400 school districts host vaccinations

By Pauline Liu
SPECIAL CORRESPONDENT

Ethan Walla, 11, received his first dose of the Pfizer-BioNTech Pediatric COVID-19 vaccine at Amherst High School in early November. "I would rather get the shot than run a high fever," the sixth grader said, recalling that one of his classmates had a high fever as a result of COVID-19. "I would rather get the shot than run a high fever," he added. "I want to maintain a healthy lifestyle.

With 1.5 million children in the age group statewide, medical experts believe the new children’s vaccine could become a game changer in the battle against the coronavirus – provided enough parents are willing to have their kids vaccinated. About three-quarters of parents are leery of the vaccine, according to the Kaiser Family Foundation. A survey taken just prior to the pediatric vaccine’s approval found that only 27% of parents said they would vaccinate their children against the virus as soon as a vaccine became available. About a third of the parents surveyed said they’d wait and a little less than a third said definitely not. Another 5% said they would get their children vaccinated if mandated to do so.

Since the release of the survey, Pfizer has presented additional data to show that the vaccine is safe and about 91% effective against symptomatic COVID-19 for children ages five to 11.

Amherst was among the first school districts to schedule a clinic. It sent out “save the date” notices to families more than 10 days before the vaccine received CDC approval. “By being anticipatory and planning early, we have time to test and revise before implementation,” Amherst Superintendent Anthony Panella said.

Amherst children are being asked to return for a second vaccination clinic scheduled for Dec. 4. It means they’ve received their first vaccine dose before Thanksgiving and can be fully vaccinated before the Christmas break, just in time for holiday gatherings.

The November clinic was hailed as a success by parents, including Ethan’s mother, Elizabeth Walla. “I’m relieved,” she said. “It’s just about peace of mind, seeing their children safely vaccinated.”

Supply chain woes leave school food program directors scrambling

By Chris Carola
SPECIAL CORRESPONDENT

Food service directors at school districts across New York and the nation have been scrambling since the beginning of the school year to provide meals to students as global supply chain disruptions caused by the pandemic continue to make some items scarce or unavailable.

A nationwide survey by the School Nutrition Association of more than 1,300 school meal program directors found that 97% were concerned about pandemic supply chain disruptions heading into the 2021-22 school year.

Rachel Murphy, director of Food and Nutrition Services for the Syracuse City School District, said her department was “blindsided” when a local company that had provided pizza shells to the district for more than 20 years suddenly closed.

See VACCINE, page 4

See SUPPLY CHAIN, page 4
School boards have been in the news a lot lately. Many decisions and policies that have generated outrage should not have been so controversial, in my opinion. That includes district efforts to improve diversity, equity and inclusion (DEI).

I think that if members of the public had a better understanding of what goals are involved in DEI, there would be more support. Instead, public perceptions of DEI have been affected by rumors, allegations and fear.

I’ve spoken about this with my counterparts at peer organizations – the Council of School Superintendents, the Rural Schools Association, and the Conference of Big 5 School Districts. We asked ourselves what we could do to help districts at the local level deal with this perception problem.

The result is printed at right: A joint statement by four organizations on DEI. It was released earlier this month.

The main point of the statement is that schools have a duty to serve every child. Part of that is looking at how certain subgroups are affected by educational decisions. Schools in many communities are considering and adopting Diversity, Equity and Inclusion (DEI) policies and practices. Many schools have faithfully implemented DEI efforts for years, and more have joined since the Board of Regents called on all schools in the state to develop policies that advance DEI as a priority.

In some communities, debates have arisen over the intent and focus of these efforts. Now, to ensure outcomes that best serve our young people, debates must be resolved through a reliance on facts and on a true understanding of the work being done in our schools.

The goal of DEI efforts is to create a positive learning environment for all students and eliminate barriers that limit a student’s chance to be successful. When a school board adopts a DEI policy, it is committing to ensuring all students have equal educational opportunities and the resources they need to succeed.

DEI policies and practices aim to include all groups that have been disadvantaged, whether due to race, ethnicity, disability, gender or gender identity, socioeconomic status or another factor. That is why DEI efforts include a focus on advocating to ensure all schools have resources matched to the needs of the students they serve.

In public education, school boards, with the advice and counsel of school superintendents and staff, adopt a curriculum that teaches students to think analytically, understand multiple perspectives and draw their own conclusions. An equitable and inclusive education prepares all students for a lifetime of thoughtful discussion and analysis of issues that shape and define our society, today and into the future.

The adoption of DEI initiatives by school districts is about ensuring that all students have the opportunities and assistance we would want for our own children – and preparing all students for a diverse workforce and world they will enter upon leaving school.

Our future depends on public education and the success of our schools requires a commitment from those in our communities who hold differing perspectives to resolve those differences in a respectful manner.

Below is the text of a joint statement distributed on Nov. 10 by NYSSBA, the New York State Council of School Superintendents, the Conference of Big 5 School Districts and the Rural Schools Association of New York State:

School districts in many communities are considering and adopting DEI efforts for years, and more have joined since the Board of Regents called on all schools in the state to develop policies that advance DEI as a priority. In some communities, debates have arisen over the intent and focus of these efforts. Now, to ensure outcomes that best serve our young people, debates must be resolved through a reliance on facts and on a true understanding of the work being done in our schools.

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NYSSBA advocacy: What to expect in 2022

By John Daley
GOVERNMENTAL RELATIONS REPRESENTATIVE
and Danielle Grasso
GRASSROOTS ADVOCACY MANAGER AND GOVERNMENTAL RELATIONS COORDINATOR

The legislative session opening in January will reflect major changes in the state’s political scene.

It will be Gov. Kathy Hochul’s first legislative session as head of the executive branch. While she served as president of the state Senate when she was lieutenant governor, she now assumes a preeminent role in state budget negotiations and the legislative process as a whole.

Hochul will lay out her priorities for the legislative session during the State of the State address. She will also present her executive budget, a proposal which typically contains many policy initiatives.

