



Greetings 4CSBA Members,

First off let me thank the FCSBA members who participated in the FRN Federal Relations Network in Washington January 30 through February 2. Representing FCSBA were; Anne Morgan of Romulus, Jeanne Durfee of W-FL BOCES, and Mike Ellis of East Bloomfield. Also a big Area 2 thanks to Sharon Sweeney for setting up our appointments. FCSBA representatives carried the NSBA federal and the NYSSBA state messages very well to Capital Hill in Washington DC. Both the House and Senate messages continued to sound like "we'll do our best for education", however the continued fall back was the need to get the economy back on track. Our members representing Area 2 continued to press for the agreed to IDEA (Individuals with Disabilities Education Act), funding levels (40% of the cost of Special Education) and a reformed and corrected re-authorization of ESEA (Elementary Secondary Education Act) among others; this is also known as NCLB (No Child Left Behind).

Thanks for taking the time to represent all of us so well. I hope many of you are planning on attending the "State Issues Conference", March 14 - 15 in Albany. The program has been shortened to allow more NYSSBA members to attend the conference and not take two days off work to do so. I hope we can repeat last year's Area 2 attendance, one of the largest contingents in the state. We had about 40 of the 370 members in attendance from Area 2. The count provided me by NYSSBA indicated approximately 40 school district representatives out of about 370 in attendance were from Area 2 which included a mix of School Board Members, Superintendents and Business Officials. Let's try to beat last year's attendance totals if at all possible. In a couple of weeks February 27, to be exact FCSBA will be hosting your Legislative Breakfast; by that time we will hopefully have a little clearer picture of the budget timing and its ability to provide our district the necessary funds to maintain the quality education we all strive to do with our Superintendents and district staffs. I'm looking forward to seeing you at the Legislative breakfast being held on Saturday February 27 at Club 86. *Tom*, NYSSBA Area 2 Director



Advocacy and lobbying are words and actions that we are sometimes uncomfortable with, but I would suggest that this is the time for us to stand united to present a loud and resounding voice on the issues. We at 4CSBA have begun the legislative season advocating on many levels. At the beginning of February Jeanne Durfee, Anne Morgan, Sharon Sweeney and myself were off to Washington to advocate with our congressional leaders in Washington. We heard some interesting information and were able to advocate for the 4CSBA region with Senators Schumer and Gillibrand, and with Representatives Christopher Lee, Michael Arcuri, Dan Maffei, and Eric Massa. We will continue our advocacy efforts with these representatives throughout the coming year.

We have a busy month ahead with our State Legislative Conference on March 14 and 15. We plan to take a group down to Albany. I encourage your participation as there are major changes needed within the state to ensure that we are able to maintain our current programs. As you know 4CSBA has been working hard on 3020-a reform recommendations - we will be taking this information with us as well as the position papers developed over the last 5 months. You will find more information about the 3020-a recommendations in this publication.

I encourage you to keep in mind that advocacy efforts are not a one-time shot. These are rather works in progress and will need your attention throughout the coming year. We need to ensure that our voice is loud and resounding - making sure that folks in Albany and Washington hear the needs of our students in New York State and the four county region. I will keep you updated about advocacy needs and look forward to collaborating with you on keeping our representatives in government informed. We may not be as big or have the financial backing that NYSUT has, but we can still ROAR (Reach Out and Advocate Regularly). Please stay with me on this journey and ROAR loudly!

*Mike Ellis* - Legislative Committee Chair

**SUPERINTENDENTS HOLD PRESS CONFERENCE**

On Wednesday, February 10, 2010, superintendents from Four County School Districts invited members of the local media to a press conference. The Daily Messenger, Finger Lakes Times, Your News Now (YNN) and the Wayne County Star were represented. The superintendents outlined the impact that the proposed state aid cuts (\$24.1 million for the region) will have on the educational programs in local school districts. Factoring in mandatory costs that will be included in roll-over budgets, districts will be seeking to cut in excess of \$40 million. This is equivalent to 700 staff positions region wide. Cuts in state aid, while smaller in percentage for poorer districts, will still have a greater impact on those communities least able to afford them. The following chart demonstrates this reality. Further reform of the foundation formula is necessary to eliminate the inequities demonstrated.

