

VOTING DELEGATES' GUIDE

PROPOSED BYLAW AMENDMENTS & RESOLUTIONS

for the

2019 ANNUAL BUSINESS MEETING



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 2019 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 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 statements, please see the links below.

[NYSSBA Bylaws](#)

[NYSSBA 2019 Position Statements](#)



TO: School Board Members and Chief School Administrators
FROM: Mark Elledge, Resolutions Committee Chair
DATE: September 27, 2019

This is the report of the recommendations of the Resolutions Committee on proposed resolutions, which will be acted upon by the delegates at the New York State School Boards Association’s Annual Business Meeting on **Saturday, October 26th, 2019 at 8:00 a.m. at the Convention Center, Grand Lilac Ballroom, 1st Floor**

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ANNUAL BUSINESS MEETING
SATURDAY, OCTOBER 26, 8:00 AM.
Convention Center, Grand Lilac Ballroom, 1st Floor

DELEGATE ORIENTATION / ASK THE PARLIAMENTARIAN
FRIDAY, OCTOBER 25, 10:30AM – 11:30AM
Rochester Riverside Hotel, Riverside Ballroom, Mezzanine Level

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

NYSSBA BOARD OF DIRECTORS

President	WILLIAM MILLER
1 st Vice President	FRED J. LANGSTAFF
2 nd Vice President	PEGGY ZUGIBE
Treasurer	THOMAS NESPECA
Immediate Past President.....	SUSAN BERGTRAUM
Area 1	LINDA R. HOFFMAN
Area 2.....	RODNEY GEORGE
Area 3.....	CHRISTINE SCHNARS
Area 4.....	SANDRA H. RUFFO
Area 5.....	RUSSELL STEWART
Area 6.....	WAYNE ROGERS
Area 7.....	CATHERINE LEWIS
Area 8.....	BRIAN LATOURETTE
Area 9.....	JOHN REDMAN II
Area 10.....	PEGGY ZUGIBE
Area 11.....	ROBERT "B.A." SCHOEN
Area 12.....	FRED LANGSTAFF
Area 13.....	RICHARD CARRANZA
Director, Big 5 School Districts	WILLA POWELL
Director, Caucus of Black School Board Members	MICHAEL JAIME

RESOLUTIONS COMMITTEE

Area 2.....	MARK ELLEDGE
Area 1	JODEE RIORDAN
Area 3.....	THOMAS DEJOE
Area 4.....	JEANNE SHIELDS
Area 5.....	RUSSELL WEHNER
Area 7.....	C. DAVID GAYNOR
Area 8.....	JUDITH BREESE
Area 9.....	JOHN PASICHNYK
Area 10.....	FRANK SCHNECKER
Area 11.....	MICHAEL WEINICK
Area 12.....	MATTHEW CLAREEN
Area 13.....	KATIE JEDRLINIC
Big 5.....	ELIZABETH HALLMARK

**ORDER OF BUSINESS
2019 BUSINESS MEETING**

ORDER OF BUSINESS

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

THE BUSINESS MEETING

- Announcement of Election Results – Areas 1, 3, 5, 7, 9 and 11
- Introduction of Officers and Directors

ELECTION OF OFFICERS

- President
- 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 BYLAW AMENDMENTS AND RESOLUTIONS

- Report of the Resolutions Committee
 - Consideration of Proposed Bylaw Amendments Recommended for Adoption
 - Consideration of Proposed Resolutions Recommended for Adoption
- Consideration of Proposed Resolutions Not Recommended for Adoption

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RECOMMENDED BY THE RESOLUTIONS COMMITTEE FOR ADOPTION**

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RECOMMENDED BY THE RESOLUTIONS COMMITTEE FOR ADOPTION**

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PROPOSED BY-LAW AMENDMENT
RECOMMENDED BY THE RESOLUTIONS COMMITTEE FOR ADOPTION

PROPOSED BY-LAW AMENDMENT A

Submitted by the *New York State School Boards Association Board of Directors (6/8/19)*

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

- 1 **RESOLVED, that Article 9 of the bylaws of the New York State School Boards Association shall be**
2 **amended to expand membership on the Resolutions Committee to include a representative from the**
3 **New York State Caucus of Black School Board Members.**

ARTICLE 9. COMMITTEES

A. There shall be:

1. An Executive Committee of the board of directors, consisting of not more than eight members of the board of directors established annually by the board at the last meeting of the year of the board. Terms of office for the Executive Committee shall begin on January 1 following the meeting in which such members are chosen and shall continue for one year. The composition of the committee shall be as set forth in board policy. The committee shall have such powers as may be specifically delegated to it by the Board consistent with this paragraph of these Bylaws and the Not-for-Profit Corporation Law. The Board may vest the committee with the authority to:

- a. Approve the Association's participation as amicus in cases of statewide interest to NYSSBA's membership, upon its own initiative or when requested to do so by a member board.
- b. Approve the commencement of litigation on matters of statewide importance in court or before administrative agencies, either upon its own initiative or when requested to do so by any member board, except that lawsuits initiated to collect monies or fees owed to the Association may be authorized by the executive director.
- c. Review matters that are brought to it by the executive director and to act upon such matters as appropriate, except that the committee shall not have the authority to alter or amend any policy established by the Board of Directors.

A majority of the total membership of the committee shall constitute a quorum. Any action taken shall require a majority of the full membership of the committee. It shall meet upon the call of the chair or upon the written request of three members of the committee addressed to the executive director. Such written request shall state the purpose(s) of the meeting and, upon its receipt, the executive director shall issue the call for the meeting. The notices of all meetings shall be sent so as to reach the members of the committee at least five days prior to the proposed meeting.

2. A Resolutions Committee, consisting of one school board member from each Association area, ~~and~~ one member from one of the five large city school boards **and one member from the Caucus of Black School Board Members** appointed by the president at the first meeting of the newly elected board of directors subject

to confirmation by the board. The committee shall review, but may not amend, resolutions and Bylaw amendments submitted to it by any member board or the Board of Directors.

Proposed resolutions or bylaw amendments must reach the Association office before the close of business on a date set annually by the board. Such due date shall not be later than August 1 or the Monday following August 1 if this date falls on a Saturday or a Sunday immediately preceding the annual meeting. Each resolution shall consist of a single "resolved" clause without "whereas" clauses, and shall address only one subject. A brief rationale statement may be included with each resolution or proposed Bylaw amendment.

The Resolutions Committee shall present a report of its recommendations to NYSSBA membership in a printed document for action at the annual business meeting. A resolution adopted at an annual meeting shall remain in effect and shall be part of NYSSBA's active program for five years, unless sooner rescinded, reaffirmed, implemented or enacted.

3. Other committees as the Board of Directors determines; the members of such committees to be appointed by the president, subject to confirmation by the Board of Directors; and such committees shall report at such times and at such places as the Board of Directors may determine.

B. At the request of the president, any committee appointed by the Board of Directors may meet by means of a telephone conference or similar communication permitted by the Not-for-Profit Corporation Law. Notice of such meeting shall be given to members of the committee at least 24 hours prior to such meeting.