What to expect for fiscal 2022-23

The Office of the State Comptroller has projected that the state may enter budget negotiations with significant surplus revenue for the first time in several years.

New York State’s 2021-22 enacted budget was $212 billion (representing growth of 10% from the prior year). More than $12 billion was generated by federal stimulus funding.

At the time, it was expected that the state would face a tight fiscal situation due to the COVID-19 pandemic. However, the state’s better-than-expected recovery combined with revenue enhancements in the enacted budget have resulted in revenue that, as of October 2021, already exceeded projections by $7.2 billion. This number is expected to climb even further by the time the 2022-23 budget process begins. This will likely set the state on a course to enter budget negotiations with a surplus.

How the state spends the expected surplus will be of paramount importance in the budget process. NYSSBA’s top budget priority will be for the state to maintain its commitment to fully fund Foundation Aid over a three-year period, as enacted in the past year’s state budget.

The 2022-23 state budget represents year two of that plan.

A significant year for state elections

The 2022 legislative session will unfold during a gubernatorial election year, with voting on Nov. 8, 2022. Hochul has announced she will seek another term. As of this writing, other candidates for the Democratic nomination include Attorney General Letitia James and New York City Public Advocate Jumaane Williams. Several candidates have declared their intention to seek the Republican nomination for governor. These include Congressman Lee Zeldin, the presumed party front-runner; Rob Astorino, a former Westchester County executive and the 2014 Republican gubernatorial nominee; and Andrew Giuliani, son of the former New York City mayor.

Also on November 2022 ballots will be all 63 seats in the state Senate and all 150 seats in the state Assembly. Currently, Democrats hold veto-proof supermajorities in both houses. In the Assembly, Democrats hold 105 seats plus one independent member who conferences with them. In the Senate, Democrats currently hold 42 seats, and that number will rise to 43 upon the swearing-in of Senator-elect Cordell Cleare (who will fill the vacancy created by the appointment of Brian Benjamin as lieutenant governor). This will be the makeup of the legislature during the upcoming legislative session, with the election to follow.

NYSSBA advocacy events planned

During the COVID-19 pandemic, NYSSBA has used new ways to help elected officials and advocate for NYSSBA’s positions. Our Take Action letter writing campaigns have resulted in elected officials receiving thousands of letters. In addition, hundreds of members have participated in virtual Congressional meetings and virtual versions of the Capital Conference and the Annual Business Meeting, which had the highest attendance figures in at least the past half decade.

Here is what you can expect over the next few months:

• 2022 Legislative Preview Webinar (virtual) on Dec. 9, 2021. Join NYSSBA staff as we preview the upcoming legislative session.
• NYSSBA Lobby Day (in person) on Feb. 9, 2022. After a breakfast meeting with a speaker in the well of the Legislative Office Building, members will be provided with talking points and memos to share in meeting with their local legislators. Note: All appointments should be scheduled by your own district. However, NYSSBA staff will be available to answer questions.

Join us:

► Wednesday, February 2 – NYSSBA’S VIRTUAL CAPITAL CONFERENCE
Log in for a review of the Executive Budget proposal and hear from legislators and state policymakers to gain perspective on proposed legislative and spending priorities. NYSSBA staff members will help prepare you to advocate on behalf of your school community.

► Wednesday, February 9 – LOBBY DAY
Meet us in the Capitol Building for breakfast and a presentation by a member of the YMCA Youth and Government Program. Then spend the day advocating on the issues that are important to your district and community.

More details to follow at nyssba.org/events.

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and I’m very grateful to the school for setting this up. I can’t imagine what it took to organize it."

One advantage of school clinics is that children are confronting needles in familiar settings surrounded by students and staff they know.

The Erie County Department of Health has hosted free clinics in urban, suburban and rural locations. As of mid-November, 7,315 children of 71,000 eligible children in the county had received at least one dose of COVID-19 vaccine.

Erie County Health Commissioner Gale Burstein believes it’s crucial to get this age group vaccinated because they can be carriers of infection without knowing it. “We know that many times younger children are asymptomatic but they still have viral loads, and they can still transmit infection,” Dr. Burstein said.

Hospitals are also stepping up. On Long Island, Mount Sinai South Nassau hospital is sending a large van called the Vaxmobile, equipped with pediatric vaccines, to parking lots in Baldwin, Freeport and Island Park school districts. In Buffalo, John R. Oishei Children’s Hospital hosted a free clinic on a recent Saturday.

Former West Seneca school board member Lauren Nicholas brought three of her children (ages six, seven and 10) to get vaccinated at the hospital. All were eager, she said.

“They very much understand that vaccination is the way to get the world back to normal,” Nicholas explained. “My 10-year-old got a little nervous, but she sat on my lap and never cried. It was over in seconds.”

Jessica Schuster, a school board member for the Springville-Griffith Institute Central School District, also brought her three children to the clinic. Her 10-year-old son, Henry, has an autoimmune condition and contracted a mild case of COVID-19 over the summer. She was grateful that he was able to get vaccinated. “I think he will be safer,” Schuster said. “The big thing is we can have a normal Christmas. I’m really happy about that.”

Other families feel comfortable getting their children vaccinated in doctor’s offices. Dr. Danielle Wales, an attending physician at Albany Medical Center, said it’s been busy. “By 9 a.m. on the first day it became available, we received 20 phone calls about the vaccine within an hour,” she said.

Wales, who has a master’s degree in public health, noted that the clinical trials for Pfizer involved even more children enrolled than originally planned. “The results look very safe and very effective, so we’re very excited about it,” she said.

Wales’ own children are seven months old and four years old and therefore not eligible for the vaccine. But Pfizer is currently running clinical trials for infants and toddlers with hopes of having the vaccines ready by next year.

“We want to get this pandemic behind us, and the only way to get there is to get everyone vaccinated,” Wales said.

## Will child vaccinations lead to optional masks?

Some school officials are urging Gov. Kathy Hochul to come up with a plan to lift the open-ended mask mandates, which have ignited outrage from some parents across the state.

