



New York State
School Boards
Association

2020 PROPOSED *Resolutions*



Please Note:

The proposals contained within this booklet are not the official positions of the New York State School Boards Association (NYSSBA). Rather, these proposals represent items introduced by individual NYSSBA member boards or the NYSSBA Board of Directors for consideration at the 2020 Annual Business Meeting.

Moreover, proposals advanced by the NYSSBA Board of Directors are not the positions of the Board, nor should their advancement be considered endorsement by the NYSSBA Board. Proposals advanced by the Board of Directors are done so because the Board of Directors has identified an issue, by way of a resolutions survey sent to all members, on which they seek the membership's input.

No individual board, including the NYSSBA Board of Directors, can adopt a formal position statement or change to the Association bylaws. Only a vote of the delegates at the Annual Business Meeting can adopt a formal position statement or change to the bylaws of the Association.

To view NYSSBA's current bylaws and position statement, please see the links below.

[NYSSBA Bylaws](#)

[NYSSBA 2020 Position Statements](#)

TO: School Board Members and Chief School Administrators

FROM: Matthew Clareen, Resolutions Committee Chair

DATE: August 28, 2020

This is the report of the recommendations of the Resolutions Committee on proposed resolutions, which will be acted upon by the delegates at the New York State School Boards Association’s Annual Business Meeting to be held virtually on **Saturday, October 31st, 2020 at 8:30 a.m.**

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**ORDER OF BUSINESS
2020 BUSINESS MEETING**

ORDER OF BUSINESS

- President's Welcome and Comments
- Announcement of a Quorum
- Adoption of Order of Business
- Adoption of Rules of Conduct for the Business Meeting

THE BUSINESS MEETING

- Announcement of Election Results – Areas 2, 4, 6, 8, 10, and 12
- Introduction of Officers and Directors

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- 1st Vice President
- 2nd Vice President
- Treasurer

PRESENTATIONS

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

CONSIDERATION OF PROPOSED RESOLUTIONS

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 - Consideration of Proposed Resolutions Recommended for Adoption
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PROPOSED RESOLUTIONS
RECOMMENDED BY THE RESOLUTIONS COMMITTEE FOR ADOPTION

PROPOSED RESOLUTION 1 – SUNSETTING RESOLUTION

Submitted by the *Indian River School Board* (7/13/20)

RESOLVED, that the New York State School Boards Association 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:

- a. Working collaboratively with 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 narrowing the curriculum, teaching to the test, reducing love of learning and undermining school climate;
- b. Insisting that educators throughout the State be included in all aspects of the creation of standardized tests; and
- c. 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.

RATIONALE

(a) Along with the groups mentioned in the (a) part of the resolution we would like to see a role for the SUNY system in the creation of the tests. Subject matter expertise is available there along with expertise on child development and statistical analysis of the test data. Effectively, SUNY can replace the testing company.

(b) We want the educators of the state to be responsible for all aspects in the creation of the tests. Included in that should be a rethinking of the definition of proficiency. Right now the definition is linked statistically to a prediction of college readiness. A criterion referenced definition may be more transparent and give teachers and students a clearer target.

(c) In the last five years the earliest the test results have been available was July 29, 2016 and the latest was September 26, 2018. Teachers and administrators are denied any feedback regarding individual students' performance. No adjustments of lesson plans or changes in staffing are possible using test results. If a district is to make larger, programmatic changes using the test results, they can't: August is too late for that. And, of course, the student is long past caring how they did on the test except that they are likely to be told they are not proficient. A debriefing by their teacher in April and May would catch them at a time of interest and help their learning.

PROPOSED RESOLUTION 2

Submitted by the *Morrisville-Eaton School Board* (4/19/20)

RESOLVED, that the New York State School Boards Association shall support legislation that makes it easier for districts to recover attorney's fees in legal cases related to special education where the district is the prevailing party.

RATIONALE

The current system of legislation is broken as it relates to IDEA. Attorneys have discovered a way to abuse the system of protecting the due process rights of children. They submit a multitude of complex FERPA and FOIL requests, ask for excessive and unusual additions to student IEPs, appeal every decision they deem unsatisfactory, request independent evaluations, demand exhaustive compensatory damages, file for impartial hearings frivolously, and require the payment of high sums for attorney fees as part of a retainer agreement. Even if the school has a strong case, it is often less expensive to settle rather than risk the continued accumulation of costs and the time burden associated with the case.

The cost is not only financial. Equally as damaging are the hundreds of hours spent by administrative, clerical and instructional staff working on these cases and the utterly demoralizing effect it has.

There is a growing network of attorneys using these tactics and every school in the state has the potential of being targeted. National training programs for lawyers looking to capitalize on the holes within IDEA are being presented by attorneys throughout NY. Statewide totals could easily reach into the tens/hundreds of millions of dollars. Legislative action is needed to repair the broken IDEA system in such a way that allows schools to provide necessary services to students while protecting schools from the abuse of a system designed to protect our most vulnerable.

PROPOSED RESOLUTION 3

Submitted by the *Morrisville-Eaton School Board* (4/19/20)

RESOLVED, that the New York State School Boards Association shall support legislation that would shift the burden of proof in special education due process complaints away from the district and back to the party seeking relief.

RATIONALE

The following is a segment from a Legislative Advocacy Brief written in November 2019 titled: "No-Cost Mandate Relief: Align Burden of Proof Obligation in Due Process Cases with Supreme Court Ruling on Schaffer v. Weast" by Principal Author, Brian K. Bellair, Ph.D.

