employment benefits (OPEB) obligations. (2016)

NYSSBA supported a number of local legislative proposals to authorize districts to establish their own self-funded health insurance reserve funds, including for Orchard Park, Holland, Depew, Springville-Griffith, Carmel, Ringhampton and Liverpool. In addition, NYSSBA supported a bill, S.2067-B (Jordan)/A.1144 (Buchwalder), that would have authorized the creation of self-funded health insurance reserve funds for all school districts in the state. This legislation was not acted upon by the Senate Local Government Committee or the Assembly Education Committee.

Other reserve fund related legislation supported by NYSSBA included the following:

S.5507 (Metzger)/A.6133 (Jaffee) would have extended the authority to Establish reserve funds, which school districts have, to BOCES. This bill was not acted upon by the Senate Local Government Committee or the Assembly Education Committee.

S.5641 (Brooks) would have allowed BOCES to establish other post-employment benefit reserve funds. This bill was not acted upon by the Senate Local Government Committee.

S.2222 (Borrello)/A.5797 (Giglio) would have authorized the Salamanca City School District to establish a federal impact aid reserve fund. This bill was not acted upon by the Senate Local Government Committee.

S.1914 (Gaughran)/A.1446 (D’Urso) would have included the requirement that any reduction in PILOTs that reduces a school district’s revenue reductions with state funding. This bill was not acted upon by the Senate Local Government Committee.

S.7783 (Brooks) would have authorized BOCES to establish workers compensation reserve funds. This bill was not acted upon by the Senate Local Government Committee.

A.4807 (Smullen) would have authorized the creation and funding of post-employment benefit funds for BOCES employees. This bill was not acted upon by the Assembly Local Governments Committee.


NYSSBA supported Chapter 185 of the Laws of 2019 which required IDAs to livestream all meetings and to post recordings of the meetings to their website.

NYSSBA also supported Chapter 421 of the Laws of 2019, aimed at addressing the challenges presented to districts by PILOT programs. This law makes clear that any successful property assessment challenge resulting in a reduction to the amount of PILOTs paid to a school district does not take effect until the following school year.

NYSSBA supported further legislation this session to address the IDA and PILOT issues faced by school districts, including the following:

S.92 (Kaminsky) would have required IDAs to include an estimate of all property tax impacts from any tax exemptions in their analysis of project proposals prior to awarding any PILOT agreements. The bill was not acted upon by the Senate Local Government Committee.

S.1914 (Gaughran)/A.1446 (D’Urso) would have included the requirement that any reduction in PILOTs that reduces a school district’s revenue reductions with state funding. This bill was not acted upon by the Senate Local Government Committee.

NYSSBA strongly supports all efforts by school districts to address the challenges presented to schools by PILOT programs. This law makes clear that any successful property assessment challenge resulting in a reduction to the amount of PILOTs paid to a school district does not take effect until the following school year.

NYSSBA supported further legislation this session to address the IDA and PILOT issues faced by school districts, including the following:

S.92 (Kaminsky) would have required IDAs to include an estimate of all property tax impacts from any tax exemptions in their analysis of project proposals prior to awarding any PILOT agreements. The bill was not acted upon by the Senate Local Government Committee.

S.1914 (Gaughran)/A.1446 (D’Urso) would have included the requirement that any reduction in PILOTs that reduces a school district’s revenue reductions with state funding. This bill was not acted upon by the Senate Local Government Committee.
NYSSBA supports the full restoration of state local tax (SALT) deductibility. Since the Tax Cuts and Jobs Act was adopted in 2017 that placed a $10,000 cap on state and local tax deductions, NYSSBA has lobbied for a full restoration of SALT deductibility. In addition to including this as a priority during annual Congressional meetings, each Congressional representative has received a NYSSBA memo in opposition to the cap on SALT deductions.

### EMPLOYEE RELATIONS

NYSSBA supports legislation to amend the Triborough Amendment of the Taylor Law to eliminate the obligation of school districts to pay “step” increases that occur after the expiration of collective bargaining agreements. (2017)

The Association supported a bill, A.5168 (Schulman, N.Y.), which would have created the Public Employees’ Fair Employment Act Study Commission to review the existing Taylor Law addressing labor relations between public employers and their employees. The bill did not have a sponsor in the Senate and it was not acted upon by the Assembly Committee on Governmental Employees.