“We’re asking the state to come up with a metric-based approach for the removal of masks,” Eric Byrne, president of the Lower Hudson Council of School Superintendents, told On Board. Byrne, who’s also superintendent of the Rye City School District, said the council isn’t calling for the mask mandate to be lifted immediately. Instead, they are hoping the state will consider an approach similar to the one adopted by Massachusetts. Districts there will be allowing vaccinated individuals in a school to go “mask optional” if at least 80% of students and staff in the school are vaccinated.

– Pauline Liu, Special Correspondent

### How to help children get through a vaccination

Helping anxious children get through a vaccination is all about the art of distraction, according to Erie County Health Commissioner Gale Burstein, a pediatrician.

Burstein suggests that bubbles, ice, talking to the young patient, coloring books or Play-Doh have proven to be effective.

“We call them ‘tricks of the trade,’” said Burstein.

At a recent clinic held at the John R. Oishei Children’s Hospital of Buffalo in partnership with the Erie County Health Department, a therapy dog proved to be one of the highlights of the event for many children.

Some schools hosted clinics which offered cookies, candy or ice cream. In some cases, school staff found that having the child hold hands with friends or a family member while getting the vaccine provided the comfort and reassurance needed to endure the experience.

“The vaccination itself is not painful,” Dr. Burstein said. “As for aftereffects, the arm becomes sore. But more of the challenge is the anticipation.”

– Pauline Liu, Special Correspondent

### NYSSBA President’s Award

David A. Little, right, is the 2021 winner of NYSSBA’s President’s Award, given annually to someone who has changed public education for the better. Little, executive director of the Rural Schools Association of New York State, is being congratulated by RSA Board Chair Doug Guetschow, left and John Rodman, a member of NYSSBA’s Board of Directors and liaison to the RSA board.

And in late September, Agriculture Secretary Tom Vilsack said the agency would provide $1.5 billion to help school meal programs deal with the supply shortage. Whether or not the funding boost will make an immediate impact is unknown. The Biden administration and economic experts have said they don’t expect the supply chain backups to ease until well into 2022.

“We absolutely foresee the situation getting a little better in six to 12 months,” Looney of OMNIA said. “We hope that this time next year we are light years ahead of where we are today.”

In the meantime, children are being fed at schools despite all the daily challenges faced by the people who plan the menus, order the supplies and prepare and serve the meals.

The problem is so widespread that some food service directors have found themselves being interviewed on the evening news.

“We didn’t think it would be this bad for the beginning of the school year,” Katy Headwell, director of food services for the Shenendehowa Central School District in Saratoga County, told Spectrum News in Albany.

“At the end of the day, we will find food. We will get good food,” Headwell assured viewers. “We will find something to feed the kids.”

### Supply Chain

but say a labor shortage is limiting their ability to deliver.

Two major suppliers, Rich Products in Buffalo and Ginsburg’s Foods in Hudson, told The New York Times that they are frustrated by a dearth of warehouse workers and truck drivers.

“We’re not hearing a ton of complaints (from school districts) about getting the food they need. What we’re actually hearing is there are not enough drivers,” said Doug Looney, senior vice president for the public sector at OMNIA Partners, a national Tennessee-based procurement and supply chain management firm whose New York clients include hundreds of schools as well as BOCES groups and the State University of New York. OMNIA became a business partner with NYSSBA in 2013 after going through a vetting process.

In response to the supply chain issues, the federal government has made changes to its regulations so that schools don’t run afoul of meal nutrition requirements. In September, the U.S. Department of Agriculture issued a waiver that prevents meal programs from being hit with financial penalties if nutritional guidelines aren’t met because of supply chain backups. The agency has also boosted the rate for reimbursing schools that have had to shell out more money to cover food costs, which have skyrocketed.

The New York Times
Dealing with ‘rogue’ board members

By Mark Snyder
LEADERSHIP DEVELOPMENT MANAGER

Is a member of your board attempting to direct district staff? Are they grandstanding at public board meetings and nitpicking every administrative decision? Have your meetings become full of surprises? Are members of your board feeling bullied or intimidated? If the answer to any of these questions is yes, it is likely your board has a “rogue” board member.

Rogue board members almost invariably perceive themselves as crusaders for justice. They believe the board or the administration is engaged in inappropriate, clandestine or illegal behavior. They see themselves as acting on behalf of the best interests of their constituents or the public at large. Right or wrong, a lone wolf board member is a disruptive force. Their behaviors often lead to a tense relationship between the board and the superintendent and reduced credibility with the public. In their attempts to unilaterally demand change, rogue board members may have high ideals, but they tend to create chaos and dysfunction.

Ignoring the behavior and waiting out the problem seldom works. At the other extreme, seeking to remove a board member typically is not an option unless the individual has violated their oath of office or otherwise disqualified themselves from serving. Attempts to remove a board member tend to be protracted legal battles that damage the district’s reputation no matter what the outcome.

So, what are boards to do to maintain their governance role and ensure that meetings are cordial and efficient?

The typical answers include:
• Speaking with the offending member (one-on-one or as a board).
• Having a retreat to reinforce proper board decorum and roles and responsibilities.
• Reviewing/revising the district’s vision/mission/goals/strategic plan. These strategies have proven effective for addressing concerns and getting everyone on the same page, but they only work when there is buy-in from all board members (including the rogue member). For instance, a retreat would be ineffective if the rogue member chose not to participate. However, if there is genuine dialogue, a retreat is likely to help.

Whatever your strategy, care must be taken to ensure that the offending member does not feel attacked or singled out. The board must work to address the problem, not the person, taking every precaution to ensure that these efforts do not make matters worse.

An indirect way to discourage rogue behavior is to collaboratively develop a profile of desirable board member attributes – teamwork, open-mindedness, dedication to the district and students, following protocols, etc. This profile could be shared with the public before school board elections to help people decide whether to run for school board. By engaging in the development of this list, any board members with rogue tendencies would have the opportunity to compare themselves to the board’s ideal.