In 2018, the US Department of Education (USDoE) published data regarding the numbers of due process complaints filed in the United States for the 2015-2016 school year.¹ A review of this data reveals a pattern of highly disproportionate aggregate due process complaints filed for those states that have shifted the burden of proof from the party seeking relief and placed it exclusively upon school districts. In New York State, there were 106 complaints per 10,000 students. For the same year, the national average of all states was 29 per 10,000 students while the average of those states in which the party was seeking relief bears the burden of proof was 13 complaints per 10,000 students. The USDoE's Office of Special Education Programs collects data via its center for Appropriate Dispute Resolution in Special Education (CADRE)² Consistent with 2015-2016 USDoE data, CADRE reports a long history of highly disproportionate due process complaints in New York State when compared to the rest of the Nation.

From 2007-2008, the year in which New York State shifted the burden of proof to school districts, through 2016-2017, the most recent year for which data is available, the percentage of due process claims in the United States that were filed in New York State was a staggering 40%. It is incomprehensible that, during that time period, 40% of all complaints filed in the nation were filed in a single state.

In the United States, school districts spend over \$90 million per year for conflict resolution.³ This coupled with its sheer volume of cases, has placed a significant undue burden on schools in New York State that must be addressed.

1. 40th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 2018
2. <https://www.cadeworks.org/sites/default/files/resources/2016-17%20DR%20Data%20Summary%20-%20New%20York.pdf>
3. Pudelski, S. (2016). Rethinking Special Education Due Process: A Proposal for the Next Reauthorization of the Individuals with Disabilities Education Act

PROPOSED RESOLUTION 4

Submitted by the *Plattsburgh City School Board* (4/24/20)

RESOLVED, that the New York State School Boards Association seek legislative and/or policy changes that would mandate local Industrial Development Agencies to include affected school districts in the development of any Payment in Lieu of Taxes (PILOT) agreement(s). This inclusion must be initiated at the earliest stages of any PILOT consideration.

RATIONALE

Every year the over 100 local Industrial Development Agencies (IDA) approve and oversee hundreds of local projects that take advantage of PILOT agreements. In 2017 there were over 4,000 projects on going in New York State. With each project investors are awarded tax abatements in several areas: mortgage tax, sales tax, local

government property tax, county property tax and local school tax. These tax abatements (or exemptions) are offset through a negotiated Payment in Lieu of Taxes (PILOT) that is often granted for a set period of time. School Districts are often left out of this process until a final agreement between the developer and the local IDA (City and/or County) is established then the school district is advised of the agreement.

The county and/or city involved in these deliberations weigh the benefits of future increased sales taxes, and local job creation numbers to offset property tax abatements in their calculation of a fair and acceptable PILOT for the developer. School districts have a significant stake (see table below) in this process with no participation, other than to agree to the already determined PILOT. Should a District believe it is negatively impacted, the District has no vote in approving or disapproving the PILOT. The table below shows the amount of property tax exemptions for 2016 and 2017.

These PILOTs are often divided amongst the taxing jurisdictions proportionally as determined by the existing tax rates. In most cases school districts get the larger portion of the PILOT however, that amount is usually below 50% of the anticipated school tax revenue over the duration of the PILOT, with some as low as 25%.

PILOTs are included in a school districts tax levy and tax cap calculation thus preventing any advantage to a school district, that might experience an increase in student enrollment, while a county, city and/or town would see increased revenues through sales tax that would not be included in their tax cap.

It is extremely important that school districts be given a role, if not a central role, in the IDA PILOT process.

PROPOSED RESOLUTION 5

Submitted by the *New York State School Boards Association Board of Directors* (6/6/20)

RESOLVED, that the New York State School Boards Association support legislation at the state and/or federal level that would allow and enhance the sharing of services amongst school districts and other municipalities.

RATIONALE

Shared services can represent significant cost savings for school districts, BOCES and other local governments. Shared service agreements between districts can generate efficiencies, lower expenses and allow for the delivery of services that might not otherwise be available. These efficiencies and cost savings create more financial flexibility for districts.

In recent years, the state has authorized a number of “piggy-backing” laws that allow for the sharing of purchasing of goods and services with other government entities. Pursuing these policies, at the discretion of individual districts and BOCES, could generate meaningful savings in both the short term and long term. It would benefit school districts, BOCES and the state for these cost-saving measures to continue and be expanded.

PROPOSED RESOLUTION 6

Submitted by the *New York State School Boards Association Board of Directors* (6/6/20)

RESOLVED, that the New York State School Boards Association support proposals to expand opportunities and capacity for online learning.

RATIONALE

The COVID-19 pandemic forced public schools across the state to make a dramatic shift from classroom to virtual instruction. Some school districts were more prepared to initiate online learning than others. In fact, some teachers within individual schools were more prepared than their colleagues.

Our world today is very different from the one we knew just 15 years ago. School districts have been faced with unique challenges and have responded to the pressure with integrity and determination. However, it would be unrealistic to assume this is the last challenge districts will face.

There are countless reasons why school districts may choose to move classes online. A global pandemic is just one. Many rural districts struggle to provide competitive course offerings to their students. Expanding students' options to include an array of online courses could open them up to a world of opportunities. Online learning can also promote collaboration. Students throughout New York could partner with each other to research the next breakthrough in medical science; foreign language students could build lasting relationships with their peers internationally.

The state must develop policies and provide the necessary resources to expand online learning opportunities for school districts across the state.