RATIONALE

Pursuant to Article 9 of the bylaws, the Resolutions Committee currently consists of members appointed from each area and a member from the Big 5 City School Districts. As the Caucus of Black School Board Members now also has a voting seat on the Board of Directors, representation by this group is also important for the work of the Resolutions Committee.

PROPOSED RESOLUTIONS
RECOMMENDED BY THE RESOLUTIONS COMMITTEE FOR ADOPTION

PROPOSED RESOLUTION 1

Submitted by *the New York State School Boards Association Board of Directors (6/8/19)*

- 1 **RESOLVED**, that the New York State School Boards Association take a leadership role in encouraging
2 school boards to develop successful strategies for integrating respect for differences into the educational
3 experience. In carrying out this mission, NYSSBA shall encourage school boards to:
- 4 • Ensure that the importance of acceptance of others who are unique and different because of
5 racial, ethnic, gender, sexual orientation, gender identity, disability status or religious differences
6 is part of the curriculum.
 - 7 • Invite discussion among students, parents, staff and the community about how hatred and
8 bigotry based on race, ethnicity, gender, sexual orientation, gender identity, disability status and
9 religion endanger the pluralistic and diversity principles for which this nation stands.
 - 10 • Involve students, parents, staff and the community in developing and supporting educational
11 practices which invite understanding and acceptance of others' differences and which aim to
12 eradicate hatred and bigotry.

RATIONALE

NYSSBA has had a similar position statement on the books for ten years. Over the last decade, NYSSBA has sought to support members as they support their communities to understand our differences and how those differences impact our relationships with one another. Despite our efforts, misunderstandings and intolerance continue to increase divisions in our communities and educational system. New York State must lead the nation in ensuring that respect for diversity is integrated into the public education system. In an increasingly diverse state, it is critical that NYSSBA remain committed to supporting our districts in this important work.

PROPOSED RESOLUTION 2

Submitted by *the New York State School Boards Association Board of Directors (6/8/19)*

- 1 **RESOLVED**, that the New York State School Boards Association support the full restoration of state
2 and local tax (SALT) deductibility.

RATIONALE

In late 2017, the Tax Cuts and Jobs Act was signed into law. This federal tax code change included a number of provisions, notably a new cap on the federal income tax deductibility of state and local taxes (SALT) of \$10,000. Designed as a way to fund the tax cut, the new cap disproportionately impacts higher tax states like New York.

Historically, the federal government has recognized the predominance of the lowest level of taxation. State and local taxes, including school property taxes, have been fully deductible for federal taxpayers, effectively preventing double taxation. The SALT cap now levies against any state and local taxes over \$10,000.

This new cap negatively impacts school taxpayers, particularly in high tax areas of the state. In the past, full deductibility of SALT lessened the impact of school property taxes. Every additional dollar in school property taxes could increase the offset of a taxpayer's federal income tax liability. The new cap places a greater burden on school districts as they must now consider additional financial constraints amongst their taxpayers. In addition, school districts represent the only level of government that requires direct voter approval of budgets. This means any frustration from voters regarding levels of taxation – whether directed at the federal, state or local governments – can only be expressed through the school budget vote.

Full deductibility of SALT treated taxpayers in all states equally. The federal government should reverse this unnecessary financial burden on school districts and taxpayers by repealing the \$10,000 SALT cap.

PROPOSED RESOLUTION 3

Submitted by the *New York State School Boards Association Board of Directors (6/8/19)*

- 1 **RESOLVED, that the New York State School Boards Association support proposals to require the state**
2 **to fund all state-mandated school meal programs and practices.**

RATIONALE

New York State school districts serve more than 250 million lunches, as well as millions of breakfasts, to students across all demographics and needs each year.

Any new requirement enacted by the state comes with added costs for school districts. State reimbursement rates for school meals are low – as low as 6 cents for free and paid lunches – and school meal programs struggle to simply break even. School meal programs often must be supplemented by the general fund budget.

In 2018, New York State adopted a number of new school meal requirements as part of the state budget. These include a mandate that all districts provide students with regular meals regardless of ability to pay and with limited ability to contact parents for meal payments. In addition, any districts with at least 70% of students eligible for free and reduced-price lunch are required to offer all students with breakfast after the school day has begun. While some limited state funds were allocated as part of the new breakfast requirement, no funding was provided to actually implement these programs on an ongoing basis.

If the state believes that these practices are important, the state should support them by fully funding all state-mandated school meal programs and practices.

PROPOSED RESOLUTION 4

Submitted by the *New York State School Boards Association Board of Directors (6/8/19)*

- 1 **RESOLVED, that the New York State School Boards Association support proposals to allow boards of**
2 **education to determine if their buildings will be used as polling places for all elections.**

RATIONALE

Currently, if a school building is selected as a polling location by the county board of elections, the district has no recourse and must open its buildings' doors to the public on assigned election days. In addition, most school districts are required to hold board elections and budget votes in school buildings.

While allowing voters access to schools on certain days may be welcomed by some school districts and their communities, other school leaders have identified concerns over safety and academic disruption and have expressed desires to move polling away from students.

At a time when school districts are continually the targets of violent incidents, many districts across the state have invested in varied security enhancements, including the hardening of doors and windows. They have also adopted policies that limit access to school buildings. Such policies may include keeping doors locked and requiring identification and escorts to enter buildings while school is in session. On election days, those procedures must be suspended, and this can allow unfettered access to buildings and students.

Recent changes in state law have made the need to address this issue more immediate. For instance, the adoption of early voting means that the number of days in which a school building may be designated as a polling place is exponentially increased. Moreover, the merging of the state and federal primary days into a single merged primary in June often falls in the midst of the Regents exams.

Some groups have suggested that the way to address these safety concerns is to have schools close so their buildings can be used for voting. However, between the general elections, primary elections, special elections, school board elections and budget votes, bond votes and now early voting, the potential exists for a building to be used for voting many days throughout the year. If schools were to close for all of them, it would make it nearly impossible for districts to be open the required 180 days to receive a full state aid award; and closing on a required Regents exam day is not an option.

Keeping our students and staff safe is a top priority for district leaders. Allowing districts to determine if they can safely accommodate voting in their buildings is an important component of safety planning.

PROPOSED RESOLUTION 5

Submitted by the *New York State School Boards Association Board of Directors (6/8/19)*

- 1 **RESOLVED, that the New York State School Boards Association shall create a task force to study**
- 2 **current requirements, costs, trends and other aspects of the special education system and make**
- 3 **recommendations for the future of special education delivery in New York.**

RATIONALE

School districts spend billions of dollars each year on special education services and costs have increased by more than 30% over the past decade. Much of this increase is driven by the fact that special education enrollment has grown in recent years, while overall enrollment has declined. In 2017-18, 462,000 public school students were categorized as receiving special education services, representing a 16% increase since 2012-13. Approximately 18% of all public school students in New York qualify as students with disabilities.

