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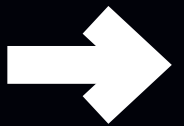
Voting Delegate Guide

Proposed Bylaw Amendments & Resolutions
for the Annual Business Meeting

Navigating

Public

Education



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TO: School Board Members and Chief School Administrators
FROM: Edward Marin, Resolutions Committee Chair
DATE: September 2015

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 **Tuesday, October 20, 2015 at 8:00 a.m. in the New York Ballroom, 3rd floor.**

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ANNUAL BUSINESS MEETING

TUESDAY, OCTOBER 20, 8:00 A.M., NEW YORK BALLROOM, 3RD FLOOR

DELEGATE ORIENTATION / ASK THE PARLIAMENTARIAN

MONDAY, OCTOBER 19, 8:45 – 10:00 A.M., SUGAR HILL, LOWER LEVEL

An orientation for delegates will be led by Jay Worona, NYSSBA’s deputy executive director, general counsel and parliamentarian 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 LYNNE LENHARDT, Bethlehem/Capital Region BOCES/Tech Valley HS
1st Vice President, Area 11 SUSAN BERGTRAUM, Nassau BOCES
2nd Vice President, Area 5..... WILLIAM MILLER, Herkimer-Fulton-Hamilton-Otsego BOCES
Treasurer THOMAS NESPECA, Webster/Monroe 1 BOCES
Area 1 LINDA R. HOFFMAN, Erie 2-Chautauqua-Cattaraugus BOCES
Area 2 RODNEY GEORGE, Avon
Area 3 CHRISTINE SCHNARS, Erie 2-Chautauqua-Cattaraugus BOCES
Area 4 SANDRA H. RUFFO, Broome, Delaware -Tioga BOCES
Area 6 WAYNE ROGERS, Malone
Area 7 BARBARA MAURO, Capital Region BOCES
Area 8 BRIAN LATOURETTE, Downsville
Area 9 DOROTHY SLATTERY, Orange-Ulster BOCES
Area 10 PEGGY ZUGIBE, North Rockland/Rockland BOCES
Area 12 FRED LANGSTAFF, Eastern Suffolk BOCES
Director, Big 5 School Districts WILLA POWELL, Rochester
Immediate Past President, National School Boards Association ANNE M. BYRNE, Nanuet
Chairman, NSBA Council of Urban Boards of Education VAN HENRI WHITE, Rochester

RESOLUTIONS COMMITTEE

Area 6 EDWARD MARIN, Chair, Beekmantown/CVES BOCES
Area 1 JANICE COVELL, Orleans-Niagara BOCES
Area 2 JAMES COLT, Avon
Area 3 ANITA RAY, Erie 2-Chautauqua-Cattaraugus BOCES
Area 4 MARISSA JOY MIMS, Fayetteville-Manlius
Area 5 DOUGLAS GUSTIN, Madison- Oneida BOCES
Area 7 CATHY LEWIS, Schenectady
Area 8 ELEANOR-LYNN BROWN, Gloversville
Area 9 RON SOMMER, Greenwood Lake
Area 10 STEPHEN JAMBOR, Brewster
Area 11 FRANK CHIACHIERE, Valley Stream 13
Area 12 THEODORE IMBASCIANI, Connetquot/Eastern Suffolk BOCES

Alternate(s): Area 12, Daniene Byrne, Bayport-Blue Point.

**PROPOSED ORDER OF BUSINESS
2015 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

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- Report of the Resolutions Committee
- Consideration of Proposed Bylaw Amendments Recommended by the Resolutions Committee for Adoption
- Consideration of Proposed Resolutions (Sunsetting Position Statements) Recommended by the Resolutions Committee for Adoption on Consent
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PROPOSED BYLAW AMENDMENTS

Proposed Bylaw Amendment 1

Submitted by the NYSSBA Board of Directors

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

- 1 **RESOLVED**, that Article 2 of the bylaws of the New York State School Boards Association be amended to
- 2 limit the annual growth in membership dues to coincide with the allowable growth for school district budgets
- 3 as established by the education law.

ARTICLE 2. SCHEDULE OF MEMBERSHIP DUES

Beginning in 2013 and continuing in years thereafter the annual dues shall be based upon the amount the member board paid in the previous year plus an adjustment limited to ~~4% or 120% of the Annual Consumer Price Index (CPI), whichever is lesser~~ 2 % or the change in the Consumer Price Index, whichever is less.

New members who join in 2013 and thereafter will be placed on the dues schedule, established in 2010 and remaining in effect, ~~as (set forth below,)~~ according to the district's most recent general fund expenditures, as reported to the State Education Department. Their annual dues shall be based upon the amount member boards within the same general fund expenditure range paid in the previous year plus an adjustment limited to ~~4 percent or 120 percent of the Annual Consumer Price Index (CPI), whichever is lesser~~ 2% or the change in the Consumer Price Index, whichever is less.

Membership dues are payable on an annual basis from the date upon which either initial and/or full payment is received with a 30-day grace period.

GENERAL FUND EXPENDITURES STARTING RANGE	GENERAL FUND EXPENDITURES ENDING RANGE	ANNUAL DUES 2010
0	1,250,499	1,255
1,250,500	1,500,499	1,380
1,500,500	2,250,499	1,760
2,250,500	2,500,499	1,885
2,500,500	2,750,499	2,005
2,750,500	3,000,499	2,130
3,000,500	3,250,499	2,255
3,250,500	3,500,499	2,375
3,500,500	3,750,499	2,500
3,750,500	4,000,499	2,625
4,000,500	4,250,499	2,755
4,250,500	4,500,499	2,880

4,500,500	4,750,499	3,000
4,750,500	5,000,499	3,125
5,000,500	5,500,499	3,250
5,500,500	6,000,499	3,380
6,000,500	6,500,499	3,510
6,500,500	7,000,499	3,630
7,000,500	7,500,499	3,755
7,500,500	8,000,499	3,880
8,000,500	9,000,499	4,000
9,000,500	10,000,499	4,380
10,000,500	11,000,499	4,625
11,000,500	12,000,499	4,870
12,000,500	13,000,499	5,120
13,000,500	14,000,499	5,375
14,000,500	15,000,499	5,620
15,000,500	16,000,499	5,865
16,000,500	17,000,499	6,115
17,000,500	18,000,499	6,370
18,000,500	19,000,499	6,615
19,000,500	20,000,499	6,865
20,000,500	22,000,499	7,365
22,000,500	24,000,499	7,620
24,000,500	26,000,499	7,865
26,000,500	28,000,499	8,120
28,000,500	30,000,499	8,375
30,000,500	35,000,499	8,625
35,000,500	40,000,499	8,880
40,000,500	45,000,499	9,130
45,000,500	50,000,499	9,380
50,000,500	60,000,499	9,635
60,000,500	70,000,499	9,885
70,000,500	80,000,499	10,140
80,000,500	100,000,499	10,635

100,000,500	125,000,499	10,885
125,000,500	300,000,499	11,395
300,000,500	600,000,499	11,940
600,000,500	AND ABOVE	12,505

RATIONALE

Previously, the annual growth in membership dues was tied to the allowable budgetary increase a school district could adopt under a contingency budget. Since that measure of growth was repealed by the property tax levy cap legislation, the present language of the bylaws is outdated and does not reflect the current taxing ability of school districts. The proposed change would reduce the maximum allowable growth in dues below what is currently authorized in the bylaws and make the growth in dues similar to the allowable growth in school district tax levies as established by the property tax levy cap legislation.

The increase in dues for the past five years (2011-2015) has averaged 1.18%. This includes the two years 2011 and 2012 when dues were frozen. In the three years since the dues freeze was lifted the average increase has been 1.96%. The proposed change would keep the growth in membership dues in line with the budgetary capacities of member school districts and still allow the Association to provide the high quality services our members have come to expect.

Proposed Bylaw Amendment 2

Submitted by the NYSSBA Board of Directors

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

- 1 **RESOLVED**, that Article 3 of the bylaws of the New York State School Boards Association be amended
- 2 accurately represent the descriptions of counties and school districts which comprise Areas 5 and 8.

ARTICLE 3. AREA ORGANIZATION

For organizational and administrative purposes, the state shall be divided into 13 areas as follows:
 Area 1. Erie, Genesee, Niagara, Orleans and Wyoming counties, excluding the Letchworth, Perry and Warsaw Central School Districts of Wyoming County, and the Holley and Kendall Central School Districts of Orleans county.

Area 2. Livingston, Monroe, Ontario, Seneca, excluding the South Seneca Central School District, Wayne and Yates counties, and including the Letchworth, Perry, and Warsaw Central School Districts of Wyoming County, the Wayland-Cohocton Central School District of Steuben county, and the Holley and Kendall Central School Districts of Orleans county.

Area 3. Allegany, Cattaraugus, Chautauqua and Steuben counties, excluding the Wayland-Cohocton Central School District of Steuben county.

Area 4. Broome, Cayuga, Chemung, Chenango, Cortland, Onondaga, Schuyler, Tioga, Tompkins counties, the Cazenovia Central School District and the DeRuyter Central School District of Madison County and the South Seneca Central School District of Seneca county.

Area 5. Herkimer, Jefferson, Lewis, excluding Harrisville Central School District, Madison, excluding the Cazenovia Central School District and the DeRuyter Central School District, Oneida, and Oswego counties including the Richfield Springs School District of Otsego county. ~~and the Oppenheim-Ephratah School District of Fulton county.~~

Area 6. Clinton, Essex, Franklin, Hamilton, excluding the Wells and Lake Pleasant Central School Districts, and St. Lawrence counties, and including the Harrisville Central School District of Lewis County and the Putnam Central School District of Washington county.