NYSSBA also supported a bill by Assembly member Goodell, A.5435, which would have protected public employers from being required to pay wage increases or benefits as a result of an expired collective bargaining agreement. The bill does not have a sponsor in the Senate and was not acted upon by the Assembly Committee on Governmental Employees.

NYSSBA opposes any legislative or regulatory effort to grant tenure status to non-instructional school employees. (2018)

NYSSBA opposed S.5205-B/BA.7624-B, sponsored by Senator GDPR and Assemblymember Abbate. This bill would have established a disciplinary process for non-instructional employees requiring use of an independent hearing officer and adherence to the decision of the hearing officer in all disciplinary matters involving their civil service employees covered by section 75 of the Civil Service Law. In addition, the district’s ability to put the employee on unpaid leave would be eliminated during pendency of a disciplinary hearing. The bill was not acted upon by either the Senate Civil Service and Pensions Committee or the Assembly Committee on Governmental Employees.

### NYSSBA LEADERSHIP RESPONSIBILITIES

NYSSBA supports appropriate changes to New York State educational policies that encourage and incentivize New York state school districts to address the health issues of students by implementing later school start times that are developmentally-appropriate for middle school and high school students. (2017)

In direct response to this position, NYSSBA’s Restorative Justice Relations Department produced a resource document addressing delayed school start times. The report discussed for delayed school start times as a culturally responsive policy that recognizes the challenges and considerations to making such a schedule change. https://www. nyssba.org/clientuploads/nyssba_pdf/gr/2020RD_later-start-times-report-07202021.pdf

NYSSBA also supported legislation, A.3686 (Rosenthal), that would have directed NYSSBA to conduct a study to measure the effects of students attending schools that begin later in the day. This bill was not acted upon by the Assembly Education Committee.

NYSSBA supports all efforts to improve school safety by limiting or reducing unauthorized access to guns in schools. (2018)

NYSSBA sponsored legislation, S.8028 (Liu), that would have provided information to parents of students in all schools on the safe storage of firearms. This bill was not acted upon in the Senate Education Committee and did not have an Assembly sponsor.

NYSSBA supports an amendment to Penal Law Article 240 entitled False Reporting and related provisions as a falsely threatening use of a gun or making threats of mass violence on public school property. (2018)

NYSSBA supported legislation, S.708 (Gallivan), which would have amended section 240 of the Penal Law to make all threats of violence against a school that would cause an evacuation to be followed by a criminal investigation. This bill was not acted upon in the Assembly.

NYSSBA supported legislation, S.718 (Gallivan), which would require the commissioner of education and other public school employees such as city and town school superintendents and superintendents when a sex offender is transferred to a community program or facility. This bill was not acted upon upon by the Senate Mental Health and Developmental Disabilities Committee.

NYSSBA also supported a bill, S.3976 (Griffo), which would have amended section 240 of the Penal Law to increase penalties for threatening to make a false report of a crime. This bill was not acted upon by the Senate or Assembly Codes Committee.

NYSSBA shall take a leadership role in promoting the importance of the role of school districts’ leaders in understanding and taking action to address disproportionality in student discipline and student outcomes as it relates to diverse backgrounds. In carrying out this mission, NYSSBA shall:

- Develop training focused on cultural competency and diligently promote, encourage and facilitate access to all school boards;
- Encourage school boards to invite discussions with students, parents, staff and the board to develop district action plans that address addressing the unique needs of students and the school climate in a manner that improves cultural competency, diversity and inclusivity; and
- Take an active role in collaborating with other groups, including but not limited to the New York State Board of Regents, NYSSBA and other members of the Educational Conference Board to encourage them to jointly promote such training and conversations among their members and constituencies. (2018)

NYSSBA hosted a four-day training symposium entitled, “Restorative Justice Education: Practical Approaches to Support a Culture of Care in Schools.” Additionally, NYSSBA is
On the legislative front, NYSSBA supported proposals addressing the issue of underrepresentation in the teaching workforce, including the following:

- **S.5808-A (Montgomery)/A.8355 (Arroyo)** would have established a task force on educator diversity in New York State. These bills were not acted upon by the Senate or Assembly Education Committees.