A more direct option is to conduct an annual school board performance evaluation. This self-evaluation should include specific performance standards and professional practices that highlight the responsibilities of the board and provide an opportunity for rating and reflection. The evaluation instrument should also provide an opportunity to reflect on the board’s goals and objectives. After each individual board member has evaluated the board’s performance, the results are compiled and shared with the board.

This provides an opportunity to identify and reaffirm processes for meaningful board member engagement in functions such as strategic planning, educational performance monitoring and budgeting. It also can identify specific areas that need improvement. The discussion will provide guidance on board processes and protocols and can serve as a check for those behaviors that are operating outside of these expectations.

Issues with individualistic board members are all too common. When board members are able to model and communicate best practices, demonstrate unity of purpose and highlight the personal attributes that are most desirable for board service, they are better positioned to communicate about behavior that deviates from the ideal. If your board needs assistance achieving unity, or if you believe you are perceived as a rogue board member, please call NYSSBA’s Leadership Development team.

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A new approach to digital citizenship

By Gayle Simidian
RESEARCH ANALYST

In recent weeks, news stories have noted the heavy toll social media takes on teenagers’ social and emotional health, including the revelation by Facebook whistleblower Frances Haugen that use of Instagram can amplify teenage girls’ insecurities and, for some, increase thoughts of suicide.

More than 60,000 schools nationwide seek to help students juggle their digital lives and understand the risks online by teaching “digital citizenship,” according to a study funded by the John Templeton Foundation and published by the Society for Research in Child Development.

But getting preachy with teenagers in efforts to help them manage their social media use is not effective, according to the study. New research is investigating another approach called “values-alignment messaging.” It builds on two things that many teenagers consider important – autonomy and social justice – to change their behavior on online platforms.

One experiment involved more than 800 students from a handful of public high schools in the northeastern U.S. during the 2017-18 school year.

Students in a “traditional” group read messages developed by the authors that were inspired by digital citizenship curricula created by Common Sense Media. Those messages focused on the advantages of cutting back on social media, such as better quality sleep, fewer distractions and higher grades. Writing exercises prompted teenagers to write about “new actions they could take to follow the advice of the program and the adults who endorsed it.”

In a “values-alignment” group, students read about how features including the “like” button can keep people engaged online. These students were exposed to the idea that they can assert their autonomy from social media companies that are trying to control their behavior and make money off them.

Additional messaging in the “values-alignment” group appealed to teens’ interest in social justice by highlighting how social media influences the self-image of teens. The material also noted that executives in Silicon Valley often do not let their own kids spend time using the technology they developed. The idea was to depict controlling one’s use of social media “as a way to join a growing cultural movement and to be a catalyst for positive societal change,” the study said.

A control group received no lessons on social media.

Three months after the study, students in the values-aligned group showed more motivation than the other two groups (traditional and control) to manage their social media behavior.

A follow-up study was conducted during the 2018-19 school year with 1,875 students in one U.S. high school. It confirmed that values-aligned communications increased understanding of the addictive properties of social media design when students were questioned three months later.

In both studies, female students showed more motivation than their male peers to reduce time on social media. In the second study, male time online actually increased three months later. More research on gender differences is necessary, the authors said.

It is also important to remember that social media can have benefits, according to Sonia Livingstone, a professor at the London School of Economics and Political Science who writes a blog entitled Parenting for a Digital Future (blogs.lse.ac.uk/parenting4digitalfuture). For instance, children who are active online tend to be more involved offline in civic and political action.

“Social media access can be a great opportunity if used well,” according to Livingstone.

In NYSSBA’s virtual member event on Oct. 25, suicide prevention expert Scott LoMurray said that Snapchat was a “lifeline” for students who felt isolated during the COVID-19 pandemic.

The pandemic has presented a unique lens on how social media affects teen lives, according to Dr. Peter Faustino, a school psychologist at Scarsdale Public Schools. “The past two years have been spent more online or in front of a camera or using social media than ever before in a teen’s life,” he noted. “I’m worried those little zoom boxes have heightened the risk for many around body image. Not to mention the last two years have seen a decline in physical movement and eating habits at home,” he said, noting studies on those phenomena.

To read the study on digital citizenship education, go to bit.ly/3BJiQ4j.

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Why we all need to know

By Richard Keller-Coffey

When I look back on my 30-year teaching career, I think of the thousands of students I taught. Since beginning work at a Dutchess County agency established to fight child abuse, though, three in particular keep coming to mind.

Mary was a student who was always tired in class. She stopped showing interest in class activities and interacting with other students, even her friends. Then she stopped washing herself. At the time, these behaviors did not indicate to me that a family member was molesting her at home. It’s very clear to me now.

Jerold always wore long sleeve shirts, even when it was hot. He insisted on sitting in the back of the classroom, or on the side of the room, with his back to the wall. On the days that I stayed at school late, I always saw Jerold. He would be attending a club meeting, helping a teacher put up classroom displays or just hanging around with some other kids.

At the time, I did not put those pieces together to suspect that Jerold was being physically abused. Actually, he was afraid to go home.

Then there is Christopher, who often asked for money to buy food and who wore clothes that were too big and not particularly clean. I figured that his family was poor, and I mentioned this to his mother. She stopped washing herself. At the time, I didn’t know that because his mother had severe mental health problems, she would deny the abuse.

Over time, the effectiveness of this program has declined. This is not adequate to protect children.

In telling these stories, I don’t want people to think that I was completely oblivious to the needs of my students, or that my school’s community had an inordinate amount of child abuse. Like all teachers, I earnestly cared for my students and was concerned about their welfare. I called the child abuse hotline when I recognized it was necessary, but I was not aware of all the signs.

There are a lot of subtle clues, such as the ones described above, that indicate child abuse. Many are easy to miss or rationalize. I, like all teachers, paid attention for the signs I knew. Now, in my current position as a community educator, I am painfully aware of what I didn’t know.

There are clear indicators to know as well, such as a newly established distress hand signal that people can use to indicate that they are at risk of abuse. A 16-year-old girl recently used it to indicate that she was being held captive by a 61-year-old man, which led to his arrest (see sidebar).