Area 7. Albany, Columbia, Rensselaer, Saratoga, Schenectady, Warren and Washington counties, excluding the Putnam Central School District of Washington county.

Area 8. Delaware, Fulton, ~~excluding the Oppenheim-Ephratah School district,~~ Montgomery, Otsego, excluding the Richfield Springs Central School District, and Schoharie counties, including the Wells and Lake Pleasant Central School Districts of Hamilton County.

Area 9. Dutchess, Greene, Orange, Sullivan and Ulster counties.

Area 10. Putnam, Rockland and Westchester counties.

Area 11. Nassau county.

Area 12. Suffolk county.

Area 13. Bronx, Kings, New York, Queens and Richmond counties.

RATIONALE

The Oppenheim-Ephratah Central School District merged with the St. Johnsville Central School District in 2013 forming the Oppenheim-Ephratah-St. Johnsville Central School District. The new school district is designated as part of Area 8 and the proposed amendment reflects this change.

PROPOSED RESOLUTIONS (2010 SUNSETTING POSITION STATEMENTS) RECOMMENDED BY THE RESOLUTIONS COMMITTEE FOR ADOPTION ON CONSENT

Proposed Resolution 1 (Sunsetting Position Statement)

Submitted by the NYSSBA Board of Directors
Originally submitted by the NYSSBA Board of Directors

- 1 **RESOLVED**, that the New York State School Boards Association seeks legislation to authorize and fund those
- 2 school districts who elect to either extend the academic year or extend the instructional time of the school day.

RATIONALE

Relative to their peers around the world, our students continue to lose ground academically. Many countries provide instructional time that well exceeds what students receive in New York State. School districts need the ability to educate students at a level that will allow them to effectively and successfully compete in an increasingly global world.

New York State law requires a minimum of 180 days of instruction without risking a loss of aid. In addition, commissioner's regulations provide for a minimum length of school day for students in order to meet the days of instruction requirements. While there is no law or regulation prescribing the maximum length of a school day, previous court decisions have recognized that a normal "instructional" school year only extends from September through June. This means school boards would need to be granted the legal authority to require attendance during a lengthened or restructured school year.

The addition of instructional time, whether through a lengthened school day, school year or a restructuring of the academic school year, understandably comes with costs. Teachers will be in the classroom with students for greater amounts of time, school buildings will be open for longer periods of time, and there will be more bus trips taking students to and from school. This will generate additional expenses for employees, facilities and transportation. Because education is a service, the majority of a school district's financial resources are used for personnel. These types of costs require a sustained investment from the state.

Extending the school day and/or academic calendar year will assist the faculty, staff and students in meeting curriculum requirements in addition to enriching the community by graduating better prepared students. However, the state must provide the legal authority and adequate funding to accomplish these goals if a school district wishes to extend the day and/or calendar year.

Proposed Resolution 2 (Sunsetting Position Statement)

Submitted by the NYSSBA Board of Directors

Originally submitted by the Shenendehowa School Board

- 1 **RESOLVED**, that the New York State School Boards Association in conjunction with the New York State
- 2 Board of Regents and New York State Department of Education shall work collaboratively to modify the
- 3 scheduling and frequency of state administered standardized assessments.

RATIONALE

Boards of education appreciate that assessments are a fundamental component of the educational process. Such assessments promote and enhance student learning by providing important information about the students and their needs.

However, for assessments to serve their intended purpose, to inform instruction, they must enhance not distract from instruction. The assessments must be the appropriate length, administered at the right time in the school year and must be of the minimum number to garner the required data.

Federal law requires the administration of some assessments. However, great latitude is left to the state regarding the length, the time of the day and the frequency of federally required and state added assessments.

That discretion should be used to ensure that the frequency is minimal and the scheduling is appropriate for the school calendar.

**Proposed Amendment to Proposed Resolution 2
(Sunsetting Position Statement)**

Submitted by the Newark Valley School Board

NOTE: Language struck out (---) and **bold** represents proposed deletions to proposed resolution and **bold** and underlined language represents proposed additions to the proposed resolution.

- 1 **RESOLVED**, that the New York State School Boards Association expresses "no confidence" in the
2 current New York State testing system, and in conjunction with the New York State Board of Regents and
3 New York State Department of Education shall work collaboratively to modify the scheduling and frequency of
4 state administered standardized assessments.

RATIONALE

Testing has been a mess for years. Let's have NYSSBA clearly state what we all think of it so that we are on-record as a state-wide organization as to how we stand. We can strive to improve things, but let's make it clear that we do not think what we currently have is working as it should. 2) The original rationale submitted indicates the test are not serving "their intended purpose" and "distract from instruction". The original rationale submitted also indicates that the frequency and scheduling could be better. In other words, the support for the resolution clearly indicates that we don't have confidence that these test are working as they should. However, the rationale is NOT part of NYSSBA's official position; only the Resolution is. So let's have the resolution clearly state our position and not just keep the rationale for ourselves. 3) Additional items that are "broken" in the current testing is repeated occurrences of poor / incorrect questions and lack of transparency in grading (cut points change each year and are determined AFTER results are known). 4) Let's be clear as an organization and make the resolution say what any of us as individuals would tell our public if they asked us if we had confidence that the tests were good, working, and meaningful: "No... we have to administer these tests but we don't have confidence that they are well designed or helpful to us."

**Proposed Amendment to Proposed Resolution 2
(Sunsetting Position Statement)**

Submitted by the Port Washington School Board

NOTE: Language struck out (---) and **bold** represents proposed deletions to proposed resolution and **bold** and underlined language represents proposed additions to the proposed resolution.

- 1 **RESOLVED**, that the New York State School Boards Association in conjunction with the New York State
2 Board of Regents and New York State Department of Education, Superintendents, administrators and
3 teachers shall work collaboratively to modify the scheduling ~~and~~ frequency and quality of state administered
4 standardized assessments.

RATIONALE

To exclude the educational experts as well as those charged with the administration of the test will doom the effort to failure. Our districts have been assessing students for well over 100 years. Their expertise should not be ignored. As shown by the recent outcry and opt outs the tests administered by the State have not been

shown to be of the quality that our children deserve. Changing vendors does not necessarily remediate that. We need the educational experts to review the quality and appropriateness of the tests as well as the scheduling and frequency.

**Proposed Resolution 3
(Sunsetting Position Statement)**

Submitted by the NYSSBA Board of Directors
Originally submitted by the NYSSBA Board of Directors

- 1 **RESOLVED**, that the New York State School Boards Association urges passage of legislation to support the
- 2 sharing of programs and services between BOCES and local school districts with public colleges and
- 3 municipalities when it makes financial and programmatic sense.

RATIONALE

School districts continue to look for ways to save money and apply such savings to those areas where support is needed. In that process, the state can help schools become efficient in their operations. One method of doing more with less is through the sharing of services. This helps reduce costs, increase efficiencies and stretch budgets during difficult times.

Services which could be shared between BOCES, school districts, public colleges, municipalities and not-for-profits include but are not limited to payroll, human resources, employee benefit coordination, legal services, transportation management, cooperative purchasing, central business operations, accounting, printing services, information technology, communications, operations and maintenance, safety and risk management, staff development and other relevant service sharing.

Of course, services should only be shared upon a finding that a beneficial cost savings or other enhancements would be produced through sharing. By allowing school districts to share services with public colleges, municipalities and not-for-profits, costs will be controlled while maintaining the viability of vulnerable services.

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

Proposed Resolution 4

Submitted by the Capital Region BOCES

- 1 **RESOLVED**, that the New York State School Boards Association shall seek legislation that assigns
- 2 responsibility for the payment of tuition and fees associated with students attending the state schools for the
- 3 blind and deaf to the State of New York.

RATIONALE

Current state law assigns responsibility for the payment of tuition and fees of students attending the state schools for the deaf and blind to the school district that originally refers the student to these schools. If the families of blind or deaf students move, the tuition and fees remain the responsibility of the school district that originally referred the students.

The students attending these schools remain the referring school district's responsibility until the student no longer attends the state school, completes his/her education at age 21, or at 23, with the recommendation of the school's director and approval of the State Commission of Education. Under this scenario, students who are of elementary age can remain the referring district's responsibility for years to come.

The present law creates an unjust burden on the district that originally referred the student. All other similar state laws shift responsibility for the student to the school district of residence, when a student's family moves from one district to another.

An adopted and expired resolution that was formerly part of the NYSSBA legislative agenda called for consistency with similar laws relating to special education services. The expired resolution sought a change in existing Education Law by requiring that financial responsibility passed to the district within which a blind or deaf student is resident.

The resulting NYSSBA legislative effort was consistent with efforts of the New York State Education Department to change the law. However, these efforts never gained traction because of effective opposition from school districts within which the blind and deaf schools were located. The opposition was warranted and justified since these districts often see an influx of families with blind or deaf students who move to be close to their children attending the special schools.

Neither the existing law nor the previously proposed change are just and fair to all school districts. The appropriate solution assigns financial responsibility to the State of New York. The State should assume responsibility of all blind and deaf students regardless of their district of origin or district of family residence. If the state addressed these problems and took responsibility for the students in state-run schools, there would be greater resources available for all students with special needs.

Proposed Resolution 5

Submitted by the Shenendehowa School Board
Endorsed by the Connetquot School Board of Islip

- 1 **RESOLVED**, that the New York State School Boards Association shall advocate for an amendment to the
- 2 New York State Constitution* that prohibits the Governor from including non-fiscal measures in the
- 3 appropriations bills submitted with the Executive Budget or otherwise tying non-fiscal measures to budget
- 4 appropriations.