Both the state and federal governments have significant mandates on the way that students with disabilities are educated; however, local school districts are required to absorb the overwhelming majority of the expenses associated with the services these students need. The state and federal budgets do offset some costs, but state reimbursement is limited only to a portion of the expenses related to “high cost” students, which is defined as student-specific expenditures that run at least three times greater than average district per pupil costs.

The federal government, through the Individuals with Disabilities Education Act (IDEA), requires states and school districts to provide certain services to students with disabilities. New York State has placed numerous additional requirements for special education services on school districts, effectively capturing more students at greater costs.

While an influx of resources could help offset these costs, that offset is not a real solution. Steps must be taken to address the underlying cost drivers that are pushing the cost of special education upward. Districts do not want to deny students the services that they require, under their constitutionally protected right to an education. But we have an obligation to students and families, who are also taxpayers, to ensure that all the current requirements are still met, and that those services are permitted to be delivered in the most efficient way possible.

PROPOSED RESOLUTION 6

Submitted by the *New York State School Boards Association Board of Directors (6/8/19)*

- 1 **RESOLVED, that the New York State School Boards Association support legislation that would require**
- 2 **the independent hearing officer in a 3020-a hearing to accept the penalty sought by the district if there**
- 3 **is a finding of guilt.**

RATIONALE

Under current law, tenured teachers and administrators may only be disciplined under the provisions of the Education Law. These provisions establish extensive administrative hearing procedures that must be followed before a school district can take any disciplinary action against any such tenured staff. One such procedure is the appointment of an independent hearing officer, who is mutually agreed upon by both the school district and the employee, or in rare cases, the Commissioner of Education.

It is the responsibility of the officer to preside over the hearing and ultimately determine whether the teacher is guilty or innocent of each charge and what penalty or action, if any, may be taken by the board. Penalties can include, but are not limited to, a written reprimand, monetary fine and suspension without pay or dismissal.

When filing the charges, the district also indicates what discipline or action it seeks if there is a finding of guilt. If there is a finding of guilt on any or all of the charges, the hearing officer is required to give serious consideration to the disciplinary action requested by the employing school board, but they are not required to impose it. This can lead to unsatisfactory outcomes in some cases, and uneven outcomes for identical infractions in others.

As employers, school districts have to meet a very high standard of due process before they are permitted to engage in any disciplinary action against their tenured employees. Once they have expended the time and expense to prove their case, they should be given the same rights as any other employer to move forward with disciplining their employees in the manner they choose, and in a way that establishes a clear standard that can be uniformly and fairly applied across the district.

PROPOSED RESOLUTION 7

Submitted by the *New York State School Boards Association Board of Directors (6/8/19)*

- 1 **RESOLVED, that the New York State School Boards Association support the requirement that local**
2 **school districts continue to make determinations as to the substantial equivalency of education delivered**
3 **in nonpublic schools.**

RATIONALE

Current law requires that students in nonpublic schools receive substantially equivalent instruction to those in public schools. Substantial equivalency means a program is comparable in content and educational experience but may differ in method of delivery and format. Local public school officials have the responsibility to assess the education received by all students, including those attending nonpublic schools within their districts' boundaries.

If a family chooses not to access that education through their district schools, the Board respects that choice. However, local boards of education welcome their role and responsibility in this process to ensure that the choice made results in placing children in an educational environment that gives them the education to which they are entitled, which will result in their having the knowledge and skills they need to be successful in their life after school.

Boards of education are responsible for all of the students their districts. The district is responsible for ensuring that all students are not truant, and are enrolled and attending school somewhere that is providing them with the education to which they are entitled and required to participate in from age 6 to 16.

PROPOSED RESOLUTION 8

Submitted by the *New York State School Boards Association Board of Directors (6/8/19)*

- 1 **RESOLVED, that the New York State School Boards Association oppose legislative curriculum**
2 **mandates.**

RATIONALE

In New York State, the responsibility to establish curriculum is vested with local school districts. While that curriculum needs to align with the state learning standards, set by the State Education Department (SED), leaving curriculum decisions at the local level ensures that the community has input on how those standards are implemented and that the process is nimble enough to respond to changing circumstances.

Increasingly however, legislative proposals are being advanced that would take that authority away from state and local education policymakers, and instead supplant the politics and judgment of the legislature over that of SED and local boards of education.

Legislative curriculum mandates, adopted piecemeal and in a highly politicized environment, do not consider existing requirements or instruction. Once adopted, they generally remain unchanged even as the rest of standards and curriculum change around them. To ensure that determinations are made that are timely, responsive and appropriate, that decision-making must remain at the local level, overseen by local boards of education.

PROPOSED RESOLUTION 9

Submitted by the *New York State School Boards Association Board of Directors (6/8/19)*

- 1 **RESOLVED, that the New York State School Boards Association support proposals to authorize**
2 **municipalities to install speed zone cameras in school zones.**

RATIONALE

School zones are special speed zones in which a lower speed limit is in place for an area based on proximity to a school. Speed zone cameras are installed to improve the safety of students, faculty and community members. Higher vehicle speeds are associated with a greater likelihood of pedestrian crashes and serious pedestrian injury. The Governor recently signed legislation authorizing the expansion of the New York City school speed zone camera program and the legislature passed a bill authorizing a pilot program in Buffalo, NY.

A 1999 National Highway Traffic Safety Administration study found that 5 percent of pedestrians are fatally injured when struck by a vehicle traveling at 20 mph or less. This compares with fatality rates of 40, 80, and nearly 100 percent when the pedestrian is struck at 30, 40, and 50 mph or more.

While some districts have been able to work with municipalities to establish these reduced speed zones, that authority does not exist statewide. All municipalities should have the authority to do so.

PROPOSED RESOLUTION 10

Submitted by the *Orange—Ulster BOCES Board (6/17/19)* Endorsed by: *Greenwood Lake Union Free School Board, Cornwall School Board and Marlboro School Board*

- 1 **RESOLVED, that the New York State School Boards Association support legislation to eliminate the**
2 **limit on BOCES District Superintendent compensation.**

RATIONALE

Recent legislation has increased the District Superintendent's salary cap to 98% of the 2013-2014 Commissioner of Education's salary, raising it in 6% increments over the next two years to approximately \$208,000. After four

years, the salary cap will still be less than most component Superintendent’s salaries in many areas of the state. However, many believe this legislation has resolved the issue.

In order to retain and recruit competent leaders for BOCES statewide, it is essential to raise the cap and allow BOCES boards the same flexibility to compensate District Superintendents according to regional superintendent salary levels.