- **S.7535 (Liu)** would have developed a “grow your own” initiative for school districts to recruit and retain underrepresented candidates into the teaching profession. This bill passed the Senate, but did not have an Assembly sponsor.

- **S.7642 (Jackson)/A.8736 (Hyndman)** would have directed SED to conduct a study to compare the experiences and best practices. This bill passed the Senate, but was not acted upon by the Assembly or the Assembly Education Committees.

- **S.7647 (Persaud)** would have established the “underrepresented teachers of tomorrow recruitment and retention program.” This bill passed the Senate, but did not have an Assembly sponsor.

- **NYSSBA also supported a bill, S.8727 (Kaplan)/A.760-A (Rosenthal),** that would have directed SED to conduct a study regarding the assistance needed to encourage women and minorities to pursue careers in science, technology, engineering, and mathematics. The bill advanced to the Senate Rules Committee and the Assembly Ways and Means Committee, but did not reach the floor for a vote in either house.

NYSSBA shall take a leadership role in encouraging school boards to develop successful strategies for integrating respect for diversity into the educational experience. In carrying out this mission, NYSSBA shall encourage school boards to:

- Ensure that the importance of acceptance of others who are unique and different because of racial, ethnic, gender, sexual orientation, gender identity, disability status or religious differences is a part of the curriculum.

Invite discussion among students, parents and the community about how hatred and bigotry based on race, ethnicity, gender, sexual orientation, gender identity, disability status and religion endanger the pluralistic and diversity principles for which this nation stands.

Involve principals, parents, staff and the community in developing and supporting educational practices which invite understanding and acceptance of others’ differences and which aim to eradicate hatred and bigotry. (2019)

NYSSBA is engaged in a number of initiatives to address racial and gender inequities in education. NYSSBA serves on the National School Boards Association’s Dismantling Institutional Racism in Education (DISCU) Committee and the National School Boards Association’s National Diversity & Inclusivity Committee (NDIC). The goal of this initiative is to end the institutional, structural, and systemic racism that is ingrained in the history of our country and in our public education system.

NYSSBA staff has also served on the Board of Directors for the NYS Association of Women in Education (NYSAWE). Approximately 10 years ago, NYSSBA worked with the Caucus of Black School Board Members to implement a diversity strand in the Annual Convention, which still exists today. The Caucus is represented on NYSSBA’s Board of Directors and Resolutions Committee.

In 2018-2019, NYSSBA held Equity Summits together with the Urban Education Leaders Collaborative. The Summit had been organized in cooperation with the NYS Caucus of Black School Board Members, the National School Boards Association (NSBA), the NYS Council of School Superintendents (NYCOS), Generation Ready, National Education Researcher’s Work and Leadership for Excellence and Equity Initiatives, University of Pennsylvania. Additionally, NYSSBA has partnered with NYCOS’ Commission on Diversity and Inclusivity which focuses its efforts on racial equity.

NYSSBA’s sample Dignity for All Students Act (DASA) policy and sample regulation address bullying prevention, including the recommendation that school districts follow SED’s social and emotional learning guidelines that encourage the development of empathy and tolerance of others. Our sample regulation also promotes raising awareness among adults, through training, of the school experiences of marginalized student populations, social stigma in the school environment, gender norms in the school environment and strategies for disrupting bullying or other forms of violence.

NYSSBA shall support legislative action in the regulation of vapor products including consumption, manufacturing, distribution and advertising. (2019)

NYSSBA advocated for various provisions that were eventually included in the enacted budget related to vaping regulation, including a prohibition of the sale and distribution of non-FDA-approved flavored vape products, restrictions on advertisements near schools and the forthcoming creation of an electronic cigarette and vaping prevention, awareness and control program.

In addition, NYSSBA supported the following:

- **S.3905-A (Rivera)** would have included electronic cigarettes in the regulation of tobacco products. This bill was referred from the Senate Health Committee, but was not acted upon by the Senate Rules Committee.

- **S.4249-A (Martinez)/A.6842-A (Englebright)** would have prohibited the expansion of retail locations for electronic cigarette stores and tobacco businesses. This bill was not acted upon by the Senate Health Committee or the Assembly Health Committee.