RATIONALE

Article 7 of the New York State Constitution defines the power, duties and role of the Governor and Legislature in the state budget process. The executive-legislative balance of powers was grossly altered in favor of the executive by Court of Appeals decisions in New York State Bankers Association v. Wetzler (1993) and Silver v. Pataki and Pataki v. The Legislature (2004). Former Governor Paterson further shifted the balance toward the executive with the development of the so called "nuclear option". Section 5 of Article 7 of the State Constitution, as applied since the Bankers decision, made it possible for Governor Paterson to use temporary funding bills to force passage of what amounts to "language bills". Governor Cuomo has utilized the Constitution, court decisions and the tactics developed by former Governor Paterson to dominate the budget process and impose his will on the Legislature.

The current budget process provisions of the State Constitution, as they have been interpreted by The New York State Court of Appeals in the 1993 and 2004 decisions referenced above, create an unacceptable situation in which the Governor can include changes in permanent law in his proposed appropriations bills and put the Legislature in a "take it or leave it" position.

This situation can be fixed. The Constitution may be amended to allow the Legislature to make changes in the "terms and conditions" (including changes in permanent law) that are included in appropriations bills submitted by the Governor. As an alternative, the constitution could be amended to require the Governor to submit any proposed changes in permanent law in "language bills"(i.e., non-appropriation budget bills) rather than in the appropriations bills which the Legislature is prohibited by the courts' interpretation of Constitution from changing except with regard to the dollar amounts of specific items.¹

The original intent of giving the Governor dominant power in budget matters was directed toward taking control over excessive spending by the legislative branch. However, the Governor's aggressive use of his budget authority to impose his will on legislation has now undermined the Legislature's ability to work as a true legislative body.

No single individual should possess the amount of authority now possessed by the Governor. The Governor's authority prevents meaningful participation by the Legislature in the formulation of the state budget and even more so imposes the Governor's will over the legislative process.

Legislative authority should rest with the Legislators who act for the people. When the Legislature is cut out of the process the people are also cut out. Where is the democracy?

This is not a question of whether we as individuals or even as an organization approve or disapprove of the substance of any specific language legislation attached to the budget by the Governor. This is about checks and balances and the people having a voice through their representatives in their state government.

¹ Frank J Mauro, "Understanding and Evaluating the New York State Legislature's Budget Process constitutional amendments" 2005

*A prior effort to amend the NYS Constitution (2004) was not successful, however further concentration of power now makes a new effort justifiable, indeed critical and imperative.

Proposed Resolution 6

Submitted by the Shenendehowa School Board

- 1 **RESOLVED**, that the New York State School Boards Association shall advocate changes in the Affordable
- 2 Care Act to modify conditions under which penalties may be imposed on employers for health insurance
- 3 premiums that exceed a benchmark established by the law.

RATIONALE

Beginning with 2018 current federal law implements a forty percent penalty or excise tax on all employer provided health insurance coverage that exceeds a set premium benchmark. The penalty was in part designed to encourage or force employers to negotiate health insurance benefits that lower premiums paid by employers. Employers have negotiated reductions in health coverage to reduce premium costs and avoid incurring this

penalty. However, such reductions in cost, when they involve coverage, may not continue without ultimately failing to meet other provisions of the ACA.

In the case of school districts in New York State, the average annual increase in premiums, which are between 10 and 15 percent, serve as sufficient incentive to negotiate reductions in the cost of health care coverage. These reductions have been sought through numerous means, shifting premium payments toward employees, reduction in the scope of coverage, renegotiating policies with providers, increasing copay by the employee and other approaches. Employers have reduced the impact of increasing health insurance premiums through negotiations or other cost saving changes.

The ACA provides that the premium benchmark above which the 40 percent penalty shall be imposed will be adjusted annually by a Cost of Living Index chosen by the federal government to reflect inflation; thus the benchmark may rise over time. In the last decade, the rate of inflation has remained under five percent. Over this period, the increases in insurance premiums have risen two to three times as fast. Should this trend continue, inevitably the cost of health insurance programs, including those initially below the penalty benchmark, will exceed the penalty threshold and incur the 40 percent excise tax. Despite the best efforts to reduce or at least contain the cost of health insurance coverage for employees, virtually all employers will ultimately reach a point when they incur the 40 percent penalty. We must attempt to modify this provision. To ignore and not attempt to alter a legal provision with such a consequence is indefensible.

We do not seek to eliminate the penalty which was intentionally included in the ACA to generate program funds and discourage private health coverage. However, the provisions of the ACA that establish the 40 percent excise tax must be modified to provide protection from the penalty for those employers who though once below the penalty benchmark find themselves above the benchmark solely as a result of premium increases. In addition, some level of protection should be provided to employers who contained or reduced health insurance costs, even when these efforts did not fully achieved the goal of bringing costs below the penalty threshold.

Rebuttal to Proposed Resolution 6

Submitted by the Port Washington School Board

REBUTTAL

Any changes to the Affordable Care Act may include other measures that will be detrimental to families in NYS and may therefore impact student achievement. Contracts can be negotiated which have provisions built in if the increased costs of premiums would trigger the tax.

Proposed Resolution 7

Submitted by the Orchard Park School Board

- 1 **RESOLVED**, that the New York State School Boards Association seek and promote legislation to reform
- 2 current legal notice publication requirements.

RATIONALE

Public funds should be spent efficiently and effectively. Current legal notice publication requirements compel school districts to expend public funds in a manner that is both inefficient and ineffective.

Currently, the school district clerk is required to publish legal notices for annual meetings and elections on four (4) occasions during the seven (7) weeks preceding the date of the annual meeting or election, in two (2) newspapers having general circulation, or one (1) newspaper of general circulation, if there is only one, with the first publication occurring at least forty five (45) days before the date of the annual meeting or election. Many districts have only two (2) newspapers with general circulation within that district and those newspapers can therefore charge the highest publication rates permitted by law.

The current legal notice publication requirements were enacted prior to the widespread use of and access to the Internet and "smart" phones. Publishing comprehensive legal notices in print newspapers is therefore an outdated practice and public notice to school district community members can be accomplished more effectively by less expensive and/or cost-free methods.

NYSSBA's support of legislation to reform the current legal notice publication requirements is necessary in order to ensure that public funds are spent efficiently and effectively.

Proposed Resolution 8

Submitted by the Penfield School Board

- 1 **RESOLVED**, that the New York State School Boards Association support legislation that officially grants all
- 2 public schools the same exemptions from New York State Education law and/or regulation which have been
- 3 granted to any charter or public school.

RATIONALE

The mission of educating all students is at the heart of our work as public educators and school board members. New York State is just one of many states that have created a different playing field for charter schools by allowing them to be exempt from certain state laws and regulations. New York State has also proposed exemptions for poor performing schools operating under receivership.

New York law provides that a charter school must meet the same health and safety, civil rights, and student assessment requirements applicable to other public schools, except as otherwise specifically provided in the state's charter school law. It provides that a charter school is exempt from all other state and local laws, rules, regulations, or policies governing public or private schools, boards of education, school districts, and political subdivisions, including those relating to school personnel and students, except as specifically provided in the school's charter or in the state's charter school law. New York law states that up to five teachers or 30 percent of a school's teaching staff (whichever is less) may be uncertified.

Since over 85% of children in New York attend public schools, the exemptions from state law and regulation that are afforded to charter schools should be granted to public schools. New York State should provide all children with the same educational advantages that are provided to charter school students.

Ensuring a fair playing field for all students is essential for the future of public school education.

Proposed Resolution 9

Submitted by the Penfield School Board

- 1 **RESOLVED**, that the New York State School Boards Association support legislation to require new laws and
2 regulations to take effect no earlier than July 1st of the following calendar year, and at least 90 days from the date
3 that the New York State Education Department has fulfilled its own requirements, such as written guidance to
4 school district before school districts must implement new educational laws and/or regulations.

RATIONALE

School Boards and Superintendents swear an oath to uphold the laws and regulations of New York State. As professionals and public servants this oath is taken seriously and countless hours are given to ensure school districts are in compliance. New York State has repeatedly passed new laws and regulations without considering the budgetary impact to districts and without providing adequate implementation periods to maintain compliance.

School districts need to determine if new laws and regulations will be funded or unfunded. They will need to determine necessary professional development and training for staff, potential hiring of new staff, possible capital investments and restructuring current systems to comply with new laws and regulations.

A reasonable waiting period would be to require new laws and regulations to take effect no earlier than July 1st of the following calendar year, and at least 90 days from the date that the New York State Education Department has fulfilled its own requirements, such as written guidance to school districts.

This proposed resolution will ensure sufficient time for budgeting, negotiating agreements with bargaining units, planning for professional development, and allow for efficient and effective implementation of new laws and regulations. In addition, requiring New York State Education Department to fulfill its own requirements before school districts are held accountable will put an end to the frequent situation of districts being out of compliance due to deadlines, but unable to comply due to the State failing to meet their own implementation date.

The New York State School Board Association and all of its members have worked together with New York State to comply with laws and regulations and uphold the oath they take each year. This resolution will ensure all parties have the proper time and guidance to effectively implement new and modified laws and regulations, which can only help support our communities and our students.

Examples for discussion:

- New York State Education Law Section 917, enacted in May 2002 required schools to have AEDs effective September 2002. This law required school districts to purchase the equipment and pay for staff training immediately, even though district budgets had already been approved by voters.
- A bill introduced in 2015 would have changed the regulations surrounding public notification of district elections and been effective immediately, less than a month before the election.
- In July 2014, New York State Education Department enacted the Parents' Bill of Rights for Data Privacy and Security. This new requirement came as part of the Common Core Implementation Reform Act. Districts were required to take action without clear guidance from NYSED. For example, NYSED had not yet appointed a Data Security Officer, which was expected to offer guidance and support to the new requirement.