PROPOSED RESOLUTION 7

Submitted by the *New York State School Boards Association Board of Directors* (6/6/20)

RESOLVED, that the New York State School Board Association should support proposals to incorporate pre-kindergarten funding into the school aid formulas used for K-12 education.

RATIONALE

High quality pre-kindergarten programs can make a critical difference to students' early education. Pre-k can give them a significant advantage upon entering kindergarten.

Pre-k programs require funding that is reflective of enrollment, student need, district wealth and other local factors. It is critical to establish an ongoing funding source through utilization of formula-based aid that reflect

these realities. This will create a degree of parity with K-12 programs and will create a predictable source of funds to aid districts in annual budgeting.

NYSSBA should continue to recommend that funding be made available to all districts annually through formulaic distribution. Despite funding increases in recent years, state pre-k funding has been mostly competitive grant-based and has generally been limited to high-need districts. This lack of a reliable, sustained source of funding has discouraged too many districts from creating pre-k programs. Demand remains high among districts for pre-k programs. Formula-based funding is the most effective way to help support districts in meeting that demand.

PROPOSED RESOLUTION 8

Submitted by the *New York State School Boards Association Board of Directors* (6/6/20)

RESOLVED, that the New York State School Boards Association oppose proposals to raise the number of charter schools authorized in the state.

RATIONALE

The New York Charter Schools Act of 1998 initially implemented a numerical limit of 100 charters to be issued by the Board of Regents (BOR) and the Board of Trustees of the State University of New York (SUNY). By 2015, that cap had increased to 460. Of the 460 cap, New York City has its own maximum of 50 charter schools. Amendments were made in 2015 to allow for the reissuance of 22 charters that had been surrendered, revoked, terminated or not renewed. The reissuance of charters is one way to circumvent the cap that New York City has already reached.

Hundreds of public school districts remain underfunded. Meanwhile, state financial support for charter schools diverts funding that can otherwise be used to support the state's public school districts. New York State needs to limit the growth of the charter industry so that public dollars can be invested in public schools.

PROPOSED RESOLUTION 9

Submitted by the *New York State School Boards Association Boards of Directors* (6/6/20)

RESOLVED, that the New York State School Boards Association should oppose proposals to expand mayoral control to school districts beyond New York City.

RATIONALE

School districts are best administered by their own governing body - the duly elected school board. A school board is chosen by the voters of the school district for the specific purpose of overseeing district administration and policy. Mayors are generally chosen for an entirely separate purpose.

NYSSBA should be committed to the principle that districts are best governed according to their own decisions and policies. This includes issues related to control and oversight. The control of a district and/or the decision of who should lead each district is best left to each district's own community.

PROPOSED RESOLUTION 10

Submitted by the *New York State School Boards Association Board of Directors* (6/6/20)

RESOLVED, that the New York State School Boards Association support proposals to regulate and restrict the use of tobacco products among youth.

RATIONALE

The negative health impacts of tobacco have been well-known for decades. It continues to be a leading cause of preventable disease, disability, and death in the United States. Despite educational campaigns to inform the public of the dangers of tobacco products, the tobacco industry has worked hard to influence a new generation of users. Once thought to be the generation that would destroy the tobacco industry, new products have entered the market targeted at today's youth. These products have encouraged young people to pick up tobacco products for the first time. According to the CDC, about 1,600 people younger than 18 smoke their first cigarette every day in the United States. To protect our children from a lifetime of nicotine addiction and poor health outcomes, NYSSBA must support proposals to regulate and restrict the use of tobacco products among the youth.

PROPOSED RESOLUTION 11

Submitted by the *Orleans/ Niagara BOCES Board* (7/9/20)

RESOLVED, that NYSSBA seek legislative support to allow for more than one Board Member to simultaneously attend a New York State Office of State Comptroller (OSC) audit exit conference

RATIONALE

The New York State Comptroller's Office provides a valuable service in conducting New York State School District and BOCES audits. After a comprehensive review an exit audit briefing meeting is conducted as part of the Comptroller's audit process. However, the Comptroller limits those present at the exit report to one board member. Understating the need to avoid a quorum, it is critical that key school board members (i.e. President, VP, Audit committee chair) and the Superintendent, School Business Official) participate in receiving the exit briefing. Care to avoid a quorum would occur.

The present arbitrary limit of having only one School Board member at the Comptroller's exit briefing is not in keeping with the fiduciary responsibility of the School Board of Education nor is it conducive to eliminating misinterpretations by individuals upon receipt of the briefing.

Provide for multiple school board members, but less than a quorum, to participate in the Comptroller's audit exit briefing process increases transparency and improves full disclosure.

PROPOSED RESOLUTION 12

Submitted by the *Albany School Board* (7/9/20)

RESOLVED, that the New York State School Boards Association supports legislation that makes it clear that public school districts are not responsible for assessing the substantial equivalency of education delivered in nonpublic schools.

RATIONALE

Currently, state law requires that students attending nonpublic schools receive instruction that is "at least substantially equivalent" to the instruction students receive in public schools. While we wholeheartedly agree that all students should receive a sound and appropriate education, we also believe that requiring public school districts to conduct these substantial equivalency reviews would be detrimental. With or without state funding, it would inflict another mandate on public school districts, creating a redundant and burdensome process that would divert scarce resources away from students in public schools. The impact also would be inequitable -- some public school districts may have no nonpublic schools within their boundaries, while others may have many. The financial burden for those districts would be significant. Moreover, accrediting bodies already conduct reviews of nonpublic schools. The New York State Department of Education or the Boards of Cooperative Educational Services are well-positioned, and better-situated than public school districts for practical and political reasons, to work with

these entities to codify criteria for the assessment of nonpublic schools, and to assure that this well-meaning requirement is implemented fairly, efficiently and effectively.