As a teacher, I am painfully aware of what I don’t know. I, like all teachers, paid attention for the signs I knew. Now, in my current position as a community educator, I am painfully aware of what I didn’t know.

My point is that it is crucial that everyone in public education attend periodic refresher trainings to stay knowledgeable about preventing child abuse. Because abuse occurs within every social, religious, racial, ethnic and socio-economic group, and in every type of geographic area (urban, rural, suburban), all school districts need to keep watch over their students. Statistics on the prevalence of abuse and neglect suggest that every educator encounters children who are being abused … every single one!

One might assume that all educators know how to spot child abuse. After all, anyone in New York State who seeks certification to become a teacher, a teacher’s aide or an assistant teacher learns that they are a “mandated reporter” and must complete a training in child abuse prevention and reporting.

However, this training is required only once, and it must be taken before being certified to work in a classroom. This is not adequate to protect children. Over time, the effectiveness of this training fades. It is possible that an educator could work with children for decades but, despite the best of intentions, miss signs that could be indicators of abuse.

Imagine if your school board and other school boards throughout the state voluntarily decided to offer periodic child abuse refresher trainings – once a year, once every three years or even once every five years. Thousands, or perhaps tens of thousands, of children could be saved.

In 2014, a not-for-profit called Darkness to Light provided online training to 79,644 Texas educators for about $3 per person. Based on a survey of participating educators, this chart shows how the training affected child abuse reporting. Texas state figures also reflect an increase in the 2016-17 school year in reports of child sexual abuse, with 576 more substantiated cases than the prior year.

Adverse Childhood Experiences (ACEs) are potentially traumatic events such as experiencing violence, abuse, or neglect; witnessing violence in the home; and having a family member attempt or die by suicide. Also included are growing up in a household with substance misuse, mental health problems or instability due to parental separation or incarceration of a parent. An estimated 62% of adults surveyed across 23 states reported that they had experienced one ACE during childhood, and nearly one-quarter reported that they had experienced three or more ACEs. This is correlated with increased risks of injury, sexually transmitted infections, including HIV, mental health problems, maternal and child health problems, teen pregnancy, involvement in sex trafficking, a wide range of chronic diseases and the leading causes of death such as cancer, diabetes, heart disease and suicide. ACEs can also negatively impact education, employment and earnings potential.

Every year, 600,000 New York State children are better protected.
Do you know the new distress hand signal?

By Eric D. Randall
EDITOR-IN-CHIEF

Imagine a couple of stereotypical high school lovebirds sitting on a school staircase after school. The boy’s arm is draped over the girl. As a teacher climbs the staircase, the girl raises her hand, tucks in her thumb, then closes her other four fingers to trap the thumb. What should the teacher do upon seeing this odd kind of wave?

The answer is to interact with the girl and do whatever is necessary to get her out of the situation safely, because that hand gesture is a new international signal for help. It was developed by the Canadian Women’s Foundation during the COVID-19 lockdowns as a subtle, one-handed distress signal that a woman could make during a video call.

Viral videos on TikTok have made millions aware of the gesture. That includes a 16-year-old girl from Asheville, N.C., who used it to spur a rescue.

A 61-year-old male acquaintance drove the girl though multiple states without her parent’s permission in early November. In Kentucky, she stuck her hand out the window and made the distress gesture to other motorists, one of whom recognized the signal and contacted police with a description of the car.

Deputies from the Laurel County Sheriff’s Office pulled the car over and discovered the girl was a missing person. They charged the driver, James Gilbert Acciardo, of Cherokee, N.C., with unlawful imprisonment and possession of child pornography (based on an image found in his phone).

The girl also made the distress signal as deputies approached the car, according to the sheriff’s spokesman Gilbert Acciardo.

“This is probably the best thing I’ve seen come along in the 48 years I’ve been a patrol officer,” he told The New York Times.

The Canadian Women’s Foundation says on its website that the signal does not mean “call the authorities right away” but rather “reach out to me safely.”

FAQ: Child abuse

What is child abuse?
Child abuse includes physical abuse, physical neglect, sexual abuse and emotional abuse of a child under 18 years of age by a parent or other caretaker.

Physical abuse is a non-accidental injury to a child by a parent or caretaker. You may see frequent and unexplained bruises, burns, cuts or injuries. The child may be overly afraid of the parent’s reaction to misbehavior.

Physical neglect is a parent’s failure to give the child food, clothing, hygiene, medical care or supervision. You may see a very young child routinely left alone at home. You may know that a severe illness or injury is not being medically treated. Physical neglect can be hard to determine: Sometimes what you see is simply poor judgment, but not neglect; sometimes what you see is the result of poverty, and not parental neglect.

Sexual abuse ranges from non-touching offenses (such as exhibitionism) to fondling, intercourse or using the child for pornographic materials. You may see sexual behavior far beyond what is expected for the child’s age; a young child might have sudden, unusual difficulty with toilet habits; there may be pain, itching, bruises or bleeding in the genital area. The child might tell you.

Emotional abuse includes severe rejection, humiliation and actions intended to produce fear or extreme guilt in a child. You may see a parent who verbally terrorizes the child, who continually and severely criticizes the child or who fails to express any affection or nurturing.

What if I see a child being mistreated in a public place?
Strike up a conversation with the adult, e.g.: “It looks as if it’s been a long day for both of you” or “Children can wear you out, can’t they?” See if you can direct the parent’s attention away from the child. Praise the child and parent at the first opportunity.

How do I report suspected child abuse or neglect?
To make a report, call the New York State Child Abuse Hotline at (800) 342-3720. For questions and educational materials, call the Prevention Information Resource Center and Parent Helpline and (800) 342-7427.

More about child abuse

Richard Keller-Coffey, a former teacher in the Poughkeepsie City School District, works for Center for the Prevention of Child Abuse in Poughkeepsie as community education facilitator. He is also a member of the Webstuk school board and the Dutchess County BOCES board.