Proposed Amendment to Proposed Resolution 9

Submitted by the Port Washington School Board

NOTE: Language struck out (---) and **bold** represents proposed deletions to proposed resolution and **bold** and underlined language represents proposed additions to the proposed resolution.

- 1 **RESOLVED**, that the New York State School Boards Association support legislation to require new laws and
2 regulations to take effect no earlier than July 1st of the following calendar year, and at least 90 days from the date
3 that the New York State Education Department has fulfilled its own requirements, such as written guidance to
4 school district before school districts must implement new educational laws and/or regulations.
5 **Notwithstanding the above in the event of an emergency situation laws and regulations can use a**
6 **shorter timeline if they are fully funded to each school district involved.**

RATIONALE

As Superstorm Sandy and the influx of unaccompanied children have shown us, sometimes situations need to be addressed quickly for the benefit of the children. However it is the State's responsibility to fund these emergency situations since they are the ones who have limited school districts ability to budget for such contingencies.

Proposed Resolution 10

Submitted by the Brewster School Board

- 1 **RESOLVED**, that the New York State School Boards Association actively support legislation which would
2 require the design & validation of an APPR process that truly informs instruction and thereby promotes student
3 learning.

RATIONALE

The Annual Professional Performance Review (APPR) process was first introduced to the public schools in New York in 2000. Its original focus was to help improve professional practice and enhance student growth/achievement. More recently, there have been attempts to articulate rubrics to better operationalize the scope and sequence of effective teaching practice (Marzano, and Danielson among others). This information formed the basis for the SED's creation of the so-called "HEDI-bands" which represent Highly-effective, Effective, Developing and Improving levels of teacher performance.

There have also been efforts aimed at "formularizing" the relationship between of key variables and student achievement. The SED has combined various elements into an algorithm which they feel can be used to understand the relationship of teaching to student achievement. It needs to be noted however that the algorithm is at best an educated hypothesis, one that has yet to be adequately tested and validated.

This past spring, there was a noticeable outcry of concern regarding APPR. It ranged from parent complaints over testing, to issues raised by teachers, administrators, the Regents, the Legislature and Boards of Education. Nevertheless, the Governor sought to sidestep these concerns and instead use the budgetary process to push through a new round of implementation in APPR.

While there has been some negotiation regarding his initial position, the bottom-line remains: we do not have an APPR model that has been duly-validated as a means for informing instruction and supporting student learning.

Furthermore, we do not have a validated tool for assisting us in supporting the professional development of teachers, nor for making critical personnel decisions.

At the recently convened "Learning Summit", the only agreement that was indeed reached among the experts present was that there is no agreement at this time regarding the value of the so-called "Value-Added-Model" (VAM). In fact, there was noticeable concern raised about the amount of error associated with this model.

Therefore, it is now strongly recommended that:

- A two-year moratorium be created in the implementation of APPR (this was a common suggestion supported by Amy Paulin and the Mid-Hudson Assembly group, NYSCOSS, and a number of Regents).
- An expert panel (that balances both technical & practical expertise) be created to give guidance to this APPR process.
- A scientifically-defensible validation procedure be conducted.

Boards of Education owe a fair method of accountability to all of our constituents and most especially, our students. Legislation is needed to place the burden of proof for getting APPR back where it belongs: on the SED.

Proposed Amendment to Proposed Resolution 10

Submitted by the Newark Valley School Board

Endorsed by the Brewster School Board

NOTE: Language struck out (----) and **bold** represents proposed deletions to proposed resolution and **bold** and underlined language represents proposed additions to the proposed resolution.

- 1 **RESOLVED**, that the New York State School Boards Association **expresses "no confidence" in the**
- 2 **current New York State APPR system and that it** actively support legislation which would require the design
- 3 & validation of an APPR process that truly informs instruction and thereby promotes student learning.

RATIONALE

Key stakeholders have not been involved in the design of the APPR system (Administrators) yet they are expected to execute the system. Those responsible and most knowledgeable need to be involved in the design. 2) The original rationale indicates that "we do not have an APPR model that has been duly-validated as a means for informing instruction and supporting student learning." It also recommends a moratorium, and expert panel, and a validation procedure. Lastly, it states that it needs to get "back where it belongs". In other words, the support for the resolution clearly indicates that we don't have confidence in the APPR system. However, the rationale is NOT part of NYSSBA's official position; only the Resolution is. So let's have the resolution clearly state our position and not just keep the rationale for ourselves. 3) Let's be clear as an organization and make the resolution say what any of us as individuals would tell our public if they asked us if we had confidence that the APPR system was good, working, and useful to us: "No... we have to use the APPR system, but it has many problems and doesn't necessarily tell us what we need to know to improve the teaching environment... or to identify valid incompetence."

Proposed Resolution 11

Submitted by the Pine Bush School Board

Endorsed by the Port Jervis, Cornwall Central, Valley Central, Middletown, Orange-Ulster BOCES and Warwick Valley School Boards

- 1 **RESOLVED**, that the New York State School Boards Association support legislation permitting boards of
- 2 education to sponsor a referendum which would create voting wards to foster community wide representation.

RATIONALE

Central school districts, whether large or small, often include diverse communities within their borders. Faced today with fiscal constraints caused by 2% tax cap, greater state and federal mandates and uncertainty over aid levels from the State, school boards have had to lay off staff, discontinue programs, close schools and, in some instances, consider consolidation with other school districts. On occasion, these challenges have taken the form of single or “wedge” issues such as, for example, when a particular portion of the school district is facing the possibility of a school closing, which results in a high degree of, and in some instances majority, turnover of the membership on a school board.

In order to assure that these diverse communities are fairly represented in the broadest sense possible, school boards should be given the power to permit their residents to decide on electing candidates that represent in proportionate numbers the communities that comprise the school district. This becomes especially evident if school districts are consolidated. Current law permits school districts to establish election districts, but do not permit proportionate representation of members to be elected to the school board from each election district where those members reside. The adoption of legislation authorizing a central school district board of education to permit its residents the right to vote to allow proportionate representation from the election districts where members reside, would offer communities additional flexibility to avoid single or “wedge” issues that may distract school boards during these challenging and uncertain times.

Rebuttal to Proposed Resolution 11

Submitted by the Kiryas Joel School Board

REBUTTAL

The Board of Education of the Kiryas Joel UFSD, a NYSSBA member in good standing, submits this statement in opposition to Proposed Resolution #11 which supports legislation to permit school boards to create voting wards. Despite the benign language used in the Resolution and accompanying Rationale, the Resolution is fundamentally, legally and practically flawed.

The fundamental failure of the Resolution is the glaring omission of the true reason for this proposal by the Pine Bush School District. The “challenge” or “wedge issue” that Pine Bush is referring to has nothing to do with the 2% tax cap, uncertainty of aid levels, or possible district consolidation. The one and only reason for their Resolution is to combat a possible demographic change to their district by the future residents of a townhouse development at a corner of their District, in the Village of Bloomingburg. That development will likely be the home of hundreds of Hasidic and Orthodox Jewish families, who by in large do not send their children to public schools. Media reports in the Times Herald Record and Shawangunk Journal over the past year have clearly identified the fear of a Hasidic “bloc vote” as the true motivation to seek School District wards in Pine Bush.

Pine Bush unsuccessfully sought to have this legislation passed in last year's Albany session and they clearly believe that by making it appear to be a "statewide School Boards" issue, they could somehow disguise their true motivation. The underlying assumption implicitly made by members of the Pine Bush School Board is that we need to limit the voting rights of particular religious groups because these taxpayers elect to send their children to nonpublic schools. This resolution is nothing more than an obvious effort to limit the number of Hasidic and Orthodox Jewish school board members. It is discriminatory, reprehensible and must be soundly rejected.

Indeed, it is ironic that Pine Bush is the District that has chosen to propose the ward voting Resolution in the face of the notoriety of recent claims that they ignored Anti-semitic attacks against their students. Following a front page NY Times expose and remarks by the Governor in his State of the State address, Pine Bush recently settled a multi-million dollar lawsuit by the parents of the victims. In light of the sensitivity training required by the settlement of this case, it seems a misplaced priority to seek to limit the number of Jewish School Board members in Pine Bush- the direct and intended result of the ward voting initiative.

In addition, the Resolution does not address the practical difficulties of ward voting for school districts. Among other issues, there is no mention whatsoever about what is meant in the proposed resolution by "proportionate representation" or how zones would be drawn. In communities where demographic shifts are occurring such as Pine Bush, where new residents are coming to one area in greater numbers than elsewhere in the District, the ward boundaries would need to be adjusted frequently. Moreover, wards must be carefully drawn in order to avoid civil rights challenges on the basis of gerrymandering a single racial or religious group, which, in effect, this proposed resolution would appear to do.

Another practical concern in the implementation of School District wards is how Districts will deal with the many current Board Members who will be forced to run for the same seat if they reside in the same neighborhood ward. Similarly one ward may have no candidates for school board membership at all. Even the transition from at-large or identified seats to ward voting will entail much controversy and possible litigation as current and future school board candidates are disenfranchised.

Furthermore, the proposed resolution is not designed to accomplish the ends its sponsors purport to accomplish. For example, a growing population relegated to a single ward would likely exert their voting power to reject the school budget they disagreed with, in any event. Since the annual school budget vote is not affected in any way by the ward boundaries, and many districts will require a supermajority if they wish to pierce the 2% tax cap, a bloc vote by any ward group -seniors, racial minorities, religious communities- could result in a budget defeat. This fiscal strain, more than any other factor, has the potential to cause program cuts that will affect our students.

Focus should instead be placed on how Pine Bush will accommodate what it obviously fears the most: its statutory obligation to meet the rising and significant costs that will come with a significant increase to its nonpublic school community that will be entitled by law to transportation, special education, and other costly but requisite services.