PROPOSED RESOLUTION 13

Submitted by the *Ithaca School Board* (7/10/2020)

RESOLVED, that the New York State School Boards Association supports legislation to authorize bi-directional communication between New York school districts and the New York State Immunization Information System (NYSIIS), to allow for the efficient query and transfer of student immunization data.

RATIONALE

Currently, due to a flawed technicality in New York State law, Public Health Law: Article 21, Title 6, Section 2168-Statewide Immunization Registry, school nurses must manually download each student's immunization information one at a time from the statewide NYSIIS database and then one-by-one re-enter each student's immunization history within the school district. If this legislative technicality were fixed, school nurses could transfer students' immunization history directly from the statewide NYSIIS database to the local database. Doing so would save hours of staff time and free vital members of our school communities to work directly with students rather than complete data entry. It would also reduce the likelihood of clerical errors.

PROPOSED RESOLUTION 14

Submitted by the *Beacon School Board* (7/10/20)

RESOLVED, that the New York State School Boards Association supports legislation that would enable the Commissioner of Education to declare alternate election arrangements in cases where a disaster substantially interrupts a scheduled school board/budget vote.

RATIONALE

The proposing district, the Beacon City School District, and other neighboring districts have actually experienced an unexpected weather windstorm that effectively barred numerous voters from physically attending the polling places because roads were blocked by fallen trees and downed power lines. Such a disaster or others can occur at any time and place and can, in extreme cases, prevent an election from being held or in lesser cases undermine public confidence in the democratic process.

Existing laws do not provide a remedy. Nor could any set of laws cover every situation that might arise. Only an executive could act within the few hours that would remain in which to craft a fair and practical solution in conference with district officials.

PROPOSED RESOLUTION 15

Submitted by the *Wilson School Board* (7/15/20)

RESOLVED, that the New York State School Boards Association seek to support legislation that would provide for training and certification for professional parent advocates to attend Committee on Special Education meetings and hearings.

RATIONALE

Parent advocates play a vital function in mediating and solving issues between school districts and parents. A parent advocate creates, provides, and coordinates services and activities with families and communities that foster strength, healthy living, and overall well-being.

However, some parent advocates serving in this role take an entirely different approach to advocacy. Instead of working with the school district in a professional and collaborative manner, they use a confrontational, adversarial approach. They do not appear to have the student's best interest in mind.

Every parent deserves to have an advocate. However, parent advocates should be required to be trained, and educated. This will allow parents to receive representation, protect the school districts at the same time, and will not delay the services that a child needs to succeed in school.

PROPOSED RESOLUTION 16

Submitted by the *Wilson School Board* (7/15/20)

RESOLVED, that the New York State School Boards Association support legislation that promotes the reduction in costs associated with an impartial hearing, independent evaluations requests, and attorney fees associated with due process claims.

RATIONALE

Impartial hearings play a vital function in mediating and resolving issues between school districts and parents. In fact, federal law guarantees the rights of a parent of a student with a disability to have attorneys and advocates attend and participate in the IEP process. Under 20 U.S.C. § 1414(d)(1)(B)(vi), the IEP team may include "individuals who have knowledge or special expertise regarding the child" at the discretion of "the parent or the agency." An attorney and parent advocate creates, provides, and coordinates services and activities with families and communities that foster strength, healthy living, and overall well-being.

The financial cost to a school district can be significant, and in some cases staggering. School Boards are paying hundreds of thousands of dollars dealing with the constant barrage of hearing requests, evaluations, settlements,

legal fees, and doctor bills. It is imperative to the long term financial sustainability of School Districts that NYSSBA support legislation that would provide for the reduction in cost associated with impartial hearings, independent evaluations, and attorney fees associated with due process claims.

PROPOSED RESOLUTION 17

Submitted by the *Freeport School Board* (7/17/20)

RESOLVED, that the New York State School Boards Association support increased state and federal funding to provide educational equity by addressing the digital divide created by limited access to technology and broadband.

RATIONALE

Technology can be a powerful tool for transforming learning by enhancing our instruction, collaboration, and differentiating learning experiences to meet the needs of all learners. The shutting down of schools due to the COVID-19 pandemic put a spotlight on the difficulty of virtually educating students without sufficient or any broadband internet access and/or access to devices at home in order to effectively complete their work. Every learner needs equal access to technology to bridge the “digital divide”, that gap between those students who have sufficient physical access to and knowledge of technology versus those who do not. This inequality through the imbalance of resources and skills impacts students’ ability to effectively participate as digital citizens. Often, the digital divide is actually an economic divide. Districts are expected to provide a free education for all students leading to a problem of offering remote instruction when students have limited or no access.

Although it is reasonable to allow students to learn and communicate using their own devices, there are serious digital equity considerations that should be taken into account including economic disparity, instruction and security. It can be very difficult for teachers to manage learning experiences and activities when they have to support multiple platforms and device types, and some activities may be incompatible with some devices. Student-owned devices may not have appropriate safeguards in place for storing their learning data. In addition, personal devices likely will not have the security features required to provide valid assessment. For these reasons, it is best practice that the schools provide their students with devices.