- **S.7050 (Liu)/A.9553 (Rosenthal)** would have prohibited the sale of e-cigarettes that contain certain metals found to be toxic. This legislation was not acted upon by the Senate Health Committee or the Assembly Health Committee.

- **S.7404 (Kaminsky)/A.1987 (Dinowitz)** would have prohibited the sale of flavored smokeless tobacco products within 500 feet of a school. This bill was not acted upon by the Senate Health Committee or the Assembly Health Committee.

On the legislative front, NYSSBA also supported a bill, S.6073-A (Brooks)/A.8631 (D’Urso), which would have established a tobacco and vaping cessation program for student health and mathematics. The bill advanced to the Assembly Education Committee, but did not reach the floor for a vote in either house.

For agenda and to register visit convention.nyssba.org Follow NYSSBA20 for convention updates.
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Texting tips program for parents shows promise for early grades

By Gayle Simidian
RESEARCH ANALYST

Can the cellphones of parents of young children become tools that encourage school readiness? That’s the idea behind “Tips by Text,” a program that has resulted in learning improvements among lower-income preschoolers in California and is being studied as a way that schools can enlist the aid of parents all the way through middle school.

Parents who sign up to participate receive texts that encourage them to have specific interactions with their children. For instance, a preschool parent who signs up for the program might receive a text that says: “When you are bathing your child, point out the letters on shampoo bottles. Ask your child to name them and tell you the sounds they make.”

Preschoolers receive three texts per school week covering math, literacy or socio-emotional learning. The first text sent each week offers parents a fact about the given subject matter to emphasize why the topic is relevant to their child’s learning. The second delivers a specific tip or suggestion for a task to cultivate a given skill and/or competence. The last text each week suggests a reinforcing task with positive messaging to strengthen a competence.

Research has found that Tips by Text has resulted in increased parental involvement and subsequent learning improvements in lower-income preschoolers in the San Francisco Unified School District over a two-year period from 2013-14 and 2015-16. The program also improved the literacy skills of preschoolers who had lower baseline competencies than their higher performing classmates, according to parent and educator surveys and literacy assessment scores.

Schools have implemented the Tips by Text program in six states – California, Florida, Texas, Pennsylvania, Wisconsin and Nevada. University researchers are also testing this texting program in the United Kingdom, China, Denmark, Singapore and the Philippines.

A texting program such as Tips by Text can be a better way to reach parents than models that rely on parents visiting schools for meetings or events, according to parent and educator surveys. Information seemed effective; children in that kind of personalized scale. Including that kind of personalized information seemed effective; children in that group “were 63 percent more likely to read at a higher level than those in the generic group,” according to researchers.

Offering texts in a parent’s native language, in addition to English, can reduce drop offs in parental participation, according to the research. So far, Tips by Text has been offered in multiple languages including Spanish, Chinese and Vietnamese.

Watch a video on the program here: https://www.annenberginstitute.org/projects/tipsbytext/overview.

Research Briefs

Vaping teens at higher risk for COVID-19

Vaping is linked to a substantially increased risk of COVID-19 among teenagers and young adults, according to a new study led by researchers at the Stanford University School of Medicine.

The study found that those who vaped were five to seven times more likely to be infected than those who did not use e-cigarettes. “Teens and young adults need to know that if you use e-cigarettes, you are likely at immediate risk of COVID-19 because you are damaging your lungs,” said the study’s senior author, Bonnie Halpern-Felsher, a professor of pediatrics.

The study was published online Aug. 11 in the Journal of Adolescent Health. For more information, go to https://stanford.edu

Source: med.stanford.edu

41% of high poverty schools opt for remote instruction

Forty-one percent of school districts identified in the top poverty quartile are opting for remote instruction, according to a nationally representative sample of reopening plans in 477 school districts.

The study, conducted during the third week of August, showed that about half (49%) of all districts sampled had in-person learning plans and a quarter (26%) had plans to begin the year virtually.

Districts in New York State were required to prepare plans for in-person, virtual and hybrid learning. Nationally, less than half the sample offered plans for all three.

Most rural school districts (65 percent) had plans to start school with in-person instruction, compared with one-quarter of suburban districts and less than 10 percent of urban districts.