District Comparison	Low wealth/high aid	Higher Wealth/lower aid
Total Budget	\$17,801,191	\$34,506,750
Tax Levy	\$47,743,000	\$31,015,973
Levy % of Budget	26.64%	89.88%
<b>True Value Tax Rate</b>	<b>\$26.63</b>	<b>\$13.93</b>
CWR	0.351	2.794
<b>Net Aid Lost</b>	<b>(\$589,657)</b>	<b>(\$226,308)</b>
% of State Aid	-5.47%	-14.27%
% of Budget	-3.25%	-0.65%
% Tax Levy Increase	12.43%	.73%
<b>TV Tax Rate after Increase</b>	<b>\$29.94</b>	<b>\$14.03</b>
<b>Tax Increase on \$100,000 Home</b>	<b>\$331.02</b>	<b>\$10.16</b>



**Save the Dates!**



*Presidents'/Vice Presidents' Roundtable, March 22*  
*Prospective School Board Member Seminar, March 27*  
*FCSBA Fiscal Training, May 1*  
*FCSBA Annual Meeting, May 20*

**ASSOCIATION CALLS FOR REFORM OF EDUCATION LAW SECTION 3020-a**

As has been reported, a sub-committee of the Four County Legislative Committee has been working on recommendations for reform of the current process for disciplining tenured teachers and administrators. This process is described in Section 3020-a of the Education Law and, as currently practiced, is lengthy and costly. For this reason, school boards rarely initiate such proceedings.

- Some Statistics:**
- ⇒ 1994-present there have been only ten 3020-a hearings in the Four County area, a small percentage compared to number of teaching positions within the region. We believe this is due to cost and process.
  - ⇒ Length of hearings range from a high of 820 days to a low of 100 days with 395 as the average.
  - ⇒ Cost of 820 days of salary = \$199,459.00 salary; 100 days of salary = \$24,324.00 salary
  - ⇒ Cost of 820 days of health care = \$43,386.00; 100 days of health care = \$5,291.00
  - ⇒ Total Cost within FCSBA Region
    - \* Salary \$880,772.00, Health Care \$195,715.00 = \$1,076,487.00
    - \* This does not count attorney fees, replacing the teacher, impact to students, hearing officer, related expenses, time of Superintendent and political consequences.
  - ⇒ Outcomes rarely meet the needs of students.
    - \* Improper Touching of Student, Conduct Unbecoming... Fined (length of process, 320 days)
    - \* \$2400 theft from district, forgery of signature... Terminated (366 days)
    - \* Insubordination, touching student, previous warnings... Suspended (291 days)
    - \* Conduct Unbecoming a Teacher... Reprimand (320 days)

The Sub-Committee has developed the following recommendations for reform:  
**State Education Department appointed neutral hearing officers that perform only in 3020-a matters.**

Currently hearings are conducted either by a single hearing officer (misconduct cases) or a three-person panel (incompetency cases) that are mutually selected by the teacher facing charges and the employing district. These hearing officers are selected from a list of arbitrators obtained by the Commissioner of Education from the American Arbitration Association. This system creates an economic incentive for the hearing officers to avoid displeasing either party. Hearing officers selected by the state should be part of the State Education Department that conducts disciplinary proceedings for professional misconduct by licensed professionals. This would expedite the assignment of hearing officers who would not be beholden to any interest other than the resolution of Section 3020-a disciplinary charges. This would also likely improve the consistency and fairness of the decisions.

**Elimination of the requirement for a 3020-a process to terminate tenured teachers when the individual lacks valid certification or has been convicted of or pleads guilty to a felony.**

Currently school districts must conduct costly section 3020-a proceedings even to terminate teachers or administrators who have been criminally convicted of child abuse in an educational

setting, have had their certification revoked, or have failed to obtain permanent certification. Such individuals are not appropriate employees for school districts; their dismissal should not require elaborate separate proceedings

**Requirement for teachers to cooperate in the investigations of possible 3020-a charges against them.**

Under current law a teacher or administrator cannot be compelled to testify at his or her 3020-a hearing. Some courts have interpreted this to mean the individual need not even cooperate with a school district's investigation into the alleged misconduct. Tenured school district employees alone enjoy this right which hinders the ability to determine whether or not implementing a 3020-a process is even appropriate. All other employees including Civil Service employees are required to answer questions in an investigation of their conduct or performance under penalty of discipline if they refuse a directive to cooperate. Requiring cooperation would facilitate prompt determination of probable cause as well as early identification and resolution of the issues.

**Limitation on paid suspensions to the first 90 days of the hearing process with full reimbursement should the outcome return the teacher to employment.**

Most accused teachers/administrators continue to collect full pay and benefits, providing no incentive to expedite a resolution.

**Requirement that teachers facing 3020-a disciplinary action disclose the nature of their defense and evidence prior to the start of the hearing. In cases of misconduct, requirement of a mandatory plea of guilt or innocence at the start of the hearing process.**



Currently only the school district must disclose the nature of their defense and the evidence against the tenured employee. Requiring the same of the accused would expedite identification and possible resolution of the issues at the pre-hearing stage. Without such "reciprocal" discovery, attorneys for the school district must typically seek hearing adjournments to prepare their response. Reciprocal discovery would also foster legitimate mediation opportunities that do not exist under the present requirements. The plea of guilt or innocence would clarify and expedite the process as well.

**Require 3020-a proceedings only in cases where dismissal is sought. Allow for other disciplinary actions to be taken when dismissal is not the penalty sought.**

Currently the 3020-a process is the only allowable means for disciplining tenured teachers and administrators even for a simple reprimand. Because it is costly and disruptive to the educational process it should be reserved for those cases where it is no longer appropriate for the individual to work in the school district. There should be an alternative process for lesser infractions, such as tardiness, poor attendance, insubordination, inappropriate language, which can be implemented by the school district.