While many districts have been building upon their 1:1 device initiatives by grades, many using the Smart Schools Bond Act of 2014-15, it is time to provide all students with devices along with the ability to access broadband internet. Based on the current fiscal climate, many districts had to make budget cuts based on loss of State Aid. It will be difficult to find the money needed to support more technology for students. Districts need to receive additional funding in order to ensure that every student has access to sufficient broadband internet and a device. Without this access, it will not be possible to provide educational equity to our students both in schools and at home. Alternatively, rather than having the burden of providing internet access fall to the school districts, there should be a statewide initiative to increase internet connectivity and bring sufficient broadband to neighborhoods that currently lack internet capabilities and bringing broadband internet access to all students.

In this time of fiscal uncertainty and deep cuts to State Aid, along with the potential of mid-year cuts, it is vital that districts support the technology needs of all their students to ensure equity. It is recommended that the New York State School Boards Association support increased state and federal funding to provide educational equity by addressing the digital divide created by limited access to technology and broadband internet. All students need reliable internet access and a computer device.

PROPOSED RESOLUTION 18

Submitted by the *Freeport School Board* (7/17/20)

RESOLVED, that the New York State School Boards Association oppose mid-year state aid cuts to allow for educational continuity and fiscal stability for school districts.

RATIONALE

Many districts this year had to plan their budgets based on the reductions to State Aid by the governor due to economic shortfalls caused by the COVID-19 pandemic. While federal stimulus dollars gave no direct relief for this coming year, districts who have continued to be shortchanged for years in Foundation Aid have been faced with difficult decisions to maintain programs and services. In addition, many districts had to spend additional funds to accommodate the needs of their students and staff due to the shutting down of schools due to COVID-19 including technology, health and safety supplies and childcare . To further complicate budget planning, the governor has been granted expanded authority through Executive Power by the legislature due to the pandemic. This has given him the ability to leverage mid-year cuts to State Aid. School districts now need to be prepared for a mid –year cut to the already diminished State Aid they were allocated based on State revenues.

It is difficult at best to plan a budget when funds have been decreased. Districts must still provide the best educational experiences possible and those districts more dependent on state aid have to make challenging decisions to remain true to their missions while being fiscally responsible. The threat of a mid-year cut, when programs are running and without knowing the amount of the funding decrease creates even larger challenges for districts. There should be no mid-year cuts allowed. High needs, low wealth districts would have challenges absorbing any deep cuts to pre-planned revenue and are already proceeding cautiously with expenditures this year. It is difficult to plan without some basis to predict the potential loss of revenue. Additionally, a mid- year cut could force some districts to change or discontinue planned programming or needed upgrades. Given the increased needs of students due to the pandemic and the reopening of schools, districts are already being forced to reconsider spending allocations to meet health and safety guidelines along with increased technological needs. The crisis caused by the pandemic aside, mid-year cuts to state aid should not be allowed based on the fiscal instability it can bring to districts.

Based on the detrimental impacts mid-year cuts will have on district budgets, it is recommended the New York State School Boards Association oppose mid-year state aid cuts to allow for educational continuity and fiscal stability for school districts.

PROPOSED RESOLUTION 19

Submitted by the *Webutuck School Board* (7/17/20)

RESOLVED, that the New York State School Boards Association produce, and widely recommend the adoption of a board policy, or language to be added to the existing policy related to child abuse, stating that the adopting district will encourage and facilitate all school personnel, including those who are mandated reporters and those who are not, to participate, once every three years, in a course or workshop that presents information related to signs of child abuse and the responsibilities of reporting it.

RATIONALE

Over forty-three thousand cases of child abuse are reported in New York State each year. Nationally, over 4.1 million cases are reported ... involving more than seven million children. Experts, however, estimate that five out of every six cases that occur go unreported. In other words, in order to get numbers that are closer to reality, the numbers I have presented need to be multiplied by six.

Child abuse occurs in one out of every seven households in New York State. It takes place within every culture, every racial group, every ethnic group, every religion, every socio-economic level, and in rural, urban, and suburban communities. Abused children attend school in every school district in New York State.

Nationally, one out of every four girls, and one out of every six boys will be victimized by abuse during their childhood.

Child abuse is pervasive enough that it is highly likely that we all know someone who was abused as a child and are not aware of it.

The mission and purpose of every school district is to help create bright futures for the children they serve. Child abuse impairs a child's brain development and has long term destructive health, psychological, and economic effects on its victims.

Much of a district's personnel are mandated reporters and have been trained in recognizing and reporting signs of child abuse while earning their certification ... years or decades ago. A decent amount of school district employees has received no training at all. Since children spend a large portion of their lives with school personnel ... teachers, administrators, counselors, secretarial and custodial staff ... it is vital that all school personnel are introduced to and reminded of the signs a child will show when they are neglected or are being physically,

sexually, or psychologically abused. It is also very important that all school personnel know how, and to whom they should report when these signs are present.

There are currently laws that require school districts to remind the mandated reporters on their staff of the requirements of reporting and how it should be done. This district policy would say that the adopting district is committed to encouraging and facilitating sessions for some or all staff members, that will describe and discuss how to recognize (beyond seeing bruises) if a child is being abused.

Trainings/refresher courses can come at no cost to the district by having local child abuse workers come to faculty meetings and/or superintendent's conference days. There are also free online services available that will discuss what signs adults can look for to surmise if a child is being abused, and how to report when these signs are identified. Superintendents can approve such courses as being worthy of in-service credits educators need to maintain their credentials, which might encourage educators to attend these sessions outside of school hours.

Better equipping people who work with the children so they can recognize, and report suspicions of child abuse will help to avoid bad futures for children and create brighter ones.