The review was conducted by the Center on Reinventing Public Education, a non-partisan research organization that began at the University of Washington.

To learn more, go to bit.ly/3kFWoPS. - Gayle Simidian, Research Analyst

Poll explores parental frustration with remote learning last spring

Most primary school students – 64% – had experience using videoconferencing to connect with teachers last spring and 79% had some kind of experience with online learning, according to a survey of 1,000 American adults in mid-April.

Most parents reported that they had difficulty keeping their children focused on schoolwork (62% for kindergarteners and 58% for elementary schoolers).

The survey was commissioned by Instructure, the company that owns the learning management system Canvas.

The company notes that “according to child psychologists, children can typically focus on a task for two to five minutes per year of life (for example, 16–40 minutes for an eight-year-old). Younger kids need shorter instructions and work periods.”

“Everyone needs built-in breaks,” according to the company.

To read more about the survey findings and tips from Canvas on implementation of videoconferencing, go to bit.ly/2FIsC9K. - Gayle Simidian, Research Analyst
FBAs do not trigger right to eval at district expense

By Pilar Sokol  DEPUTY GENERAL COUNSEL

In a case of first impression, a federal appellate court with jurisdiction over New York ruled that the right of parents to obtain an independent educational evaluation (IEE) at public expense under the Individuals with Disabilities Education Act (IDEA) does not cover a functional behavioral assessment (FBA).

An FBA is a targeted assessment of the root causes and functions of a student’s behavior and its impact on the student’s ability to learn, with the goal of identifying strategies for managing the behavior and improving the student’s overall learning experience. An IEE is an independent educational evaluation conducted by a qualified examiner who is not employed by the district, and that parents can obtain in addition to evaluations conducted by a school district. Parents pay for the cost of an IEE, except that they may obtain such an evaluation at district expense if they disagree with a district’s evaluation and the district fails to establish the appropriateness of its evaluation at a due process hearing.

In D.S. v. Trumbull Board of Education, a student had behavior that significantly interfered with his academic progress and had been the subject of three prior FBAs. His parents challenged the adequacy of the district’s evaluations and requested that the district pay for an independent FBA as well as independent assessments for speech and language, occupational therapy, physical therapy, assistive technology, psycho-educational issues and central auditory processing disorder.

A hearing officer concluded an FBA was covered by the right to an IEE at public expense but denied the request for a publicly funded IEE covering the non-FBA evaluations because they fell outside the scope of what an FBA measures. A federal district court affirmed the hearing officer’s decision, and further determined the request for an IEE of the non-FBA assessments was untimely under the IDEA.

According to the U.S. Court of Appeals for the Second Circuit, the term evaluation under the IDEA refers to statutorily mandated initial evaluations and reevaluations conducted by districts to determine a student’s eligibility for services and the services to be provided to address an eligible student’s unique educational needs. Both are comprised of a comprehensive assessment of a student through the use of a variety of assessment tools and strategies that gather functional, developmental, and academic information. “An FBA, standing alone, is neither.” It does not comprehensively assess a student’s disability or all areas of suspected disability; it looks only at a student’s behavior.

Also as a matter of first impression, the Second Circuit determined the timeframe within which parents can disagree with an evaluation and request an IEE at public expense “depends on how frequently the child is evaluated.” For example, a parent can disagree with a triennial reevaluation within that evaluation’s three-year timeframe.

Districts should consult with their school attorneys regarding the full implications of this decision.

DOE issues new Q&A on special education

By Pilar Sokol  DEPUTY GENERAL COUNSEL

Special education and related services to children with disabilities during the pandemic remain a challenge for school districts this fall. U.S. Department of Education issued a new Q&A document at the end of September. Consistent with guidance issued earlier this year, the Q&A acknowledges that changing conditions in the current COVID-19 environment might require school officials to consider multiple options for delivering instruction, including remote/distance instruction and in-person attendance, or a hybrid.

For instance, districts may make use of alternate methods such as online instruction or videoconferencing.

Recognizing that some schools may have been unable to provide extended school year (ESY) services this past summer, the Q&A suggests that districts consider providing such services during the normal school year, school breaks or vacations. ESY services consist of special education and related services provided during the summer months beyond the normal school year, to help prevent substantial regression before the start of the new school year.