No matter how a district decides to provide refresher trainings, it’s vital that they happen. If, when I was teaching, there were regular refreshers about the indicators of abuse, I would have been better able to help my students ... especially Mary, Jerold and Christopher. I think about them a lot.

Poughkeepsie. Trainings can be provided either in person or online.

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COVID-19 vaccinations and schools: Where are we now?

By the New York State Association of School Attorneys

COVID-19 has had a profound impact on the health and safety measures required for in-person learning. Three governmental authorities—the federal Centers for Disease Control and Prevention (CDC), the New York State Department of Health (DOH) and the New York State Education Department (SED)—have promoted vaccination of students and staff as part of layered mitigation strategies.

As of early November, the Pfizer-BioNTech vaccine has been made available to children ages five to 11 under an emergency use authorization (EUA). Vaccinations for children ages 12 and up were approved before the 2021-22 school year.

Gov. Kathy Hochul has asked schools to serve as vaccination sites, and students are getting shots across the state (see story, page 1). Meanwhile, a bill in the state Assembly (A.8378) would mandate COVID-19 vaccinations for school-aged children attending public, private and parochial schools, in addition to daycare centers. The right of states to impose compulsory vaccination requirements has been supported by the U.S. Supreme Court (Jacobson v. Massachusetts [1905] and Zuckert v. King [1922]).

This article will address some key legal aspects of vaccinations including one issue that schools are sure to confront: requests for religious and medical exemptions.

No religious exemptions for students; medical exemptions still possible

In 2019, New York State removed the religious exemption to the student immunization requirements of Section 2164 of the Public Health Law. Therefore, no exemptions based on religion are available to students who wish to enroll or remain enrolled in public schools. The only remaining exemption to immunization requirements for students is the medical exemption to immunization pursuant to Public Health Law section 2164(8). The medical exemption to immunization requires a medical certification from a New York State licensed physician based upon the standard that an immunization “may be detrimental to a child’s health,” until such time that such immunization is found to no longer be detrimental. Any such exemption request must contain sufficient information to identify the medical contraindication to one or more specific immunizations and must include the length of time for which the contraindication exists.

Legal authority for employee vaccinations

Effective Sept. 2, 2021, DOH issued emergency regulations (10 NYCRR section 2.62) and a requirement that all school employees and vendor-contracted workers (including bus drivers) either demonstrate proof of full COVID-19 vaccination status or undergo weekly screening testing for the virus. A similar vaccination mandate issued by the New York City Department of Education has been allowed to continue by the U.S. Supreme Court. Justice Sonia Sotomayor exercised jurisdiction over an emergency appeal for a region including all of New York State (Kane v. DeBlasio).

One legal issue involves whether Section 564 of the Food, Drug and Cosmetic Act prohibits employers from mandating a vaccine that is only approved for emergency use. To date, only the Pfizer-BioNTech vaccine has received final approval from the Food and Drug Administration (FDA) for individuals 16 and older. The other vaccines and all boosters are still considered for emergency use. In a move that some state attorneys general have called unconstitutional, President Biden’s deputy counsel issued a Memorandum Opinion on July 6 supporting employee vaccination mandates for vaccines including those that only have emergency use authorization.

The Biden administration’s interpretation is being challenged in various federal courts. That includes the U.S. Court of Appeals for the Second Circuit, which has jurisdiction over New York State (We the Patriots U.S.A., et. al. v. Kathleen Hochul, et. al.). As of this writing, employers including school districts may require employees to be vaccinated consistent with state and federal guidance (see bit.ly/3iHJHm.)

When viewed under a traditional Taylor Law analysis, a COVID-19 vaccination mandate may be considered by the state Public Employment Relations Board (PERB) to constitute a management prerogative that is not subject to pre-decisional negotiations in light of the compelling public health interest to protect students, staff and faculty members in the school environment. To date, PERB has neither issued legal guidance to public employers in New York nor rendered a decision regarding the ability of public employers to unilaterally implement a COVID-19 vaccine mandate.

Many school districts and their teachers unions have negotiated provisions that require unit members who neither produce evidence of full vaccination status nor submit to the weekly COVID-19 testing to be placed on unpaid leave until they come into compliance with the mandate.

Religious and medical exemptions for employees

Guidance issued by the U.S. Equal Employment Opportunity Commission (EEOC) states that all employers may be permitted to mandate vaccinations in the workplace, so long as there is a process for consideration of religious and medical exemptions to the immunization requirement. For medical exemptions, the question is whether the employee is entitled to a reasonable accommodation under the Americans with Disabilities Act. For religious exemptions, there is a lesser standard: accommodating the employee place an “undue hardship” on the employers under Title VII of the Civil Rights Act.

Under EEOC guidance, employees must inform their employer if they have a religious or medically based objection to vaccination. The employer has a right of inquiry into the claim for exemption. A claim of a “sincerely held religious belief” does not have to be based upon the conventional tenets of a particular religion. What is insufficient for a religious exemption is to object to vaccination based upon social, economic or scientific theories regarding COVID-19 vaccinations.

Factors that – either alone or in combination – might undermine an employee’s credibility include: whether the employee has acted in a manner inconsistent with the professed belief (although employees need not be scrupulous in their observance); whether the accommodation sought is a particularly desirable benefit that is likely to be sought for nonreligious reasons; whether the timing of the request renders it suspect (e.g., it follows an earlier request by the employee for the same benefit for secular reasons); and whether the employee otherwise has reason to believe the accommodation is not sought for religious reasons. School districts and BOCES should consult with legal counsel when planning the scope of interview inquiries into the sincerity of an employee’s religious belief.

It is also advisable to work closely with both school district legal counsel and the district’s medical director in making determinations regarding applications for a medical exemption from a vaccine mandate. To the extent that an exemption to immunization is granted in a workplace with a vaccination mandate, other protective measures should be implemented to mitigate against the transmission of COVID-19.

The dynamics of state initiatives and court proceedings regarding COVID-related mandates call for constant attention and regular consultation with legal counsel in order to effectively navigate through the challenges attendant to this highly transmissible virus.