The proposed resolution forward voting in school districts is legally, fundamentally, and practically flawed. A vote for school district wards is quite literally a vote for divisiveness—by attempting to divide communities along ethnic, racial and religious lines. Many school districts in New York are already some of the most segregated in the country. We should not be encouraging further segregation by supporting school district wards.

The Kiryas Joel UFSD School Board urges our fellow NYSSBA members to join in rejecting Proposed Resolution #11.

Proposed Resolution 12

Submitted by the NYSSBA Board of Directors

- 1 **RESOLVED**, that the New York State School Boards Association support the state assuming responsibility for
- 2 subsidizing a veterans tax exemption.

RATIONALE

In 2013, the state extended the option to offer an alternative veterans tax exemption to school property taxes. If approved by the school board, this exemption can be offered to veterans within the school district. However, such tax exemption does not reduce the total tax levy; it simply results in a redistribution of the tax burden from those who receive the exemption to those who do not. This means other taxpayers must pay more in order to cover the exemption, some of whom are ill positioned to afford it.

Veterans are deserving of our respect and gratitude. Many school board members and taxpayers support the idea of recognizing and thanking veterans through tax breaks and other financial means. But school board members should not be put in a position of choosing between the interests of veterans and others within their community simply because the state authorized such exemption.

If our state leaders feel that offering a school property tax exemption is an appropriate way to properly recognize our veterans, then it makes sense for the state to pay for it. This would ensure that other school taxpayers would not be forced to cover the cost.

Proposed Resolution 13

Submitted by the NYSSBA Board of Directors

- 1 **RESOLVED**, that the New York State School Boards Association support a system of state intervention in the
- 2 management and operation of schools and districts determined to have been financially mismanaged.

RATIONALE

The recent enactment of a school district receivership model for failing and persistently failing schools focuses only on schools located in districts that have been struggling academically for numerous years. The receivership law adopted this year failed to address schools and districts that have fiscal issues relating to financial mismanagement.

A school district that is not run in a financially sound manner will have difficulty establishing a strong educational program for its students and when such a situation arises, state intervention may be beneficial and is sometimes necessary. School districts may need state intervention to assist in rectifying financial problems that have occurred due to mismanagement by prior administrations and district leadership. However, it will be important that any such state intervention proposals be judged against a set of “principles” that have traditionally guarded our advocacy efforts. We should always insist, for example, that any intervention plan must be linked to documented findings that can be traced directly to board governance problems. We will not support an intervention plan that has sweeping applications across the state. We require that any such plan have a definite sunset provision, whereby local control of the district be fully resumed under the authority of a

locally-elected board of education, as was done in Roosevelt. In fact, we expect the duly-elected board of education to remain intact.

Proposed Resolution 14

Submitted by the NYSSBA Board of Directors

- 1 **RESOLVED**, that the New York State School Boards Association oppose raising the charter school cap.

RATIONALE

There is still more than ample room under the existing charter school cap for new schools to open. Charter schools should only be created when the district they are located in supports them. Raising the charter school cap is an unnecessary action that could lead to a diversion of state and local resources at a time when district’s needs are unmet.

Currently in New York, charter schools can be authorized by two entities, the Board of Trustees of the State University of New York and the Board of Regents. The current charter school cap is 460 charters, with an unlimited number of conversion schools. 260 of those charters are issued through a request for proposal (RFP) process. Each authorizer can issue 130 schools with a limit of 114 available within the City of New York. At this time and there are still 158 charters available within this cap, 24 in New York City and 134 outside of New York City. Despite the high number of charters remaining, efforts are underway to expand the charter school cap through an increase in the total allowable charters.

Proposed Resolution 15

Submitted by the NYSSBA Board of Directors

- 1 **RESOLVED**, that the New York State School Boards Association support policies to require charter schools
- 2 to enroll and retain English language learners and students with disabilities at a comparable rate to neighboring
- 3 schools.

RATIONALE

In order to provide an accurate comparison between the performance of students attending charter schools as compared to public school districts and to put each of them on a level playing field, charter schools must enroll and retain a similar number of students that have academic disadvantages.

Current law requires charter schools to make a good faith effort to attract and retain a comparable or greater enrollment of English language learners and students with disabilities when compared with the enrollment figures for those students within the district that the charter school serves. As a part of this requirement, charter school authorizers are required to set enrollment and retention targets for charter schools at the time of their authorization, and allows the chartering entity to terminate a charter for repeated failure to meet the enrollment and retention targets.

Unfortunately, current law is not sufficient to ensure that charter schools are enrolling and retaining these populations. Recent reports have indicated that many charter schools fail to meet the enrollment targets they have set for English language learners and students with disabilities. While chartering entities have the authority to take action, they are not adequately exercising that authority.

The charter school law should be strengthened to provide for stronger mechanisms to ensure that these targets are not only set, but met, without exception.

Proposed Resolution 16

Submitted by the NYSSBA Board of Directors

- 1 **RESOLVED**, that the New York State School Boards Association support programs and policies to expand
- 2 access to Advanced Placement, International Baccalaureate or other enrichment programs through online
- 3 delivery.

RATIONALE

Advanced Placement (AP), International Baccalaureate (IB) and other college credit eligible enrichment programs offer students an opportunity to study subjects at a more challenging level than traditional high school level courses. Students that receive a certain score on an AP or IB exam may be able to earn credits for college, thus saving tuition dollars, and such courses help make students more competitive during the college admissions process. Unfortunately, school districts with budget constraints and those in remote, sparsely populated areas of the state are often unable to offer a robust menu of enrichment programs.

Online delivery of advanced, college credit bearing courses and other programs have the potential to decrease the costs to districts and increase accessibility.

All school districts in the state should have the ability to offer their students a comparable education. Programs such as the federally funded Virtual Advanced Placement (VAP) program is one means of leveling the playing field. Other programs, like IB and local college partnerships, offer students opportunities to earn specialized diplomas and allow for opportunities to earn early college credits. The state and federal government should support the expansion of VAP and similar programs, and ensure that legal and regulatory barriers are removed. It is critical to the success of all students that they have the opportunity to take challenging academic courses no matter where they live.

Proposed Resolution 17

Submitted by the NYSSBA Board of Directors

- 1 **RESOLVED**, that the New York State School Boards Association oppose the expansion of mayoral control of
- 2 school districts outside New York City.

RATIONALE

Traditional school districts are complex organizations that, with only two exceptions in New York State, are governed by boards of education that are elected by the people in a non-partisan manner. Elected school boards minimize political influence, and school board elections encourage individuals from throughout the community with diverse backgrounds and experiences to seek office. Since school board members are elected on a staggered basis, members of the community have the opportunity to influence the direction of the school district, often on a yearly basis. This ongoing input ensures that school boards are accountable to the people that have students in the school district and to all taxpayers.

A switch from an elected board to an appointed one is not guaranteed to have any impact on improving educational opportunities for students. However, it does risk over politicization of school district elections and, therefore, programming, staffing, resource allocations and community participation.

The governance structure of a school district is important to the success of the district; however, there are numerous other factors that impact the quality of education such as local economic conditions, state aid, and parental involvement. Focusing on the governance structure of school districts distracts from the real issues that plague struggling districts. New York should continue to preserve elected school boards throughout the state.

Proposed Resolution 18

Submitted by the NYSSBA Board of Directors

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

RATIONALE

High-quality career and technical education (CTE) programs help students develop core academic skills, employability skills such as critical thinking and responsibility, and job-specific technical skills related to career pathways. These skills are critical for students to achieve college and career readiness.

CTE programs can encourage students to stay in school and graduate from high school helping to increase graduation rates overall. According to 2014 State Education Department data, only 76 percent of the state’s students are graduating in four years and only 38 percent of these students are considered college and career ready. Applied learning through CTE allows students to see how school work is relevant to future employment. CTE also offers students opportunities to develop interests that they can pursue in college or career paths.

Employable skills can help students find jobs during and after high school to help pay tuition for college or other professional education. This skill development in high school can also help fill currently available mid-level skill jobs that require more than a high school diploma but less than a four-year college degree.

Recent regulatory changes adopted by the Board of Regents have created the infrastructure which will allow students to substitute one of the five required Regents exams with an approved industry based exam. However, creating the framework for these programs is only part of the equation. For a meaningful increase in student access and participation in CTE programs, resources will be required.

Proposed Resolution 19

Submitted by the NYSSBA Board of Directors

- 1 **RESOLVED**, that the New York State School Boards Association support incorporating prekindergarten into
- 2 the operational school aid formula(s) used for K-12 education.

RATIONALE

More than one hundred thousand students each year experience the benefits of early childhood education that are offered through prekindergarten programs. These programs are funded by a myriad of different grants, each with its own regulations and reporting requirements, whether it be Universal Pre-K, Priority Pre-Kindergarten

or Full Day UPK. This results in concern at the district level about the sustainability and predictability of such programs when they are contingent upon annual appropriations and applications.

Incorporating prekindergarten into the aid formulas that are traditionally used to support school districts would allow districts to more effectively plan, budget and deliver such programs. Prekindergarten students would be treated and funded the same way K-12 students are for the purposes of aid categories such as Foundation Aid and transportation aid. This would mean funding could be better adjusted for factors like district wealth and student need.

Such a change would encourage continued growth in participation amongst both school districts and students.

Proposed Resolution 20

Submitted by the NYSSBA Board of Directors

- 1 **RESOLVED**, that the New York State School Boards Association support making prekindergarten
- 2 transportation for children four years old and older aidable to the same extent as K-12 transportation.

RATIONALE

While the state continues to make investments in expanded access to prekindergarten it is important to not only create these programs, but to also increase opportunities for access. One way to accomplish this is to ensure that parents can get their children to the programs that are available, by providing state-funded transportation. A major barrier to the provision of transportation is the fact that transportation for pre-K is not aidable.