PROPOSED RESOLUTIONS
NOT RECOMMENDED BY THE RESOLUTIONS COMMITTEE FOR ADOPTION

PROPOSED RESOLUTION 20

Submitted by the *Onteora School Board* (6/18/20)

RESOLVED that the New York State School Boards Association support the proposed New York Health Act and any legislation at the state or federal level that provides single payer health care for all New Yorkers.

RATIONALE

The cost of health insurance has more than doubled since 2000, resulting in disproportionate budget increases for districts that take seriously the obligation to insure the healthcare needs of their employees. Likewise, it has been demonstrated that students with poor health have a higher probability of school failure, grade retention, and dropout. As New York State Department of Education seeks resources to improve educational outcomes, the impediment caused by inadequate access to healthcare, especially for our poorest students and students with special health care needs, adds additional financial burden to the cost of public education.

EXPLANATION OF RESOLUTIONS COMMITTEE

The committee recognized the importance of the proposed resolution, but ultimately decided this was a national issue more appropriately addressed at the national level.

PROPOSED RESOLUTION 21

Submitted by the *Onteora School Board* (6/18/20)

RESOLVED, that the New York State School Boards Association support legislation that requires every child in New York State, aged 0-21, be covered for free under the Child Health Plus program.

RATIONALE

Students with poor health have a higher probability of school failure, grade retention, and dropout. As New York State Department of Education seeks resources to improve educational outcomes, the impediment caused by inadequate access to healthcare, especially for our poorest students and students with special health care needs adds additional financial burden to the cost of public education.

EXPLANATION OF RESOLUTIONS COMMITTEE

The committee recognized the importance of this proposed resolution, but ultimately decided that the issue is part of the broader issue of health care, similar in concept to proposed resolution 12. The committee believed the

proposal went beyond the scope of students and education and is an issue more appropriately addressed at the national level.

PROPOSED RESOLUTION 22

Submitted by the *Onteora School Board* (6/18/20)

RESOLVED, that the New York State School Boards Association support legislation which requires the State of New York to hold school districts harmless for employee and retiree health care increases that exceed the Consumer Price Index.

RATIONALE

The cost of healthcare rose 5% in 2019, compared to a CPI of 1.44%, resulting in disproportionate budget increases for districts that take seriously the obligation to insure the health of their employees and retirees. Profit-motivated health insurance adds an undue burden on public institutions that exist for the common good.

EXPLANATION OF RESOLUTIONS COMMITTEE

The Committee shares the concern of the sponsor about the rising costs associated with employee and retiree health care. However, the Committee finds that the likelihood of passing legislation to hold school districts harmless of these costs is unlikely, especially given the current state of New York’s finances. Additionally, the Committee fears holding districts harmless would decrease funding in other necessary funding areas of public education. Further, the Committee questioned how such action would impact local health care benefit and cost agreements.

PROPOSED RESOLUTION 23

Submitted by the *Onteora School Board* (6/18/20)

RESOLVED, that the New York State School Boards Association support legislation that creates a process for tenure review and renewal occurring every five years throughout the career of all tenured public school employees. This process will include student, parent and colleague feedback, will not be driven by test scores, and is intended to be instructive, not punitive.

RATIONALE

Supporting teachers and administrators as lifelong learners who continue to refresh and reinvigorate themselves professionally can only lead to better student outcomes. Conducting tenure reviews at scheduled intervals will encourage growth and reward excellence

EXPLANATION OF RESOLUTIONS COMMITTEE

The Committee supports the idea of teacher and administrator accountability. However, the Committee ultimately felt that creating a process for tenure review and renewal every 5 years would be administratively burdensome for school districts, and could result in a great increase of costly 3020-a hearings.

PROPOSED RESOLUTION 24

Submitted by the *Orleans/ Niagara BOCES Board* (7/9/20)

RESOLVED, that NYSSBA seek legislative support for eliminating the initial public straw vote in the process for the prospective merger or consolidation of school districts.

RATIONALE

The statutory process set forth in Education Law §§1510-1512, 1705, *et. seq.* and 1800 *et. seq.* for the merger of two or more school districts is unnecessarily time consuming and burdensome. Education Law (including §§1510-1512, 1705, *et. seq.* and 1800 *et. seq.*) requires two votes, an initial (“straw”) vote and the final (binding) vote upon approval of the consolidation plan by the Commissioner: prior to consolidation of school districts. The present two-step process makes consolidation of school districts unique in New York State as compared to other governmental entities considering consolidation (where only one vote is required) as well as imposing additional costs on the districts considering consolidation. A more streamlined process would effectively enable the merger of school districts in a manner that would continue to provide for due deliberation of such a merger or consolidation, as well as provide ample opportunity for public input. Elimination of the straw vote would continue to require two votes on consolidation; the first by the Boards of Education of the respective school districts and the second by a majority of district voters in each district.

EXPLANATION OF RESOLUTIONS COMMITTEE

The Committee noted that the straw vote may extend or delay the merger process, but ultimately believed that the vote provides valuable information to school districts and board members and is worth the additional time and expense.

PROPOSED RESOLUTION 25

Submitted by the *Pleasantville School Board* (7/14/20)

RESOLVED, that the New York State School Boards Association should encourage laws, regulations and policies that promote competition between BOCES when they provide non-instructional services to districts.

RATIONALE

Under current practice when a BOCES offers a non-instructional service, a component district is required to use that service or obtain a waiver from its BOCES before using the services of another BOCES. As a result of these rules, the component districts are, in effect, captive customers of their BOCES. In practice, this has resulted in substantial delays in obtaining services. We are compelled to ask the following question, "Do delays in obtaining services while waiting for a waiver benefit students?" We think the obvious answer is "no". What is "good for the BOCES" is not the question that should matter most. Rather the question should be "What is best for the student?" We are not questioning the great value that BOCES can provide but, as individual school districts, we are obligated to provide the best opportunities for our students. When our component BOCES doesn't offer the best choice for our students, we think we should have the ability to utilize another BOCES to provide that best choice.