Members of the New York State Association of School Attorneys represent school boards and school districts. This article was written by David Shaw and Julie Shaw of Shaw, Perelson, May & Lambert, LLP.

Andrew “Andy” Navarette, 7, receives the COVID-19 vaccine from nurse supervisor Cara Mohr, at the Albany Medical Center’s Pediatric Group office on Nov. 4. He was accompanied by his parents Kristen (left) and Ray Navarette. Photo courtesy of Albany Medical Center

New York State Association of School Attorneys

Written by David Shaw and Julie Shaw of Shaw, Perelson, May & Lambert, LLP.
**Guidance for students who have signs or symptoms after COVID-19 vaccination**

### LEGAL AGENDA

**Editor’s note:** The state Department of Health (DOH) issued this flowchart on Nov. 19 in response to a request from NYSSBA. After pediatric vaccinations began, school officials throughout the state wanted clarification on whether they were required to exclude students from school if they had a fever that was believed to be a symptom of vaccination (with no other symptoms). “We appreciate DOH’s responsiveness,” said Robert Schneider, NYSSBA’s executive director.

<table>
<thead>
<tr>
<th>A</th>
<th>Signs and symptoms possibly related to vaccination (occurring within 3 days of vaccination: vaccine is day 1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Fever</td>
</tr>
<tr>
<td>Yes</td>
<td>Fatigue</td>
</tr>
<tr>
<td>Yes</td>
<td>Headache</td>
</tr>
<tr>
<td>Yes</td>
<td>Chills</td>
</tr>
<tr>
<td>Yes</td>
<td>Muscle pain</td>
</tr>
<tr>
<td>Yes</td>
<td>Pain or other reactions at the injection site</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B</th>
<th>Signs and symptoms NOT considered related to vaccination and possibly related to COVID-19 infection:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Cough</td>
</tr>
<tr>
<td>Yes</td>
<td>Shortness of breath</td>
</tr>
<tr>
<td>Yes</td>
<td>Runny nose</td>
</tr>
<tr>
<td>Yes</td>
<td>Sore throat</td>
</tr>
<tr>
<td>Yes</td>
<td>Loss of taste or smell</td>
</tr>
</tbody>
</table>

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**Length of suspension deemed excessive by the commissioner**

By Shubh N. McTague  
STAFF COUNSEL

In a recent decision by the state Supreme Court of Suffolk County in *Denigris v. Smithtown CSD*, the court found that a reduced probationary period does not apply to teachers who perform substitute service in a district outside the one for which they seek tenure.

The court stated that language found in Education Law section 3012(1)(a)(ii) that allows tenured teachers to receive a shortened probationary term if tenure was received in “another school district within the state, [or] the school district where currently employed” is absent in the provision that discusses the reduction of a probationary term for those who have rendered satisfactory service as a regular substitute for a period of two years. According to the court, “the section that applies to regular substitutes can only encompass circumstances where the regular substitute has served in the same school district in which they seek tenure[,]” otherwise the modifying language concerning tenured teachers is meaningless.

The court additionally stated that the teacher’s interpretation of the statute allowing him a shortened probationary period for service performed in another district was irrational as it would entitle someone who has served as a regular substitute in any district to have a shorter probationary period than those teachers who have already completed their probationary term and received tenure.

Districts should be aware that this case is binding only in the region covered by this court – Suffolk County – and not the entire state.

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**Teacher not entitled to shortened probationary period**

By Shubh N. McTague  
STAFF COUNSEL

In a student discipline case, any penalty imposed must be proportionate to the severity of the offense. If a student appeals the appropriateness of a disciplinary penalty, the commissioner of education will substitute his or her judgment for that of the school board exception under which the penalty is “so shocking to the conscience as to warrant a substitution.”

This is what occurred in the recent case of *Appeal of K.P.*, where the commissioner determined that the penalty imposed by the district, three days of out-of-school suspension and two days of in-school suspension, was disproportionate based on the offense – comments made by a high school junior during an English class discussion of Shakespeare’s *Macbeth*.

The class was discussing Lady Macbeth’s motives for urging her husband to murder King Duncan. The teacher said that her former neighbors appeared on a television show about real-life couples who murdered for profit.

In response, the student made comments that “if he were ever convicted of a crime he would go on a killing rampage and kill at least five random people to make certain he was going [to prison] for life.” He added that he “was not joking and ... would kill as many people as he could if he was going to go to jail anyway.” The teacher told the student that school counselors could help with his feelings and that he should not be shocked if he were called out of another class to see the school counselor.

The following day, the principal found the student guilty of violating the district’s code of conduct. He was given four days of out-of-school suspension, one day of in-school suspension, and told to attend counseling. The penalty, except for the counseling, was appealed to the board. The board modified the suspension to three days of out-of-school suspension and two days of in-school suspension.

On appeal to the commissioner, the student’s mother alleged that no discipline should have been imposed as the comments were taken out of context and were part of the classroom discussion. The commissioner agreed, finding that based on the play’s theme and teacher’s discussion of a television show about real-life couples who murdered for profit, “the student’s comments were at least tangentially related to the plot of the play” and the television show. As such, excluding the student from the classroom for several days “was inappropriately punitive.” There was no direct threat to any individual, the class was not significantly disrupted and he was not removed from class.

Therefore, the commissioner ordered the suspension be annulled and expunged from the student’s record.

Read the decision at counsel.nysed.gov/Decisions/volume61/d18055.
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**Leadership Opportunity**

**Apply for the position of Superintendent of Schools for the Depew Union Free School District**

Depew Union Free School District is seeking a dynamic school leader with demonstrated success in promoting student achievement and development, along with parental and community partnership to begin in July 1, 2022.

The Depew Union Free School District is a pre-K-12 public school district in a suburban community, situated just 10 miles east of the City of Buffalo. The District serves approximately 1,800 students with an operating budget of approximately $47,942,534. Learn more about our district at depewschools.org.