PROPOSED RESOLUTION 11

Submitted by the *Hewlett-Woodmere School Board (6/20/19)*

- 1 **RESOLVED, that the New York State School Boards Association support requiring notification to**
- 2 **districts by the courts of restraining orders prohibiting contact with or between students enrolled in the**
- 3 **district and the parents, or those in parental relation to students.**

RATIONALE

Schools have the legal responsibility to keep students safe while they are at school. It's crucial for schools to enforce court-ordered protective orders for the safety of all students and staff who could be harmed. Absent effective and timely communication, a school's ability to enforce these orders is lessened. The provision of notice to districts via automated means would allow for timely notification, and proof that the courts played an active role in providing for the protection they deemed necessary when issuing the order. The historical reliance on notification via the parent, or person in parental relation, places an additional burden and stressor on the party that is already aggrieved. The utilization of easily available technologies that allow for the sharing of sensitive information in a secure manner would enable the courts to address this concern and better allow districts to fulfill their legal responsibilities.

PROPOSED RESOLUTION 12

Submitted by the *Albany School Board (6/20/19)*

- 1 **RESOLVED, that the New York State School Boards Association support legislation that will expand**
- 2 **the definition of Child Safety Zones in the Education Law of New York State by adding criteria that**
- 3 **pertains to neighborhoods with high crime rates or with deteriorating vacant buildings that create safety**
- 4 **hazards.**

RATIONALE

Currently, New York State Education Law and State Education Department Transportation Regulations provide limited criteria for the establishment of Child Safety Zones. These limited criteria do not take into account critical safety conditions many students who are not eligible for transportation are required to walk through in

neighborhoods with high crime rates or with deteriorating vacant buildings that create safety hazards. Current Education Law and Transportation Regulations do not take these factors into account in the consideration of Child Safety Zones. Expanding the definition of Child Safety Zones in Education Law and Transportation Regulations will provide equity for all students statewide in having the opportunity to get to and from school safely each day no matter the character of the communities in which they reside. This also will allow school districts to receive reimbursement, with the required voter approval, for an expanded definition of Child Safety Zones, enabling districts to keep students safe while also minimizing the local tax impact.

PROPOSED RESOLUTION 13

Submitted by the *Freeport School Board (7/5/19)*

- 1 **RESOLVED, that the New York State School Boards Association support legislative action in the**
2 **regulation of vapor products including consumption, manufacturing, distribution and advertisement.**
3

RATIONALE

Vaping, or E-cigarette use, among teens has risen dramatically in recent years increasing among high school students by 900 percent from 2011 to 2015. Considered an epidemic by the FDA, school districts are working to find effective ways to discourage vaping and educate students and their parents on the dangers of vaping. Advertising that portrays vaping in a positive light and the flavors, such as bubble gum, mango, coconut, cotton candy, etc. is enticing to youth.

It is important to remember that e-cigarettes were devised to deliver nicotine in a different mode. Although e-cigarettes were developed in part to help adult smokers cut their tobacco-use and to provide a "healthier" alternative, no study has yet been conducted that can provide information on the long-term effects of e-cigarette use. However, vaping has been linked to nausea, eye irritation, vomiting and serious side effects such as "popcorn lung", seizures and cancer. Most types of e-cigarettes, including the most popular brand Juul, contain nicotine. One Juul pod contains roughly the same amount of nicotine found in 20 cigarettes (or one pack). Nicotine is highly addictive and can cause brain changes leading to compulsive use of e-cigarettes. Adolescents are particularly vulnerable to the adverse effects of nicotine because their brains are still developing. Teenagers who vape are at a higher risk of smoking tobacco cigarettes compared to non-users. Over 30 percent of adolescents who vaped started smoking traditional tobacco cigarettes within six months.

Since vaping devices are small and can resemble flash drives or pens, there has been an increase of students who vape within the confines of the school buildings. Districts have taken to installing detectors in school bathrooms to try to find students who are vaping. In addition to ensuring students are properly educated about the dangers of vaping, districts have to reconsider consequences associated with vaping to discourage student use.

The epidemic of vaping has reached our schools and it is incumbent on districts to work quickly to ensure the future health of our students. NYSSBA should support legislation that will regulate the manufacturing, distribution, age allowance and marketing of vaping products.

PROPOSED RESOLUTION 14

Submitted by *the Freeport School Board (7/5/19)*

- 1 **RESOLVED, that the New York State School Boards Association support federal and state legislative**
- 2 **and regulatory action in addressing the educational and fiscal needs attendant to the increase of**
- 3 **unaccompanied minors into New York State.**

RATIONALE

Beginning in 2014, the Federal government has placed unaccompanied minors in New York State. School districts are tasked with providing not only a free and appropriate public education, but to meet the growing mandates of the Part 154 regulations creating both educational and fiscal challenges. Many of these students are considered SIFE (Significant Interruptions in Formal Education) requiring further supports in order to properly instruct them. Further pressures are placed on districts that already have large numbers of ENL students who must allocate their instructional and fiscal resources accordingly.

Additionally, the revisions to the Part 154 mandates regarding evaluations, appropriate instruction, parent involvement, staffing and timelines created another underfunded mandate that impacted resources. The needs of these students, aside from instructional, include the mental health and well-being of our unaccompanied minors, many of whom have experienced trauma, can be significant. The Every Student Succeeds Act specifically looks at data and accountability from the ENL subgroup. The high stakes attached to the four-year graduation rate can have unanticipated and undesirable consequences because these students are more likely than their peers to graduate after a fifth or sixth year. There could be an impact on a district’s graduation rate and standing based on this.

Districts are doing their utmost to provide unaccompanied minors with the appropriate level of education, the cost of educating and supporting these students can place unplanned for burdens on educational and fiscal resources. Despite the federal and state mandates regarding the education of unaccompanied minors, there continues to be little fiscal and instructional mandate relief for school districts. NYSSBA should support federal and state and regulatory action in addressing the educational and fiscal services required for the proper and equitable instruction of unaccompanied minor students.

PROPOSED RESOLUTION 15

Submitted by the *Wilson School Board (7/10/19)*

- 1 **RESOLVED, that the New York State School Boards Association seek to initiate legislation at the state**
2 **or federal level that would provide for regulations to identify proper practices and enforce sanctions for**
3 **improper practices related to the participation of parent advocates at Committee on Special Education**
4 **meetings and hearings.**

RATIONALE

Parent advocates play a vital function in mediating and solving issues between school districts and parents. In fact, federal law guarantees the rights of a parent of a student with a disability to have 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." A parent advocate creates, provides, and coordinates services and activities with families and communities that foster strength, healthy living, and overall well-being.

Every parent deserves to have an advocate if that is what they see fit. However, an advocate must be held accountable for his/her conduct. A School Code of Conduct is not enough.

PROPOSED RESOLUTION 16

Submitted by the *Kenmore-Town of Tonawanda School Board (7/11/19)*

- 1 **RESOLVED, that the New York State School Boards Association urge the Commissioner of Education**
2 **to increase the maximum age of participation in inclusion sports for alternately assessed students.**

RATIONALE

School Districts across the State are striving to provide meaningful educational and extracurricular opportunities for students of all abilities. Part 200 of the Commissioner's Regulation stipulates that: "Each board of education or board of trustees shall adopt written policy that establishes administrative practices and procedures: (1) to ensure that students with disabilities residing in the district have the opportunity to participate in school district programs, to the maximum extent appropriate to the needs of the student including nonacademic and extracurricular programs and activities, which are available to all other students enrolled in the public schools of the district, which may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities and employment of students, including both employment by the school district and assistance in making outside employment available." The New York State Public High School Athletic Association (NYSPHSAA) has partnered with Special Olympics of New York to provide inclusive sports opportunities for students with disabilities through Project Unify.