EXPLANATION OF RESOLUTIONS COMMITTEE

The Committee believed that BOCES should promote and enhance cooperation between and amongst school districts and other BOCES, instead of competition. The Committee also noted that, if adopted, the same sentiment could conceivably be applied to public school districts, non-public schools and charter schools.

PROPOSED RESOLUTION 26

Submitted by the *Ardasley School Board* (7/17/20)

RESOLVED, that the New York State School Boards Association should encourage laws, regulations and policies that promote competition for and between BOCES when they provide non-instructional services to districts.

RATIONALE

Under current practice when a BOCES offers a non-instructional service, a component district is required to use that service or obtain a waiver from its BOCES before using the services of another BOCES. Under current practice when a BOCES offers a non-instructional service, a component district is required to use that service or obtain a waiver from its BOCES before using the services of another BOCES. Component districts may also use non-BOCES (private providers) but can only do this by foregoing State aid. As a result of these rules, the component districts are, in effect, captive customers of their BOCES. In practice, this has resulted in: (i) substantial delays in obtaining services; and (ii) most often in districts obtaining services that they view as less

desirable at higher cost than available in the market while possibly forgoing state aid. We could give examples, but there is no need for the collective memory of every school board can provide the examples. We have inquired as to the reason for this policy and been told "It is good for the BOCES and how it is always done." For us that is not a good enough answer. We are compelled to ask the following questions: "Does spending more for a service or being required to use a service provider you do not want to use benefit students?" "Do delays in obtaining services while waiting for a waiver benefit students?" We think the answer to those questions is obvious and that those are the question: What is "good for BOCES" is not the question that should matter most. Rather the question should be "What is good for the district and students".

We are not questioning the value that BOCES can bring to districts in instructional matters. However, where BOCES compete with private service providers for non-instructional services and are only competitive because their charges to their component districts are "state aidable", a great deal of money is inevitably wasted. For example, if a private company or another BOCES would offer a service for \$100,000 and a district receives 50% State aid, the district would save money by using its own BOCES for a service at \$170,000 because its net costs, after aid, would be \$85,000. How does spending an extra \$70,000 for the same service benefit students? The funds come out of the same available funds for State aid to education.

EXPLANATION OF RESOLUTIONS COMMITTEE

Similar in response to proposed resolution 21, the Committee believed that BOCES should promote and enhance cooperation between and amongst school districts and other BOCES, instead of competition. The Committee also noted that, if adopted, the same sentiment could conceivably be applied to public school districts, non-public schools and charter schools

PROPOSED RESOLUTION 27

Submitted by the *Webutuck School Board* (7/17/20)

RESOLVED, that the New York State School Boards Association supports legislation that would require mandated reporters to participate in periodic refresher courses related to the signs of child abuse as well as the process and requirements when reporting it.

RATIONALE

Over forty-three thousand cases of child abuse are reported in New York State each year. Nationally, over 4.1 million cases are reported ... involving more than seven million children. Experts, however, estimate that **five out of every six cases that occur go unreported**. In other words, in order to get numbers that are closer to reality, the numbers I have presented need to be multiplied by six.

Child abuse occurs in one out of every seven households in New York State. It takes place within every culture, every racial group, every ethnic group, every religion, every socio-economic level, and in rural, urban, and suburban communities. Abused children attend school in every school district in New York State.

Nationally, one out of every four girls, and one out of every six boys will be victimized by abuse during their childhood.

Child abuse is pervasive enough that it is highly likely that we all know someone who was abused as a child and are not aware of it.

The mission and purpose of every school district is to help create bright futures for the children they serve. Child abuse impairs a child's brain development and has long term destructive health, psychological, and economic effects on its victims.

Much of a district's personnel are mandated reporters and have been trained in recognizing and reporting signs of child abuse while earning their certification ... **years or decades ago**. Since children spend a large portion of their lives with school personnel ... teachers, administrators, counselors, etc. ... it is vital that all school mandated reporters are reminded of the signs a child will show when they are neglected or are being physically, sexually, or psychologically abused. It is also very important that **all** school mandated reporters know how, and to whom they should report when these signs are present.

There are currently laws that require school districts to remind the mandated reporters on their staff, of the requirements of reporting and how it should be done. But there are none that require refresher trainings that will help mandated reporters to keep their skills in recognizing abuse sharp. Mandated reporters should be able to recognize if a child is being abused ... beyond only seeing bruises.

Trainings/refresher courses can come at no cost to a district. Local child abuse workers are available to present at faculty meetings and/or superintendent's conference days. There are also free online services available that will discuss what signs adults can look for to surmise if a child is being abused, and how to report when these signs are identified. Using these online versions would enable mandated reporters to fulfill this requirement outside of the work day. Superintendents can approve such courses as being worthy of in-service credits that educators need to maintain their credentials.

Better equipping people who work with the children so they can recognize, and report suspicions of child abuse will help to avoid bad futures for children and create brighter ones.

EXPLANATION OF THE RESOLUTIONS COMMITTEE

In recommending for adoption proposed resolution 27, the Committee demonstrated their understanding of the importance for mandated reporters to recognize the signs of child abuse and their reporting responsibilities. However, the Committee felt the requirement in this proposal would equate to an additional unfunded mandate.