The Board is working with the District Superintendent of Erie 1 BOCES to conduct a confidential process for the superintendent position. To receive an application, please contact: Dr. Lynn Marie Fusco, District Superintendent Erie 1 BOCES 355 Harlem Road West Seneca, New York 14224 Phone: 716-821-7001

The Depew Union Free School District is an equal opportunity employer. An application and informational brochure can be found at e1b.org/DepewSearch or depewschools.org

**Apply by: January 4, 2022**

Direct all inquiries to: Dr. Lynn Marie Fusco, District Superintendent Erie 1 BOCES 355 Harlem Road West Seneca, New York 14224 Photo: 716-821-7001
The strength to carry on

Doing the right thing can be difficult. Often, it requires courageous leadership. Recently, NYSSBA, together with the New York State Council of School Superintendents, the Conference of Big 5 School Districts, and the Rural Schools Association of New York State exhibited courageous leadership when they issued a powerful statement in support of school districts’ efforts to implement diversity, equity, and inclusion (DEI) policies in their schools (see text, page 2).

Two significant aspects of the joint statement are its positivity and its insistence on honesty. The statement describes why DEI policies are needed and are its positivity and its insistence on honesty. The author and theologian, Robert Michael Franklin, Jr., informs us that “courage is leadership affirmed.” Courage requires that we step forward, particularly when so many have decided to step back.

At this unique moment, the wrong thing to do is nothing at all. NYSSBA and its partners continue to help lead the way forward, and for that, we should all be grateful.

As Dr. King also said, “History will have to record that the greatest tragedy of this period of social transition was not the strident clamor of the bad people, but the appalling silence of the good people.” Rev. Dr. Martin Luther King, Jr.

I cannot be silent; we cannot be silent.

“On some positions, Cowardice asks the question, ‘Is it safe?’ Expediency asks the question, ‘Is it politic?’ Vanity asks the question, ‘Is it popular?’ But conscience asks the question, ‘Is it right?’ And there comes a time when one must take a position that is neither safe, nor politic, nor popular, but one must take it because one’s conscience tells one that it is right.” – Rev. Dr. Martin Luther King, Jr.

For all of us who have accepted the responsibility of our students the possibility to see themselves as part of our workforce and society will ultimately benefit when our students the possibility to see themselves as part of our nation’s history. It also deprives too many of our students the possibility to see themselves as part of the complete story.

The joint statement comes at precisely the right time. Recent political events may cause some to shy away from doing the right thing. But NYSSBA and its partners have done just the opposite, leaning into the discussion, and taking a stand to do what is best for schoolchildren and society. The statement is a model for others to emulate.

In addition to courageous leadership, doing the right thing requires perseverance. It takes time to remove barriers and change mindsets that were established long ago and have only hardened over time. However, throughout American history, courageous women and men have faced adversity and resistance in their mission for social justice and societal harmony. Their courage, self-sacrifice, and determination to stay the course, in the face of adversity, have served as a source of inspiration to others. Dr. King famously reminded us that “change does not roll in on the wheels of inevitability but comes through continuous struggle.” These words ring just as true today. Now, the struggle for fairness and justice has moved to the schoolhouse – where inequities remain all these years later. And so, we must gather the courage and conviction necessary to continue our work to provide equitable opportunities for all of New York’s schoolchildren.

As the state and nation continue to wrestle with our values and beliefs, we, as members of New York’s education communities, must endeavor to hold ourselves to the standards and ideals of our highest potential. We can turn this moment of controversy into a moment of opportunity and possibility.

Learning more at: learn.diligent.com/NYSSBA
New social studies approach covers ELA, SEL and civics

By Valerie Havas

“What symbol best represents the United States?”
That was the question Allison Mitchell, a second grade teacher in the Onteora Central School District, recently asked her students.

Students were invited to consider the American bald eagle, which is found on our nation’s currency, is part of the Presidential Seal and serves as Onteora’s official mascot. This led to conversations about how this symbol is used and what values are important to Mitchell’s students as citizens of the United States.

The lesson was part of a new approach to social studies being adopted in classrooms across the state. It is based on a Social Studies Resource Toolkit developed by the New York State Education Department. Subjects including civics, social-emotional learning (SEL) and English language arts (ELA) are woven into social studies lessons in grades K-12.

In Onteora, teachers are getting help from their colleague Karen Hadley, who was part of a 16 member team hired by the state in 2015-16 to help develop the new approach.

“Teachers are being encouraged to use an “inquiry process.” This involves students asking questions, examining sources, making discoveries and then drawing their own conclusions.

“Students will be examining primary sources and evidence related to a focused question around New York State Standards-based content,” Hadley explained. “This taps into their natural curiosity to explore artifacts, maps, posters, images, musical recordings and a wide variety of other firsthand accounts of events to construct meaning.”

At times, Hadley said, the teachers may be encouraging “gentle digging” into potentially controversial topics. “These topics exist, whether we are comfortable addressing them or not, and they will come out in our classrooms, one way or another,” she said. “So we might as well create a safe space for students to have some difficult conversations.”

Many questions can have multiple possible answers, from multiple points of view, she said. But scientific facts will be noted, she said. “So we are not going to debate whether or not climate change is real, for example, since it has been scientifically proven,” she said. “But we might ask a question like, ‘How can we begin to combat the effects of climate change?’ or ‘How can we address it better than we have been?’”

One goal is to have discussions that inspire interest in civic action. That might take the form of students starting a classroom recycling program, creating school spirit projects, donating clothes to refugees, conducting a book drive for children affected by a natural disaster or hosting a community celebration of some sort.

“This is how we grow educated citizens who want to participate in our democracy,” Hadley said.

The new approach is being piloted in Grades 2 and 3 this year, with plans to expand and integrate it in every K-6 classroom in the future, according to Stephanie Laffin, Onteora’s assistant superintendent for curriculum and instruction.

“We are excited to make Ms. Hadley’s experience and expertise available to support our K-3 instructional staff as we work to integrate instruction into social studies, social and emotional learning, literacy and civic readiness,” Laffin said.

Hadley noted that the district is reaching out to parents and community members to “include their voices in the discussion as well.”


Valerie Havas is communications specialist for Ulster County BOCES.