Many districts have begun to offer Unified Sports opportunities for alternately assessed students through this program. The Commissioner's Regulation 135.4(c)(7)(ii)(b)(1) currently provides for a waiver process to allow a student with a disability (as defined in section 4401 of the Education Law) to continue participation beyond the age or four-year limitation for interscholastic athletics to age nineteen. Under the New York State Commission of Education's Part 200 regulations, students with disabilities defined in Section 4401 of the Education Law may remain in high school as they are eligible for a free and appropriate public education (FAPE) until the end of the school year in which he/she turns 21 years of age. The current system makes these students ineligible for participation in inclusive athletics such as Unified Sports after age 19 due to State Education Department Age and Duration of Competition rule. The NYSPHSAA is advocating for a medical waiver for the age/duration of competition rule for a very specific student population that participates in Unified Sports through NYSPHAA. They are urging the Commissioner to recognize the age and duration of these students, and their ability to play, should be in line with their overall development and overall timeline NYSED has already allowed them to complete their education.

It is imperative that NYSSBA also encourages the Commissioner to rule in favor of supporting a continuation of participation in inclusion sports for alternately assessed students throughout their eligibility for FAPE as defined by the Commissioner's Regulations. We also call upon the Commissioner to complete this ruling prior to the start of the NYSPHSAA winter sports season for the 2019- 2020 school year.

PROPOSED RESOLUTION 17

Submitted by the *Kenmore-Town of Tonawanda School Board (7/11/19)*

- 1 **RESOLVED, that the New York State School Boards Association support reducing the flexibility**
2 **provided to charter schools for hiring teachers without a valid New York State teaching certificate.**

RATIONALE

Current Education Law 2854(3)(a-1) permits charter schools to hire certain numbers of uncertified teachers:

- (a) with at least three years of elementary, middle or secondary school classroom teaching experience
- (b) tenured or tenure track college faculty
- (c) individuals with two years of satisfactory experience through Teach for America
- (d) individuals who possess exceptional business, professional, artistic, athletic or military experience.

Such uncertified teachers with a bachelor's degree can enroll in a Transitional B program. Those with a graduate degree can enroll in a Transitional C program. Legislation allows a maximum of five teachers per charter school (the 30%/5 exemption rule) to teach without holding any teaching certificate.

Limitations should be placed on the above array of exceptions, exemptions and waivers for hiring certified teachers. By reducing the number of waivers, exemptions and exceptions for hiring charter school teachers

without certification, a more rigorously-trained and professionally-prepared charter school faculty would benefit the performance of charter school students and be a step toward charter schools truly earning their "public" designation.

PROPOSED RESOLUTION 18

Submitted by the *Washingtonville School Board (7/19/19)*

- 1 **RESOLVED, that the New York State School Boards Association support legislation that would increase**
- 2 **the penalties against any business that sells vaping products to or adult purchasing vaping products for**
- 3 **any person who is under age.**

RATIONALE

The vaping epidemic is of concern to every school district across the state. The health repercussions are only now beginning to come to light. Nicotine is a highly addictive drug. It is unconscionable that businesses are selling products to America's youth without at least having to abide by the same rules as selling tobacco or alcohol. It is equally distressing that an adult would purchase these products for a minor.

PROPOSED RESOLUTION 19

Submitted by the *Webutuck School Board (7/19/19)*

- 1 **RESOLVED that the New York State School Boards Association produce, and widely recommend the**
- 2 **adoption of a sample board policy stating that members who have been newly elected to serve as officers**
- 3 **will participate in at least one accredited officer training.**

RATIONALE

While the president and vice-president of a board of education do not have any more power than the other members, they do have more responsibilities. No board members enter into an officer's position knowing everything necessary to be an effective board leader. Informal mentoring may take place, which can be very helpful. However, this process may also help to perpetuate bad procedural habits as well. A formal training for all incoming officerswhether it be free (online?) or have a cost attached, through NYSSBA or some other appropriate resource.... would help to make clear proper procedures and give proper direction for boards to function well. Officer training will provide an introduction to all the components of such positions, and is intended to help these members better serve their board.

An officer's training course might include information or training in the dynamics of running a successful BOE meeting....including Parliamentary procedure. It might also present a clear explanation and understanding of the officers' roles in the overall functioning of the school board. Some things that officers need to know include the

importance of making a BOE calendar made up of necessary BOE tasks. These necessary tasks include policy review, productive committee work, superintendent evaluations, board self-evaluations, board retreats, visitations to district buildings and student events, working to build good relations with the community, etc. Of course the officers do not have to actually carry out these tasks on their own. But they do have to serve as coordinators in making sure that they all get done.

If boards adopt a policy requiring their newly elected board officers to take part in a formal officer training, then boards throughout the state will be much more likely to avoid procedural problems, and function a lot more effectively and productively than if they don't.

PROPOSED RESOLUTION 20

Submitted by the *Webutuck School Board* (7/19/19)

- 1 **RESOLVED, that the New York State School Boards Association produce, and widely recommend the**
- 2 **adoption of a sample board policy stating that all Board of Education members will, each year, participate**
- 3 **in at least one new training which has been approved by that Board.**

RATIONALE

There are many facets to board service that need to be learned by newly elected board members. Becoming a fully contributing board of education member takes a fair amount of training and experience. The required courses, "Essentials of School Board Governance" and "Fiscal Oversight Fundamentals" are essential in what they provide, and include more information than often can be remembered. The value of what one learns in these sessions becomes more and more apparent during one's time of service on a board. Over time, other things become apparent as well. Like the fact that as a new board member, they don't know what they don't know. Soon, though, they become very aware of what they don't know, and realize that they need to learn it. (One could easily argue that this challenge remains to be true throughout the entire tenure of one's service on a board.) Trainings address this very common situation.

It is also very common for any institution (including BOBs) to become set in its ways. The world of education and the role of Boards of Education within it are always changing, or at least shifting. New ways to better serve students, faculty and the overall community are always being developed. Trainings...whether they be free (online?) or carry a cost, sponsored by NYSSBA or some other institution the board finds acceptable...provide a plethora of new and valuable ideas. New ways of saving on costs, developing better superintendent evaluations, developing healthy and productive relationships with the community, understanding unions, carrying out productive committee structures and functions, etc. could all be extremely valuable to a BOB, and therefore to an entire school district and its taxpayers.

There is an infinite number of ideas that can be brought to a board table that will benefit the rookie board members, the veteran board members, and the board overall. Staying informed and abreast of current information and practices is vitally important to the success of a board of education, and should be systematically practiced by a board expecting each member to participate in a new training each year.