**When the decision of a hearing officer is appealed to the courts, by either party, the judge should be allowed to modify both findings and penalty.**

Under current law, when a case is appealed, the only course of action allowed is for the judge to send the case back to the original hearing officer for re-consideration. This is not the optimum process to assure an unbiased review. Empowering the judge to modify the finding or penalty would bring a fairer outcome and faster resolution to the process.

February	March	April	May
24 Statewide School Finance Consortium <b>27 FCSBA Legislative Breakfast</b>	<b>5 FCSBA Steering Committee</b> 14-15 NYSSBA Legislative Conference <b>22 FCSBA Presidents'/Vice Presidents' Roundtable</b> 25 Statewide School Finance Consortium <b>27 FCSBA Prospective School Board Member Seminar</b> <b>29 FCSBA General Membership Meeting</b>	8 Statewide School Finance Consortium 9-12 NSBA Convention Chicago <b>16 FCSBA Negotiators' Breakfast</b> 19-23 Spring Recess <b>27 FCSBA General Membership/Board of Directors' Meeting</b>	1 Joint BOCES Workshop <b>1 FCSBA Fiscal Training</b> 18 Budget Vote & Elections <b>20 FCSBA Annual Meeting</b> 31 Memorial Day Holiday
			



**Four County School Boards Association**  
 131 Drumlin Court  
 Newark, NY 14513

## February 2010

### FCSBA Legislative Breakfast

**Saturday, February 27, 2010**  
 8:15 a.m. - 8:45 a.m. - Registration/Buffer Breakfast  
 8:45 a.m. - 10:45 a.m. - Meeting with Legislators\*  
**The Club 86 - Geneva, NY**



**Presiding:** Michael Ellis, Legislative Committee Chair  
**Presentation:** David Little, NYSSBA Director of Governmental Relations

Invited Guests:

**Senator George Winner, Jr** - 53<sup>rd</sup> Senate District  
**Senator Mike Nozzolio** - 54<sup>th</sup> Senate District  
**Senator Dale Volker** - 59<sup>th</sup> Senate District  
**Assemblyman Bob Oaks** - 128<sup>th</sup> Assembly District  
**Assemblyman Brian Kolb** - 129<sup>th</sup> Assembly District  
**Assemblyman Joe Errigo** - 130<sup>th</sup> Assembly District  
**Assemblyman Jim Bacalles** - 136<sup>th</sup> Assembly District

\*Board of Directors' Meeting immediately following

Joyce Lyke  
*President*

Nancy Scher  
*1st Vice President*

Anne Morgan  
*2nd Vice President*

Jeanne Durfee  
*Past President*

Mike Ellis  
*Legislative Committee Chair*

Jim Koehler  
*Program Planning Chair*

Bill Gowan  
*Legislative Committee Vice Chair*

Donna Cotter  
*Program Planning Vice Chair*

Sharon A. Sweeney  
*Executive Director*

Mary Roth  
*Administrative Assistant*

### President's Message



As you have probably guessed, I believe we should be the most educated board members possible. Our last Four County School Boards "What Works" program certainly fostered that goal. I know it gave me a great deal to think about.

Lyons explained their educational book club. They are taking a current book about an area of interest and forming a discussion group. The topic is pertinent to current needs, at the same time providing a cost effective method of professional development. In these difficult times we still want to expand our staff educationally but also get the biggest bang for our buck. As a collateral benefit, they are surely developing a community that fosters sharing. It is not always easy to put yourself out there with an area of weakness. As a former teacher it was sometimes the easy, small fix suggested by a colleague that made the biggest impact.

Penn Yan gave us two presentations. One presentation explained their mentoring program. I was especially impressed with the manner in which the presenters explained the mental state of most new teachers. It is a difficult time in the career of a teacher and we know many leave during these first years. Some should leave but maybe we lose a potential star. Their program certainly goes a long way to help grow a master teacher.

Penn Yan also explained their young entrepreneur program developed from a U of R grant. In this financial time it is important to look for other ways to make an income. America is renowned for its inventive spirit and creativity. This program encourages both. These young people may not make a fortune with their ideas but they will know how to develop a business plan and take those first steps.

Again I would encourage you to attend our "What Works" programs in the future. Please encourage your staff to inform you about programs that are currently working in your district. Send your ideas to Sharon. She can keep a list of potential "What Works" programs that have merit.

I recently participated in a webinar from NYSSBA highlighting the East Syracuse/ Minoa School District in their efforts to bring 21<sup>st</sup> century skills to their children. It was not an expensive webinar to watch and the program could be adjusted to fit your schedule. The opportunities for information are out there, convenient, and inexpensive. We can only make informed decisions if we are educated board members.

*Joyce*