Early childhood education is an important resource for students that will help them achieve future academic success. It is important for school districts to have the funds to implement prekindergarten programs, including transportation. Federal law allows for the transport of students four years of age and older on traditional school buses. However state law only allows districts to be reimbursed for the transportation of students enrolled starting in kindergarten. Therefore, prekindergarten transportation must be paid by the districts alone.

By making prekindergarten transportation aidable to the same extent as K-12 transportation school districts may be able to provide transportation and allow families to access prekindergarten for their children.

PROPOSED RESOLUTIONS NOT RECOMMENDED BY THE RESOLUTIONS COMMITTEE FOR ADOPTION

Proposed Resolution 21

Submitted by the New Paltz School Board

- 1 **RESOLVED**, that the New York State School Boards will immediately dissolve the Student Achievement
- 2 Institute, and remove associated materials and its presenters from the NYSSBA website, YouTube, and
- 3 anywhere else they are currently stored under NYSSBA's auspices.

RATIONALE

The Student Achievement Institute, established to interface with and instruct school boards, is not an instructional program for School Board members developed with NYSSBA resources or at the request of the membership. Its curriculum is developed, staffed and funded by agencies before which NYSSBA's mission is to

advocate and as such creates a conflict of interest. Also, presenters of the Student Achievement Institute are directors and employees of private lobbying agencies advocating before New York State and federal education departments for the expansion of charter schools and other policies against the established positions of NYSSBA.

EXPLANATION OF THE RESOLUTIONS COMMITTEE

The committee did not recommend this resolution because it is moot. The Student Achievement Institute was a temporary program in 2014 and part of 2015 in which NYSSBA provided free training and materials for school boards on then-new state learning standards. Funding for the program was provided by the State of New York, which had no role in determining the content of the training and materials. All associated events, materials and web content contained a funding disclosure statement. The committee believes collateral materials, such as the Essential Evaluation Guide and several videos, are worth retaining for future use by NYSSBA members as needed.

Rebuttal to Proposed Resolution 21

Submitted by the New Paltz School Board

REBUTTAL

The NYSSBA rationale for opposing the resolution is moot. Contrary to the explanation given in NYSSBA's Resolutions Committee recommendation to reject this resolution, NYSSBA's Student Achievement Institute web presence lists it as active. All conjugations of "to be" are in the present tense.

(www.nyssba.org/clientuploads/SAI/home.html) That it makes the videos available for continuous use online means it is active, even if the traveling classroom is not currently operating. Most NYSSBA training is available online, and the SAI is no exception. It exists. In addition, those videos and other materials were designed by proponents of charter schools and other practices harmful to public school districts. Keeping them archived online on NYSSBA's web pages signifies approval, which the NYSSBA rationale for rejecting our resolution makes clear.

Proposed Resolution 22

Submitted by the New Paltz School Board

- 1 **RESOLVED**, that the New York State School Boards will neither seek, nor accept, targeted funding for any
- 2 purpose not first established by the membership as NYSSBA policy, practice, or programming.

RATIONALE

The acceptance of donations or other funding from any private or public source for which the donor has specified a programming, policy, or advocacy target compromises NYSSBA's ability to independently determine its own goals and methods of achieving them. An inherent conflict of interest is created by the acceptance of donations or other funding from agencies before which it is NYSSBA's mission to advocate on behalf of its members.

EXPLANATION OF THE RESOLUTIONS COMMITTEE

The committee did not recommend this resolution because of its operational nature. The Board of Directors - an elected body with fiduciary oversight - should maintain authority to make financial decisions on behalf of the

organization. This could include the acceptance of grants, donations or other form of non-dues revenue that the Board of Directors determines is aligned with the Association's mission and goals.

Rebuttal to Proposed Resolution 22

Submitted by the New Paltz School Board

REBUTTAL

The subject of this resolution is not operational. It is policy. As in our districts as board members, policies are the parameters within which operations occur. If the membership would rather not take outside money, and potentially represent outside interests, or create conflicts with our own independence in relation to agencies before which NYSSBA lobbies, the paid staff has no business telling us we can't, or shouldn't, do that. It is outside their responsibility to make this recommendation to reflect, and it is fully inside our responsibility as members of a membership organization to determine that we want this practice halted.

Proposed Resolution 23

Submitted by the New Paltz School Board

- 1 **RESOLVED**, that complete compensation information for all NYSSBA employees will be considered public
- 2 information, and available upon request to all individual NYSSBA members and member school districts
- 3 without being subjected to FOIA review.

RATIONALE

NYSSBA is a membership organization. Board of Education members' dues are paid by taxpayers through duly adopted public budgets. NYSSBA employee salaries and other compensation are paid by New York State taxes, and their pension funds invested and provided through the public New York State Employee Retirement System (ERS). As such, it is proper that reporting be treated in the same way as other public employee reporting. In addition, Board of Education members are sworn, legal trustees of public funds; and as such are required to deliberate upon the value of these public expenditures; and are also responsible to review how they affect their ability to keep district expenditures within the 2% tax cap.

EXPLANATION OF THE RESOLUTIONS COMMITTEE

The committee did not recommend this resolution because it assumes, incorrectly, that NYSSBA is a public entity and subject to the Freedom of Information Act. NYSSBA is a nonprofit, private entity, not a state agency, school district or municipality. The committee believes the Association makes appropriate disclosures in its Annual Report, the Treasurer's Report, and other releases of information.

The NYSSBA Board of Directors annually approves salary ranges, and all employees are compensated within their set ranges. The Board also approves any changes to the benefits afforded all employees. The Board regularly reviews compensation and benefit data to assure that staff compensation is externally competitive and internally equitable.

Rebuttal to Proposed Resolution 23

Submitted by the New Paltz School Board

REBUTTAL

The resolution does not mistakenly assume NYSSBA to be public. It states clearly that NYSSBA is a membership organization. That NYSSBA exists in a gray area between private and public is also fact, as pension funds are invested with the state public retirement administration. And that all NYSSBA members are elected officials, and our membership is contingent both on our status as elected officials, and the payment of our dues by taxpayers, we certainly may, and should, choose to establish policies of transparency so the public may have full faith and confidence in the value received for those dues. This, like resolution 22, is a matter of policy, not operations. Its text is accurate, and its intent clear, and in keeping with our roles as public officials associating together for purposes of government action.

Proposed Resolution 24

Submitted by the New Paltz School Board

- 1 **RESOLVED**, that the New York State School Boards Association will make the names of all donors, both
- 2 individual and institutional, and the amounts of all donations, public information, reported upon receipt by
- 3 NYSSBA to the membership, and available upon request to all individual NYSSBA members and member
- 4 school districts without being subjected to FOIA review.

RATIONALE

NYSSBA is a membership organization whose membership consists exclusively of elected officials, with their membership costs financed by taxpayers through duly adopted public budgets. As such, reporting should be treated the same as that for elected officials and public institutions.

EXPLANATION OF THE RESOLUTIONS COMMITTEE

The committee did not recommend this resolution because of its operational nature. While it is not current practice for the Association to seek philanthropic donors, the Board of Directors, charged with fiduciary oversight should maintain the authority to make well informed financial decisions that align with our organizational mission, goals, and financial needs.

Rebuttal to Proposed Resolution 24

Submitted by the New Paltz School Board

REBUTTAL

This is not an operational question, but one of policy. Whether or not we grant anonymity to donors is a policy question for NYSSBA as an institution, not an operational function of staff. No matter how an organization presents itself to non-members, a membership organization must not operate in secrecy from its own members. This matters even more when those members are voted and paid into their membership by taxpayers.

Proposed Resolution 25

Submitted by the Newark Valley School Board

- 1 **RESOLVED**, that as of October 2015, NYSSBA and its member Boards express "no confidence" in the New
2 York State Testing system(s).

RATIONALE

In brief, the tests are repeatedly flawed and the grading system of cut-points is arbitrary, non-transparent, and should be unnecessary in a meaningful testing approach.

Not a year has gone by without some glaring error on one or more of the state tests. Whether it be nonsensical questions, poorly worded questions, answers that don't fit the question, or any number of other "mistakes", these tests are not adequately formed or reviewed prior to being used on our students. It is shameful when we have so many wonderful educators in the state that a comprehensive proof-reading is not done of these exams. Even more shameful is that we repeatedly talk about standards in our state but then we determine what questions are valid or not *after* the tests are given. If we know what is supposed to be taught (curriculum standards) then we should know that for which we are supposed to create a test. Lastly, the "grading" of the test is done differently each year as "cut points" are determined (and changed) after the results are known. This type of grading gives the impression of manipulating the results. Again, if we know what we are supposed to teach then we should know that for which we should test (... and what each question should be worth before we know the statewide results).

Of course there should be an accommodation for a question that for some reason was completely misunderstood by the vast majority of test takers and to have that question removed / scoring changed. That, however, should appear as the very rare exception in a well-crafted testing system and not as the rule. In today's environment, the common understanding is these questions and scoring changes are the rule and not the exception. An increasing number of our students (and their parents) want nothing to do with these tests. Our current testing system is flawed and requires a foundational overhaul.

NYSBBA resolutions for years have stressed a positive involvement and a constructive approach to working with others in the New York State system. NYS testing, however, has now been dysfunctional for years. At this point in time it may be helpful to make a clear statement regarding what we think about the current state of affairs. We can always strive to make things "better", but it is possible to think that we just want to polish the apple when, in fact, we may believe that the apple is rotten. Certainly, NYSSBA should have a strong voice in framing what our student testing system should look like, but let's make it clear what we think of the current testing system so that there is no mistaking that we feel the current system is neither sufficient nor effective.