PROPOSED RESOLUTIONS
NOT RECOMMENDED BY THE RESOLUTIONS COMMITTEE FOR ADOPTION

PROPOSED RESOLUTION 21

Submitted by *the New York State School Boards Association Board of Directors (6/8/19)*

- 1 **RESOLVED, that the New York State School Boards Association oppose lowering the age of eligibility**
2 **for a commercial driver license, required to be a school bus driver, from 21 to 18.**

RATIONALE

New York State regulations require that school bus drivers be a minimum age of 21 years in order to acquire a Class A commercial driver's license (CDL A) through the Department of Motor Vehicles. This higher age threshold ensures that more experienced drivers are operating larger vehicles, including school buses. If younger, less experienced drivers were issued CDL As, it could prove to be dangerous for our student passengers, as well as other drivers.

EXPLANATION OF THE RESOLUTIONS COMMITTEE

The Committee appreciated the concerns about the need for experienced drivers to drive school buses. However, the Committee further noted that the process to attain a commercial driver's license is a rigorous one and felt that it was not appropriate to presume that a younger person who committed to and achieved this goal was less mature or prepared to do the work he or she was licensed by the state to perform.

PROPOSED RESOLUTION 22

Submitted by *the Hewlett-Woodmere School Board (6/20/19)*

- 1 **RESOLVED, that the New York State School Boards Association support legislation to allow retired law**
2 **enforcement officers to work in public schools as security guards, Directors of Security, or Supervisors**
3 **of Security without effect on their pensions and without pension waivers.**

RATIONALE

Recent acts of violence against schools have heightened the awareness of potential risks to student and staff safety. School districts expend large sums of money on security cameras, "man traps," alarm systems, electronic door entrances, and other measures to secure the buildings and grounds.

School officials need the ability to augment these security measures with qualified security professionals with law enforcement experience. Retired law enforcement officers maintain a high level of training and integrity that is nearly impossible to match elsewhere.

Unfortunately, school districts are unable to hire the security personnel they require and pay them realistic wages because the salaries of retired public employees are capped until age 65. Legislation freeing retired law enforcement from penalties and salary caps to work in schools as security officers and supervisors would help to ensure the safety and security of all students, staff, and community members.

EXPLANATION OF THE RESOLUTIONS COMMITTEE

The Committee did not take issue with the idea of an increase in the salary cap for retirees as a whole and expressed their support for NYSSBA's existing position on the topic, which states "NYSSBA supports legislation that would substantially increase the earning limitations for retired police and other law enforcement officers who are serving as school resource or safety officers." However, the Committee did not feel it was appropriate to create a 2-tiered system of state retirement benefit rights that gives one group of retirees greater rights than another.

REBUTTAL

Submitted by – Hewlett-Woodmere School Board (9/20/2019)

As stated, NYSSBA has an existing position on the topic. If NYSSBA supports legislation that would "substantially increase the earning limitations for retired police and other law enforcement officers who are serving as school resource or security officers" then they have already supported what may end up seeming like a 2-tiered system of state retirement benefit rights. In the end, it will be up to the legislation, which we don't write. NYSSBA's concern should be with advocating for solutions that will fill the need for schools, across the state, to be able to employ highly qualified retired police and other law enforcement officers to keep our students, staff, and visitors safe. This Resolution is in alignment with an existing position of NYSSBA and should be supported by NYSSBA.

PROPOSED RESOLUTION 23

Submitted by the Locust Valley School Board (7/17/19)

- 1 **RESOLVED, that the New York State School Boards Association advocate for state action to create**
- 2 **appropriate parameters for social media and electronic communications between students and school**
- 3 **district employees.**

RATIONALE

Employees who pursue inappropriate, intimate relationships with students seldom approach a student to initiate a relationship outright. Instead, they engage in grooming behaviors with the student to ease the student into a relationship either by acting as a mentor or friend at first. The availability of social networking sites, text messaging, emails, and other media have increased the opportunities for employees to engage in such behavior. Research on

incidents of inappropriate relations between district employees and students indicate these relationships are facilitated by social media sites and text messaging. The ease of using technology to connect with students has resulted in nationwide increases in incidents of alleged abuse. For example, the number of opened investigations into allegations of inappropriate relationships between teachers and minors showed a 249% increase from a decade ago, according to the Texas Education Agency. In Texas, there were 429 cases opened against educators during the 2017-2018 school year. (1) In New York City, 995 complaints about inappropriate relationships between Department of Education employees and students were filed between April 2009 and 2017. (2) In Ohio, the Office of Professional Conduct revealed the number of referrals for such cases increased from 4,770 cases in 2005 to 11,537 cases in 2016. The number of those cases investigated increased from 786 to 1,361. (3) Many of these cases involve the use of electronic and social media technologies to nurture inappropriate relations between parties. As districts face this issue with increased and alarming frequency, state legislators should work to protect children by issuing more concrete guidance and regulations to curtail inappropriate contacts between employees and students.

(1) Proffer, Erica "Texas Sees 42% Rise in Inappropriate Student-Teacher Relationships" KVUE 10, October 2018 <https://www.kvue.com/article/news/local/texas-sees-42-percent-rise-in-inappropriate-student-teacher-relationship-investigations/269-603049596>

(2) Licea, Melkorka and Edelman, Susan "How Midnight Chats turn 'Empathetic Teachers' into 'Sexual Predators'" New York Post 26 February 2017 <https://nypost.com/2017/02/26/how-midnight-chats-turn-empathetic-teachers-into-sexual-predators/>

(3) May, Kelly "Fox 45 Investigates: Increased reports of inappropriate teacher-student relationships" Fox 45 5, February 2018 <https://davton247now.com/news/local/how-schools-are-keeping-kids-safe-after-increased-reports-of-teacher-student-relationships>

EXPLANATION OF THE RESOLUTIONS COMMITTEE

The Committee appreciated the intent of the resolution, but ultimately believed that this was an issue that could and should be addressed by local boards of education, without state intervention.

PROPOSED RESOLUTION 24

Submitted by the *Locust Valley School Board (7/17/19)*

- 1 **RESOLVED, that the New York State School Boards Association advocate for action that requires**
- 2 **school districts to provide a professional development program related to the ethical practices and**
- 3 **protocols employees should follow when using social media and electronic communications.**

RATIONALE

The proliferation of digital means of communication creates an environment in which employees can engage in a positive relationship with their students. The majority of these relationships are appropriate, required, and beneficial to the student. However, the casual usage of social media and other digital platforms can easily blur the lines between personal and professional relationships. The availability of social media, text messaging, and email creates an environment where children may become victims of inappropriate relationships with district employees. As districts face this issue with increased and alarming frequency, state legislators should protect

children by requiring annual training for employees and staff that clearly defines appropriate and inappropriate social media and electronic communications.

EXPLANATION OF THE RESOLUTIONS COMMITTEE

The Committee appreciated the intent of the resolution, but ultimately believed that this was an issue that could and should be addressed by local boards of education, without state intervention.