The Q&A does not have the force and effect of law, however. Districts should continue to consult with their school attorney about potential legal issues related to the education of children with disabilities in a COVID-19 environment, including use of a remote or hybrid delivery model. The full Q&A is available at: https://bit.ly/3jl3muW.

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Protecting student privacy in an online classroom

By the New York State Association of School Attorneys

For many school districts in New York, the return to the classroom this September has not just marked the start of a new school year, but a whole new way of going to school. The near-ubiquitous use of cameras to deliver two-way, online instruction has pushed to the forefront a host of legal considerations that were previously almost non-existent, including the issue of student privacy. With cameras recording students’ performance and progress, what, if anything, is protected?

Let’s review the basics of the relevant law. As was true prior to the pandemic, the Family Educational Rights and Privacy Act (FERPA) governs the extent to which personally identifiable student information contained in student records is private and confidential.

Under FERPA, a school district may not disclose personally identifiable information from a student’s educational records to a third-party, including other students, without the consent of the student’s parents or the “eligible” student (i.e., a student over 18), unless an exception applies (34 CFR section 99.30).

Personally identifiable information generally includes student names and images. If an online session is not recorded, no educational record is created that would be covered by FERPA. But what if the session is recorded? Presumably, these videos would include the images of individual students and perhaps captions with their full names, as well. Would such a video recording qualify as educational records? And, if so, can the school lawfully post or share those records without the parent or eligible student’s consent?

In some cases, the answer under FERPA will be fairly obvious under rules that should be familiar to school officials. For instance, although student names are personally identifiable information, FERPA permits school districts to disclose a student’s name, identifier or institutional email address in the course of conducting a class in which the student is enrolled. This is true even where a parent has otherwise opted out of the disclosure of “directory information,” e.g., information contained in the educational records of a student that would not generally be considered harmful or an invasion of privacy if disclosed (see 34 CFR section 99.3 and section 99.37(c)(1)). Therefore, students’ names may appear underneath their images in the screen of an online class without raising privacy concerns.

Answering other questions about student privacy that involve recordings of online classes may involve a call to your school attorney, because the determination of whether a video is a student record is generally made on a case-by-case basis, according to the particular context of the video. The general rule is that a photo or video of a student is considered part of that student’s educational record where the photo or video is “directly related to a student” and “maintained by an educational agency or institution or by a party acting for the agency or institution” (34 CFR section 99.5).

Unfortunately, there is no clear definition of what “directly related” to a student means. However, the U.S. Department of Education’s Student Privacy Policy Office has provided several examples in which a video of a student would be considered directly related to that student, and thus an educational record:

- When the student is intended to be the focus of the video (e.g., a student presentation).
- When the video will be used for a disciplinary or other “official purposes,” e.g., where a video records a student violating a rule or law, or being attacked.
- When the video records a student getting injured, becoming ill or suffering a health emergency.
- When the student’s personally identifiable information from his/her educational records are visible or discussed.
- When the student’s incidental appearance in a video, e.g., as part of the background, generally will not render such video an educational record for that student.

(For more information on where a recording is “directly related” to a student, see bit.ly/2GmFGaM)

A recording of a classroom session in which the teacher is shown providing instruction is unlikely to be considered an educational record of the students in the class, absent special circumstances. What is less clear is under what conditions a recording of a class in which students answer questions or participate in discussions become an educational record.

However, the text of U.S. Department of Education’s Student Privacy Policy Office guidance suggests that only a major event, such as an injury, illness, or illegal act, would transform the recording into an educational record of any individual student. Thus, unless the recording of the class included an activity or event focused solely on an individual student, such as a significant student presentation or an emergency, the video should not be considered an “educational record” pursuant to FERPA. Again, school districts should consult their attorney regarding specific circumstances.

So, your district’s teaching staff generally should be able to share classroom recordings with their students who are enrolled in their class. However, in the age of social media, staff should be advised to refrain from posting videos focused solely on individual students or a recording that captures a significant event such as a health emergency, illegal act or violation of school rules that may result in discipline. Staff members should also be reminded to familiarize themselves with the employer’s acceptable use policy for technology, or other policies or regulations that might relate to the use of social media.