Since NYSBBA resolutions remain in effect for five years, this resolution specifies a date should a significant change happen in NYS testing before the resolution sunsets.

EXPLANATION OF THE RESOLUTIONS COMMITTEE

The committee did not recommend this resolution in light of the recent changes in the New York State assessment program, including: (1) replacement of Pearson with a new vendor, Questar; (2) a law that limits the amount of instructional time that can be spent on standardized tests; and (3) funding to eliminate the need for standalone, multiple-choice field testing. It is premature to express no confidence in a system that is evolving.

The committee recommended an alternate resolution (Resolution 2) which speaks more broadly to state assessments.

Rebuttal to Proposed Resolution 25

Submitted by the Newark Valley School Board

REBUTTAL

The resolutions committee put forward resolution 2 instead of this resolution. However, Resolution 2 does not state whether we think the current system is working or not. We have had testing broken for years, and it is time to state that it *is* broken. The rationale submitted for Resolution 2 indicates the test are not serving "their intended purpose" and "distract from instruction". It also indicates that the frequency and scheduling could be better. In other words, the rationale for the resolution clearly indicates that we don't have confidence that these test are working as they should. However, the rationale is NOT part of NYSSBA's official position; only the Resolution is. So let's have a resolution that clearly states our position and not just keep the rationale for ourselves.

Resolution 2 also fails to indicate additional items that are "broken" in the current testing system. We have year after year of poor / incorrect questions and a lack of transparency in grading (cut points change each year and are determined AFTER results are known).

Let's be clear as an organization and have a resolution that says what any of us as individuals would say to our public if they asked us if we had confidence that the tests were good, working, and meaningful: "No... we have to administer these tests but we don't have confidence that they are well designed or helpful to us."

Proposed Resolution 26

Submitted by the Newark Valley School Board

- 1 **RESOLVED**, that as of October 2015, NYSSBA and its member Boards express "no confidence" in the New
2 York State APPR system.

RATIONALE

In brief, the existing testing system, the observation process, and the foundation of the evaluation itself is flawed. Key stakeholders, specifically those who will administer the system, were not part of the system's creation. The first attempts failed to produce meaningful results and the follow-up has been designed with the same people/groups determining the approach all over again. A poorly designed system is often doomed to fail and wastes more time and money while creating even more frustration.

There is a fundamental flaw when those expected to administer the evaluation system (our administrators) are not involved in the process of creating the system. They have not been. Instead they are handed this process, for a second time now, and told to believe in it and make it work. There is common agreement that a statewide system would be beneficial, and even welcomed. However, the first pass was poorly formed and the second pass appears no better formed. We are spinning our wheels with time and money while not making meaningful progress. Local evaluations, with state guidelines, would be yielding more useful results at this point for local Districts. A failure to believe in state measures at the local level, where employment decisions need to reside, will surely doom a system that is imposed upon us instead of being constructed with our direct involvement.

NYSBBA resolutions for years have stressed a positive involvement and a constructive approach to working with others in the New York State system. The sun-setting resolutions speak about "best practices", "professional development", "appropriate tools", and more. Even with such "positive" wording, the NYSSBA involvement in APPR has been minimized and APPR is dysfunctional. It may be helpful to make a clear statement regarding what we think about the current state of affairs. We can always strive to make things "better", but it is possible to think that we just want to polish the apple when, in fact, we may believe that the apple is rotten. Certainly, NYSSBA (and NYSCOSS) should have a strong voice in framing what the APPR system should look like, but let's make it clear what we think of the current APPR system so that there is no mistaking that we feel the current system is neither sufficient nor effective.

Since NYSBBA resolutions remain in effect for five years, this resolution specifies a date should significant changes happen in NYS testing before the resolution sunsets.

EXPLANATION OF THE RESOLUTIONS COMMITTEE

The committee did not recommend this resolution because it chose to advance an alternative resolution (Resolution 10), which sets forth a set of prospective principles that would inform the Association's advocacy on the Annual Professional Performance Review (APPR) system.

Due to changes in state law enacted in the 2015 legislative session, APPRs will be revised statewide. The committee feels it is important to provide constructive leadership and guidance on how this process should be refined moving forward, rather than focusing on the challenges of the past.

Rebuttal to Proposed Resolution 26

Submitted by the Newark Valley School Board

REBUTTAL

The resolutions committee put forward resolution 10 instead of this resolution. However, Resolution 10 does not state whether we think the current system is working or not. APPR was broken when first put out and the same people have put out APPR ver 2. With something this important, we should take a clear stand as an organization. It is time to state that it *is* broken. The rationale submitted for Resolution 10 indicates that "we do not have an APPR model that has been duly-validated as a means for informing instruction and supporting student learning." It also recommends a moratorium, and expert panel, and a validation procedure. Lastly, it states that it needs to get "back where it belongs". In other words, the support for the resolution clearly indicates that we don't have confidence in the APPR system. However, the rationale is NOT part of NYSSBA's official position; only the Resolution is. So let's have a resolution that clearly states our position and not just keep the rationale for ourselves.

Let's be clear as an organization and make the resolution say what any of us as individuals would tell our public if they asked us if we had confidence that the APPR system was good, working, and useful to us: "No... we have to use the APPR system, but it has many problems and doesn't necessarily tell us what we need to know to improve the teaching environment... or to identify valid incompetence."

Proposed Resolution 27

Submitted by the Fairport School Board

1 **RESOLVED**, that NYSSBA support legislation that recognizes that parents and guardians, with support from
2 their local school district are best qualified to determine the educational needs of their children by fully
3 supporting a parent or guardians right (on behalf of their children) to take or to refuse to take state tests in ELA
4 and Math in grades 3 to 8, including stand-alone field tests.

RATIONALE

- Parents and guardians are full partners in providing input to their children’s education.
- Parents/guardians are uniquely qualified in knowing the physical, academic and social/emotional needs of their children.
- The current state of education in New York is in flux, with State elected officials engaging in political, not educational, changes that are not grounded in sound educational research.
- Boards of Education recognize the professional qualifications of their staff and their collective ability to assess, through District developed tests, the progress and needs of each child for whom they have responsibility.
- Current efforts by the New York State Education Department to measure educational progress within the state, in accordance with Federal Laws and regulations, have been rolled out in a method that was not collaborative with educational professionals and has been administered through a high-stakes test that provides minimal educational value to students, teachers, parents/guardians and the school district. Examples of this include:
 - Denying timely and useful feedback as to individual child progress.
 - Limiting effective curriculum evaluation by restricting question disclosure to 50%.
 - Reducing the ability to measure individual progress by manipulating cut scores each year.
 - Developing tests at levels inappropriate for specific age groups.
 - Mandating these tests as a tool to evaluate teachers, a purpose for which they were not designed.
 - Diverting valuable instruction time for test prep and test-taking.
 - Adding additional unfunded costs related to test preparation and administration.
 - Placing significant anxiety into our system for children, families, teachers and administrators
 - Implementing a value added model without considering the unintended consequences for students.

EXPLANATION OF THE RESOLUTIONS COMMITTEE

The committee did not recommend this resolution because the committee believes it is not appropriate for an association of elected school officials to encourage students to opt out of legally required tests.

The state assessment program provides school districts with needed information about the progress of their students in reaching mastery of college and career ready standards. This data is especially important to educators and parents in low income communities, where student academic progress continues to lag behind.

The state is taking steps to improve the assessment program, including a review of content and age appropriateness, the availability of test items to inform instruction, reduction in the amount of instructional preparation time and time spent taking tests, and legitimate applications of the test data.

The committee believes that as educational leaders school board members must continue to offer constructive suggestions about improving the testing program rather than encouraging avoidance of the tests.

Rebuttal to Proposed Resolution 27

Submitted by the Fairport School Board

REBUTTAL

The committee misunderstood and therefore misrepresented the intent of the resolution. The committee mistakenly labeled this resolution as encouraging “students to opt out of legally required tests.” The resolution is about supporting Parents and Guardians. No mention of students nor encouragement to opt-out is found in this resolution. “Legally required tests” does not apply to parents/guardians, but rather to districts’ responsibility to administer mandated tests.

Children have the right to a free appropriate public education (FAPE). Parents/Guardians have the right and responsibility to assure that education systems and programs are in the best interest of their specific children. Parents/Guardians can choose to enroll their children in charter schools, to opt in or out of providing directory information, to seek Individual Educational Plans, to allow their children to participate in field trips or classes involving sex education!

Parents/Guardian who choose to opt in or out of currently mandated testing should be allowed and encouraged to determine what is in the best interests of their children. Maligning or belittling the interests and desires of parents for the most appropriate education is not an effective use of resources for local districts, for NYSSBA, nor for the state education department.

It is true that school districts are obligated to provide Education for all and to follow existing regulations and legislation. Please note that individual families are not under these legal obligations. Elected school board members must be aware of current educational trends and advocate for what is most appropriate for their districts and students.

This resolution does not address the merits of the state exams. Nor does the resolution address the rationale given by the resolution committee that purports the efficacy of the state exams (although NYSSBA should be wary of supporting tests that have yet to prove effective in measuring preparedness for college and career). We agree with the resolutions committee that it is the responsibility of school districts and NYSSBA to continue “to improve the assessment program, including a review of content and age appropriateness, the availability of test items to inform instruction, reduction in the amount of instructional preparation time and time spent taking tests, and legitimate applications of the test data.” As noted by the Resolutions Committee, all school board members should seek constructive solutions and advocate for changes in the current educational testing climate so that it can become a system to benefit all stakeholders, including parents/guardians, students and teachers. Supporting parents/guardians full right to direct their child(ren)’s education is the best policy, leading toward successful education for any child when parents/guardians are so involved.