PROPOSED RESOLUTION 25

Submitted by the *Locust Valley School Board (7/17/19)*

- 1 **RESOLVED, that the New York State School Boards Association advocate for an update to the New**
- 2 **York State Education Department's Educator's Code of Ethics to include principles related to proper**
- 3 **use of technology in fostering positive learning experiences for children.**

RATIONALE

The New York State Department of Education approved its Educator's Code of Ethics for school districts in 2002. It does not address student and teacher educational experiences and communications in a digital world.

EXPLANATION OF THE RESOLUTIONS COMMITTEE

The Committee appreciated the intent of the resolution, but ultimately felt that the language of the principles was broad enough to encompass all delivery of learning experiences for students. The Committee did not believe that overly specific language would be appropriate as the Code of Ethics is supposed to be a set of principles, not practices, and that the practices to implement those principles should be determined by local boards of education.

PROPOSED RESOLUTION 26

Submitted by the *Morrisville-Eaton School Board (7/18/19)*

- 1 **RESOLVED, that the New York State School Boards Association support legislation that prevents the**
- 2 **accumulation of exorbitant costs to schools associated with impartial hearings, independent evaluations,**
- 3 **compensatory damages and attorney fees associated with formal due-process complaints.**

Proposed Amendment – Submitted by Morrisville-Eaton School Board (9/20/19)

Insert:

Resolved that NYSSBA shall support legislation that **protects due-process for those following the rules, but** prevents the accumulation of exorbitant costs to schools associated with impartial hearings, independent

evaluations, compensatory damages and attorney fees associated with formal due-process complaints of lawyers with mal-intent by:

1. Shifting the burden of proof back to the parents as it was prior to 2007, as it is in most other states, and as it is permissible under IDEA.

Additionally, to meet this end support legislation that:

- 1) Requires Independent Educational Evaluations to be conducted by either:
 - a) a mutually agreed upon specialist;
 - b) a specialist from a random, rotational list; or
 - c) in collaboration with the evaluator of choice by the parent and an outside evaluator selected by the district.
- 2) Requires that parents seek relief and resolution to their due-process complaints by notifying the NYSED Regional Associate for their area and afford the district 45 days to make adjustments to the child's program in order to be eligible for reimbursable legal fees.
- 3) Requires parents to take part in mediation with their child's school district prior to eligibility for reimbursable legal fees.
- 4) Disallows the reimbursement of parental legal fees prior to the notification of the Regional Associate and mediation.
- 5) limits allowable settlements of due-process complaints to educational services.

RATIONALE

The current system of legislation is broken as it relates to IDEA. Attorneys have discovered a way to abuse the system to wage a war of attrition against school districts and BOCES. 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 rack up questionable billable hours. 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 is a potential target for this type of attack. Statewide totals could easily reach into the 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 these predatory attorneys

EXPLANATION OF THE RESOLUTIONS COMMITTEE

The Committee shares the concern of the sponsor about the costs associated with special education, and is sympathetic to the circumstances the district may be facing. However, as submitted, the Committee found the proposal too vague to understand what kind of changes the Association would be seeking, or to define exorbitant in such a way that due process rights would be protected. The Committee felt that the cost issues addressed here could potentially be addressed by the broader proposal to examine and make recommendations on all special education costs.

POTENTIAL RESOLUTIONS FROM THE FLOOR

The Resolutions below were submitted after the published deadline for proposed bylaw amendments and resolutions. They are listed in the order in which they were received. The Resolutions Committee did not review them and will not make recommendations on their adoption or not. These resolutions may be considered at the business meeting, during “other business” if there is a successful motion to suspend the bylaws and consider a late resolution. Details on the procedure for considering a late resolution can be found on page 34.

POTENTIAL RESOLUTION

Submitted by the *Shenendehowa School Board (8/29/19)*

Endorsed by: *Capital Region BOCES Board*

- 1 **RESOLVED, that the New York State School Boards Association shall continue its efforts to achieve**
- 2 **passage of modifications to the current property tax levy law that has been sought in the past. The**
- 3 **proposed resolution is an affirmation that NYSSBA will not submit to the fiction that the property tax**
- 4 **levy law is permanent, thus not subject to revision.**

RATIONALE

NYSSBA resolves that as part of its legislative agenda it shall continue to pursue meaningful and justified changes in NYS law that sets a cap on increases in the property Tax Levy. During the recent New York State Legislative session, property tax levy cap legislation was passed without a sunset clause. Both the Governor and legislators tout this law as a permanent law. This designation is self-serving as it both misled taxpayers and is an attempt to discourage further efforts by those who would seek to modify or reform the newly enacted law.

In reality, there is no permanent law, as all laws are subject of change, revocation or replacement. This will not stop elected officials from claiming that no modification is possible. The reality is that change is not only possible but also desirable. Change is a matter of political will and a test of whether those who seek change will persist or those who resist will prevail.

Such efforts include, but are not limited to, establishing the 2 percent cap as the allowable annual increase in the levy cap without consideration of cost of living. It shall be stipulated that no school district shall be subject to a negative property tax levy cap, safety-related expenditures shall not be included within the tax levy cap, and BOCES capital expenditures when approval by component district boards shall be treated in the same manner as their own capital expenditure, not included within the property tax levy cap.

Also, the 60 percent approval vote for passage of a district’s budget that exceeds the two percent levy cap shall be set aside when a school district is in fiscal stress. Such districts shall require 50 percent of their voters to vote for approval of a budget exceeding 2 percent property tax levy increase.

Therefore, NYSSBA, while endeavoring to be good stewards of public resources, shall seek legislative changes that ensure the fundamental fabric of the property tax levy process is fair to taxpaying citizens and provides reliable and sufficient resource capacity to local school districts.

POTENTIAL RESOLUTION

Submitted by the *Onteora School Board (9/9/19)*

- 1 **RESOLVED, that the New York State School Boards Association support the proposed New York**
- 2 **Health Act and any legislation at the state or federal level that provides single payer health care for all**
- 3 **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.

POTENTIAL RESOLUTION

Submitted by the *Onteora School Board (9/9/19)*

- 1 **RESOLVED, that the New York State School Boards Association support legislation that requires every**
- 2 **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.

POTENTIAL RESOLUTION

Submitted by the *Onteora School Board (9/9/19)*

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

RATIONALE

The cost of healthcare rose 5% in 2018, compared to a CPI of 1.9%, 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.

POTENTIAL RESOLUTION

Submitted by the *Onteora School Board (9/9/19)*

- 1 **RESOLVED, that the New York State School Boards Association support legislation that creates**
- 2 **a process for tenure review and renewal occurring every five years throughout the career of all tenured**
- 3 **public school employees. This process will include student, parent and colleague feedback, will not be**
- 4 **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.

AMENDMENTS AND LATE RESOLUTIONS

No additional bylaw amendments can be included in the agenda at this time. However, a member school board may propose an amendment to any resolution printed in this report or a late resolution to be considered from the floor.