Statute does not prevent districts from requiring mandated reporters to participate in courses related to the signs of child abuse, and districts may provide such training if they feel it is necessary. Additionally, laws are already in place to ensure mandated reporters are aware of their responsibilities.

AMENDMENTS, REBUTTALS, STATEMENTS OF SUPPORT AND LATE RESOLUTIONS

Proposed resolutions and bylaw amendments were submitted to NYSSBA by July 17th (and reviewed by the Resolutions Committee on August 10th).

No additional bylaw amendments can be proposed at this time. However, a member school board may propose an amendment, rebuttal, or statement of support to any resolution printed in this report. A member school board may also propose a late resolution.

Amendments, rebuttals and statements of support intended to be included in the *Voting Delegate's Guide – Proposed Resolutions*, must be received in NYSSBA's office by **5p.m. on Friday, September 18th** .

Members may also wish to advance resolutions that were not considered by the resolutions committee. These "late" resolutions may be considered at the business meeting under "Other Business." At that time, a motion to suspend the bylaws for the purpose of considering a particular resolution may be offered. A motion to suspend the bylaws is required to be moved, seconded and adopted by a two-thirds vote for every resolution submitted from the floor. Once the motion to suspend the bylaws is adopted, the new resolution can be moved and seconded, and a simple majority of those present and voting is required to be approved. If the motion to suspend the bylaws fails, the resolution cannot be considered. All late resolutions must be submitted using the NYSSBA form:

- [Late Resolution Submission Form](#)

*Amendments and rebuttal statements to proposed resolutions must reach NYSSBA's headquarters before the 5pm on **September 18th**. Amendments and rebuttal statements must be sent via email directly to Brian Fessler at brian.fessler@nyssba.org on school district letterhead or the form found here:

- [NYSSBA Amendment forms](#)

PRECEDENCE OF MOTIONS

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

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

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

10. A request to raise a question of privilege
11. Recess
12. Adjourn

INFORMATION FOR THE VOTING DELEGATES

The voting delegates at the Annual Business Meeting vote on a slate of officers for the Association, including a President, a First Vice President, a Second Vice President and a Treasurer. They debate and vote on changes to the Association's bylaws, and debate and vote on resolutions that will establish the Association's positions on various legislative and policy matters.

ORDER OF BUSINESS

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

The meeting will begin promptly at 8:30 a.m. with several procedural items. First, the Association President, who presides throughout the meeting, announces the presence of a **quorum**.

Following the announcement of a quorum, the President calls for a **motion to adopt the Order of Business**. The President also calls for a **motion to adopt the Proposed Rules of Conduct** for the meeting. These rules are prepared to be consistent with the Association's bylaws. The rules describe how delegates must conduct themselves during the meeting, such as setting out the time allotted for discussion of certain items.

THE BUSINESS MEETING

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

ELECTION OF THE NYSSBA OFFICERS

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

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

PRESENTATIONS

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

- President Elect (when applicable)
- Executive Director
- Treasurer

ADOPTION OF RESOLUTIONS

The next item is the Report of the Resolutions Committee. The Resolutions Committee is a standing committee of the Association created by Article 9 of the Association's bylaws. The Committee chair reports directly to the delegates rather than the Board of Directors. The Resolutions Committee is appointed by the President upon recommendation of the Area Directors. The Committee has one member from each Association area and one representative from the Conference of Big 5 School Districts.

The chair is designated by the President from among those appointed to the Committee. In accordance with Robert's Rules of Order, once the chair moves adoption of a bylaw amendment or resolution recommended for adoption by the Resolutions Committee, no second is required.

The Resolutions Committee chair first moves recommended bylaw amendments. Each recommended bylaw amendment will be debated and voted on separately. *Any amendment to the bylaws must have the approval of a two-thirds majority of those present and voting.* In accordance with Article 17 (2) of the bylaws, bylaw amendments may not be proposed or amended from the floor of the Business Meeting. Thus, all proposed bylaw amendments had to be submitted by July 17th and all amendments to the bylaws must be sent to each member board by a date that will allow each member board time to review them in advance of the Annual Business Meeting.

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

After the consent agenda has been considered and voted upon, delegates will next be asked to address newly recommended resolutions individually. The Resolutions Committee chair moves each resolution recommended for adoption by the Committee. Each recommended resolution is presented and voted upon separately. The Resolutions Committee chair will move those resolutions recommended by the Committee for adoption; a second is not needed. Resolutions require approval by a simple majority of those present and voting for passage.

Following consideration of the report of the Resolutions Committee consisting of those bylaw amendments and resolutions recommended for adoption, the President shall provide voting delegates the opportunity to move any of the "not recommended" bylaw amendments and resolutions. (Since the Resolutions Committee chair will not move items that were not recommended, each motion requires a second by a voting delegate).

OTHER BUSINESS

At the end of the Annual Business Meeting, the President will open the floor to **Other Business**. **Other Business** may include a motion to suspend the rules for the purpose of considering a particular resolution that was submitted after the July 17th submission deadline. This motion requires a second and a two-thirds majority vote of the delegates before the resolution may be considered. A two-thirds majority is required because this type of motion calls for suspending the bylaws. A motion to suspend the bylaws is required to be moved, seconded and adopted for each and every resolution submitted during **Other Business**. Once the motion to suspend the bylaws is adopted, the new resolution can be moved and seconded, and a simple majority of those present and voting is all that is required to adopt a resolution proposed under **Other Business**. If the motion to suspend the bylaws fails, the resolution cannot be considered.