Proposed Resolution 28

Submitted by the Fairport Central School Board

- 1 **RESOLVED**, that NYSSBA work with the Governor, legislators, and NYSED to support the adoption of
- 2 well-founded and researched-based educational policies and programs such as:

- 3 • Programs that are deemed developmentally appropriate for children by education professionals.
- 4 • Providing appropriate and legally required financial support to local school districts that are not tied to
- 5 any political agendas.
- 6 • Locally controlled human resource practices.
- 7 • Eliminating high-stakes tests bound to teacher evaluations.

RATIONALE

- The Public Schools of the State of New York primary purpose is to educate every child regardless of background, socioeconomic status or any other status which society may place upon them.
- New York has a history of high academic achievements, recognizing the arts and sciences, providing support for children of varying capabilities, providing opportunities in extra-curricular activities, and providing opportunities for post-secondary success; areas which current high stakes testing “reform” do not assess.
- NYSSBA represents duly elected board members and school boards tasked with the responsibility to guide their districts in the completion of their missions.
- The local school districts wish to inspire all children to exercise their inherent curiosity in whichever field they wish to pursue and to provide for them a solid foundation in multiple disciplines that allow them to function at the highest levels in society.
- It is the role and responsibility of NYSSBA to work with state and local educational professionals and elected officials, to continuously evaluate current practices and areas needing improvement, and help assess appropriate changes required to meet the needs of the member districts. A statewide reform agenda does not recognize the unique challenges experienced by individual school districts. Districts recognize changes needed locally, but that these changes may not apply to all districts globally.
- There are decades of education and child development research, which should inform the professional decisions impacting students, teachers and administrators. NYSSBA is often the conduit to Legislators and NYSED of this information.
- The various school boards have approved the hiring of professionals in all employment areas to effectuate the education of the whole child, and have policies and procedures for hiring, evaluating and dismissing staff as necessary.

EXPLANATION OF THE RESOLUTIONS COMMITTEE

The committee did not recommend this resolution because much of what is communicated within this resolution is addressed in existing NYSSBA position statements.

For example, a 2011 position statement sets forth our principles of funding, calling for a system that is adequate, equitable, flexible, predictable and clear. Another existing position statement sets forth our standards for education policy, including access to college and career readiness programs, and education policies that focus on equity, efficiency, high expectations, innovative approaches and community engagement. Likewise, NYSSBA has numerous position statements dealing with human resource issues, including changes to last-in, first-out requirements and changes to the tenured teacher discipline system.

The language imbedded in this resolution that would set forth a NYSSBA position calling for the complete elimination of any link between student tests and teacher evaluations was not supported by the committee.

Proposed Resolution 29

Submitted by the Nassau BOCES

1 **RESOLVED**, that the New York State School Boards Association shall give yearly “report card” grades to our
2 elected officials, rating them on their support of PUBLIC education.

RATIONALE

There currently is a huge push to rate students, teachers, administrators and schools on how well they are doing.

Why shouldn’t the same thing be done for our legislators?

The President of our association should appoint an ad hoc committee to assess our two state senators and governor, based on their voting record and public actions toward the support of our PUBLIC schools.

Each area director should appoint an ad hoc committee to assess the congressional representative(s) of their area as well as the state senator(s) and assembly person(s).

Ranking may be highly effective, effective, developing and ineffective.

Local school districts could publicize this information to keep the public informed about the job that their elected officials are doing. This is not meant to be an endorsement but rather an assessment.

It is time that school boards become more proactive than reactive. We wait to see who is elected and then lobby them. People running for office should be actively seeking our endorsement and policies.

EXPLANATION OF THE RESOLUTIONS COMMITTEE

The committee did not recommend this resolution because of its political nature.

The committee feels it is important to note that NYSSBA is a nonpartisan membership organization, and as such does not engage in electoral politics. NYSSBA does not endorse candidates for office, contribute to political campaigns or attend fundraisers. This kind of purely political action is better reserved for an entity organized with a political action committee, which is not the case with NYSSBA.

The production of legislative report cards carries inherent risk as the ratings could be misconstrued as either endorsements or the withholding of endorsements. NYSSBA has always sought to inform policymakers, not select them.

Proposed Resolution 30

Submitted by the Nassau BOCES

1 **RESOLVED**, that the New York State School Boards Association invite those state and federal candidates
2 running for elected office to our annual convention, affording them the opportunity to publicly state their
3 positions.

RATIONALE

Our Annual convention falls right before the November general election.

Candidates should be “knocking down our doors” to speak to us and to explain their positions on issues affecting us.

We sit back and wait until after the election and then try to gain their support and favor after they have been elected. This is backwards. We should know ahead of time what their positions are and whether they support our policies.

We should be a powerful voice for public education and candidates should be seeking our support, not us seeking theirs.

Local boards can then inform their communities about the candidates that are for PUBLIC education, if they choose do so.

EXPLANATION OF THE RESOLUTIONS COMMITTEE

The committee did not recommend this resolution because of its political nature.

NYSSBA is a nonpartisan organization that does not engage in electoral politics. The committee’s belief is that we should continue to abstain from such political activities.

The purpose of NYSSBA’s Annual Convention and Educational Expo is to present educational programming, build leadership skills and host networking opportunities for school officials. It is not intended to serve as a campaign stop for candidates to promote their political agendas. If candidates were invited, it is reasonable to anticipate that some candidates would accept our invitation, while others would decline. NYSSBA could find itself providing a forum for challengers but not incumbents, candidates from one party but not the other. The Association could be perceived to support a particular candidate or a partisan agenda, which would have a myriad of unintended and likely negative consequences.

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 “aye” 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 to proposed bylaw amendments, resolutions and nominations. All nonvoting members in attendance shall be seated in locations designated by the chair. Seats on the floor shall be designated for the resolutions committee as well as the board of directors and non-board members serving as tellers. Such members shall not be permitted to speak on bylaw amendments and resolutions unless they are also the voting delegate for their district; excepting the members of the resolutions committee who may address the delegates if called upon by the chair or chair of the resolutions committee.
4. **NOMINATIONS.** Pursuant to Article 7 of the Association's Bylaws, the chair 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 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 2015 Voting Delegate Guide. 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 bylaw amendments and resolutions recommended by the committee and such motions shall not require a second.
- 6A. **RESOLUTIONS ON CONSENT.** Existing NYSSBA positions that have been resubmitted and recommended for adoption by the Resolutions Committee will be considered 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 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 shall speak in debate more than twice on the same question or nomination, with the first presentation limited to two minutes and the second to one minute. No voting delegate 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 resolution shall be limited to 10 minutes.

Debate on any amendment to any resolution shall be limited to five minutes. Such time is not to be counted in that 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 on a resolution is desired, a motion may be passed by a majority vote to extend debate for no more than five minutes. A separate motion is required for each such extension of discussion time.

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

VOTING DELEGATE GUIDE

The voting delegates at the Annual Business Meeting vote on a slate of officers for the Association, including a president, a first vice president, second vice president and a treasurer. They debate and vote on changes to the Association's bylaws; and debate and vote on resolutions that will establish the Association's position on various legislative and policy matters.

CHECK-IN PROCEDURE

NYSSBA's bylaws require that a quorum of 200 voting delegates be present at the Annual Business Meeting in order for any business to be conducted. **The 2015 meeting starts promptly at 8:00 a.m., Tuesday, October 20.** There is a check-in/check-out procedure for Business Meeting delegates. Each delegate must wear a delegate button to be admitted to the delegate floor where he or she will be issued a voting paddle. To ensure a quorum is present throughout the meeting, each delegate will be issued a number. This number will be on the voting paddle. The voting paddle must be turned in each time a delegate leaves the floor. This procedure will allow NYSSBA to ensure only voting delegates are voting. If a delegate's alternate takes over during any part of the meeting, the alternate must follow the same procedure.

ORDER OF BUSINESS

The Order of Business for the Annual Business Meeting (page 3) is the agenda for the meeting. It sets forth the items of business which are scheduled to be accomplished during the course of the meeting.

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

Following the announcement of a quorum, the president will call for a **motion to adopt the Order of Business**. The president will also call 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 40 through 42.

THE BUSINESS MEETING

Next, the president will announce the winners of this year's Area Director Election, 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 calls for other nominations from the floor. If there are no such nominations, the vote is taken by hand at the time. If there is a nomination from the floor, the vote is also taken by ballot after such individual accepts the nomination. The president then announces the winner.

PRESENTATIONS

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

- President Elect
- Executive Director
- Treasurer

ADOPTION OF RESOLUTIONS

The next Order of Business 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 may have members 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.

Each recommended bylaw amendment will be debated and voted on separately. *Any amendment to the bylaws must have the approval of a two-thirds majority of those present and voting.* In accordance with Article 17 (2) of the bylaws, bylaw amendments may not be proposed or amended from the floor of the business meeting. Thus, all proposed bylaw amendments must be submitted by the August deadline and all amendments to the bylaws must be sent to each member board at least 30 days prior to the day of the Annual Business Meeting.

Following consideration of the recommended bylaw amendments, voting delegates are given the opportunity to move any of the "not recommended" bylaw amendments since the Resolutions Committee Chair will not move bylaw amendments that were not recommended. Each motion requires a second by a voting delegate from another school board.

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

After the consent agenda has been considered, delegates 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 of 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 40 through 42.

Following consideration of all of the resolutions recommended for adoption, the delegates may choose to consider any of the **resolutions not recommended** by the Resolutions Committee. To be considered by the delegates, a resolution that was not recommended must be moved by a voting delegate and seconded by a delegate from another school board. If a delegate plans to move a resolution that was not recommended, he or she should arrange for a delegate from another board to second the motion. This will ensure that the resolution is considered. If the resolution fails to receive a second, it will not be considered by the delegates.

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.