Staff should also not disclose other personally identifiable information from educational records, such as grades or accommodations, to other students in the class without first obtaining the consent of a parent or eligible student, as such a disclosure would constitute a FERPA violation. This rule applies to both in-person or online classes, irrespective of whether the class is recorded. Finally, as a best practice, teachers should instruct students with whom classroom recordings are shared that such recordings are intended for their educational use only and should not be further disclosed or posted elsewhere. New questions involving student privacy may arise because an online classroom is simultaneously both an educational environment and a home environment. For instance, suppose a parent takes a photo of a child doing schoolwork via a teleconferencing and posts it on social media. If the photo captures the student’s screen, it might clearly show the names and faces of children in the class. This would not appear to violate FERPA, but it is an untested legal question.

When questions arise involving student privacy and recordings of online classes, school officials should not hesitate to contact their school attorneys.

Members of the New York State Association of School Attorneys represent school boards and school districts. This article was written by Gregory A. Gillen of Guercio & Guercio, LLP.

Tammy Wiedrich, a sixth grade science teacher in Batavia Middle School, leads an online lesson. • Photo courtesy of the Batavia Central School District
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Why your school community needs a yearly State of the District Address

By Mark Snyder
LEADERSHIP DEVELOPMENT MANAGER

One of the most important and difficult responsibilities of a board of education is monitoring the progress of the district as it strives to achieve goals and realize its vision and mission. A superintendent can overwhelm a board with data – or starve it. The ideal is a steady, and well-organized stream of information that is relevant to the strategic plan of the school district.

One thing that can help is doing what the late author Steve Covey recommended: Begin with the end in mind. Consider asking your superintendent to deliver an annual State of the District Address.

Just like the president’s State of the Union address, or the governor’s State of the State address, a State of the District presentation is an opportunity for the executive to provide an orienting update to a governing board as well as stakeholders. It can be both a quantitative and qualitative look at the district.

Never heard of a State of the District address? That’s understandable, because it is not required by any law or regulation, and it is far from a universal practice. But a growing number of districts are finding that this is a tool to put things in context and build pride.

The format of the presentation will vary depending on the preferences of the superintendent and the board. NYSSBA’s Department of Leadership Development recommends that the following information be included:

- **Notable successes.** If you want a positive culture in your district, encourage your superintendent to brag, boast, gloat, and gush over what was accomplished in the prior school year. Recognizing accomplishments is energizing for all concerned.

- **The district’s vision, mission, goals and values.** These are the statements that indicate who you are as a district and what you strive to be. Reiterating them during this presentation is important because they should lay the foundation for all of the work that has been and will be done in the district.

- **District initiatives.** The State of the District address is an opportune time to provide the board and stakeholders with an update of the district’s progress on its long-term initiatives. Odds are that your district has so many initiatives, it’s easy to lose track. Perhaps your district has been working on being more trauma sensitive. Maybe the Code of Conduct is under review. There may be curricular initiatives as well as important forms of facilities maintenance and upkeep.

- **Community partnerships and outreach.** Many boards of education and districts have worked to be more active in their communities and develop partnerships with their local civic organizations, businesses and government agencies. The superintendent could provide an update on this progress and also share information about how the district is working to engage more parents and community members in the education and well-being of its students.

- **Metrics.** Break out the colorful graphs to orient listeners to important trends in the district regarding enrollment, academics, parental opinion, etc. This is a good time to release new polling data.

- **Budgetary orientation.** Don’t let this suck all the air out of the room, but a quick discussion of the district’s budgetary picture can prepare the board and the community for the year ahead. This year, in particular, is full of uncertainty. Everyone should be aware of the known unknowns.

- **Other areas that could be highlighted include advocacy, alumni, athletics, awards, buildings and grounds, food service, technology, etc. Topics will vary by district.**

- **A State of the District address could occur at a regular board meeting or it could be a special event. For the latter, hold it in a large auditorium or gymnasium, and invite students, staff, media, special guests and community groups to attend. Be sure to invite your NYSSBA area director!**

- **Overall, the State of the District address should inspire pride and optimism. No matter what challenges confront your board and your district, there are probably lots of accomplishments to celebrate and opportunities to get excited about. Invite your superintendent to consider delivering a State of the District address as an annual event.**

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