Amendments to resolutions printed in the *Voting Delegates' Guide – Proposed Bylaw Amendments and Resolutions* need not be submitted in writing at the rostrum of the Annual Business Meeting, but must be moved and seconded from the floor to be considered. A majority of those voting is necessary to approve an amendment. Proposed amendments to the bylaws may not be considered from the floor.

Members may also attempt 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.

Members whose late resolutions, amendments and other supporting documents were not included in the *Voting Delegates' Guide – Proposed Bylaw Amendments and Resolutions* may choose to transmit this information to the membership directly, either in advance or by leaving materials at seats the day of the business meeting. Even if transmitted to the membership directly, amendments and late resolutions not included in the *Voting Delegates' Guide – Proposed Bylaw Amendments and Resolutions* will need to be submitted in writing at the rostrum of the Annual Business Meeting to be moved and seconded from the floor to be considered.

To ensure maximum efficiency at the Business Meeting, please submit any late resolutions or amendments to NYSSBA prior to the Business Meeting. Submissions should be sent to Danielle Grasso via email at: danielle.grasso@nyssba.org

PRECEDENCE OF MOTIONS

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

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

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

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

PROPOSED RULES OF CONDUCT FOR THE BUSINESS MEETING

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

1. **CREDENTIALS.** The credentials of all voting delegates shall be displayed where they may be easily recognized.
2. **PARLIAMENTARIAN.** There shall be an official parliamentarian to whom questions may be directed only through the chair.
3. **FLOOR ACCESS.** All voting delegates shall be seated on the convention floor. Voting delegates shall be permitted full access to the floor including the right to speak on proposed bylaw amendments, resolutions and nominations. All nonvoting members in attendance shall be seated in locations designated by the chair. Seats on the floor shall be designated for the Resolutions Committee as well as the Board of Directors and non-board members serving as tellers. Such members shall not be permitted to speak on bylaw amendments and resolutions unless they are also the voting delegates for their districts; with the exception of the members of the Resolutions Committee who may address the delegates if called upon by the chair or chair of the Resolutions Committee; and members of the Board of Directors who may speak on bylaw amendments and resolutions submitted by the Board of Directors if they have been designated to do so.
4. **NOMINATIONS.** Pursuant to Article 7 of the Association's bylaws, the chair, or his or her designee, shall announce the nominations from the Board of Directors for the offices of President, First Vice President, Second Vice President, and Treasurer. As set forth in Rule No. 8, once the nominee's consent has been secured, that individual shall have the right to address the delegates for not more than two minutes, after nominations are closed and prior to debate by the delegates as set forth in Rule No. 8. The order in which such nominees are asked to address the delegates will be determined by the drawing of lots.

If there are nominations from the floor, consistent with Article 7 of the Association's bylaws, such vote shall be by ballot. If more than two individuals are nominated for any office, the individual or individuals securing the greatest number of votes cast will be elected. If there are no such nominations from the floor, the vote shall be by a showing of hands.

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

meeting during the time that the election for such office occurs.

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

6. **PRESENTATION OF BYLAW AMENDMENTS AND RESOLUTIONS.** The Resolutions Committee chair, or his or her designee, shall move resolutions recommended by the Committee and such motions shall not require a second.

6A. **RESOLUTIONS ON CONSENT.** Existing NYSSBA positions that have been resubmitted and recommended for adoption by the Resolutions Committee may be considered first, on consent, as a single motion. Any delegate wishing to remove a resolution from the consent agenda (and thus have it debated by the delegates) may do so by simply requesting that action when the consent agenda is called. If a resolution is removed from the consent agenda, it will be considered under "Recommended Resolutions" and needs no second.

7. **RECOGNITION BY CHAIR.** A voting delegate or designated member of the Board of Directors wishing to speak from the floor shall rise and secure recognition of the chair before speaking. The delegate shall give his or her name in full and the name of the board he or she represents.

8. **DEBATE ON THE FLOOR.** No voting delegate or member of the Board of Directors shall speak in debate more than twice on the same question or nomination, with the first presentation limited to two minutes and the second limited to one minute. No voting delegate or member of the Board of Directors shall speak a second time on the same question or nomination until all other voting delegates have had an opportunity to speak once.

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

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

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

Discussion on a proposed resolution shall be limited to 10 minutes.

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

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

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

9. **WRITTEN SUBMISSION OF RESOLUTIONS.** No late resolution may be introduced until it has been submitted in writing at the rostrum. A late resolution shall be considered under “Other Business.” Such resolution shall be submitted by a motion to suspend Article 9, Section 2, of the Association’s bylaws. Such motion shall identify the subject matter and purpose of the resolution, shall require a second, be debatable, and shall require a two-thirds vote of the voting delegates present and voting.

10. **WRITTEN SUBMISSION OF AMENDMENTS.** No amendment to a resolution may be introduced until it has been submitted in writing at the rostrum.

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

12. **RECORDING AND APPROVAL OF MINUTES.** The Secretary shall be responsible for recording the minutes of the Annual Business Meeting. The Board of Directors is authorized to review and approve the minutes of the Annual Business Meeting at the first regular meeting of the Board subsequent to the Annual Business Meeting.

INFORMATION FOR THE VOTING DELEGATES

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

CHECK-IN PROCEDURE

NYSSBA's bylaws require that a quorum of 200 voting delegates be present at the Annual Business Meeting in order for any business to be conducted. **The 2019 meeting starts promptly at 8:00 a.m., Saturday, October 26th.** There is a check-in/check-out procedure for Business Meeting delegates. Each delegate must wear a delegate button to be admitted to the delegate floor where he or she will be issued a voting paddle. To ensure a quorum is present throughout the meeting, each delegate will be issued a number. This number will be on the voting paddle. The voting paddle must be turned in each time a delegate leaves the floor. This procedure will allow NYSSBA to ensure only voting delegates are voting. If a delegate's alternate takes over during any part of the meeting, the alternate must follow the same procedure.

ORDER OF BUSINESS

The Order of Business for the Annual Business Meeting (page 4) is the agenda for the meeting. It sets forth the items of business which are scheduled to be accomplished during the course of the meeting.

The meeting will begin promptly at 8:00 a.m. with several procedural items. First, the Association President, who presides throughout the meeting, announces the presence of a **quorum**.

Following the announcement of a quorum, the President calls for a **motion to adopt the Order of Business**. The President also calls for a **motion to adopt the Proposed Rules of Conduct** for the meeting. These rules were prepared to be consistent with the Association's bylaws. The rules describe how delegates must conduct themselves during the meeting, such as setting out the time allotted for discussion of certain items. Delegates can find a summary and clarification of the Proposed Rules of Conduct on pages 26 through 28.

THE BUSINESS MEETING

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

ELECTION OF THE NYSSBA OFFICERS

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

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

PRESENTATIONS

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

- President Elect (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 16th 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. Any resolution submitted to the Resolutions Committee may be amended from the floor. All information on how to offer amendments from the floor, as well as the length of debate, can be found in the Proposed Rules of Conduct on pages 26 through 28.

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

OTHER BUSINESS

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