

# COUNCILGRAM

The Newsletter of The New York State Council of School Superintendents Volume IV; Issue 9 June 2011

## The Unrecognized Achievement Lawmakers Poised to Impose Tax Cap

By Robert N. Lowry, Jr., Deputy Director

Governor Andrew Cuomo, Assembly Speaker Sheldon Silver, and Senate Majority Leader Dean Skelos announced agreement on a plan to cap property tax increases by school districts and local governments. Final action on the plan hinges on the leaders also agreeing on legislation to extend and expand rent regulation in New York City.

The lawmakers' plan ignores the real progress school leaders – and voters – have made in slowing tax increases, as well as the factors that have hindered further progress.

The State Senate passed a tax cap proposal advanced by Governor Cuomo in January, and had passed cap legislation in prior sessions, under both Republican and Democratic leadership. But the Assembly's Democratic Majority had not acted, nor outlined details of a cap proposal it might find acceptable.

But on May 24, Speaker Silver unveiled a proposal which won a quick endorsement from Governor Cuomo. Later in the day, Senate Leader Skelos issued a statement confirming an agreement, but with some issues still to be resolved.

### The Agreed-to Cap Model – Perhaps

Like the Governor's proposal, the new plan would require school districts to obtain the approval of 60 percent of voters to pass a tax increase above the lesser of 2 percent or a figure tied to inflation. Tax increases less than the threshold would require only a simple majority of voters for approval.

The media consistently refers to both this proposal and the Governor's as capping tax increases at no more than 2 percent. For local governments, that description is accurate. Under the Assembly plan, a *municipality* would be limited to that increase as a maximum, except with approval of 60 percent of its governing board. The Governor's proposal required approval by a simple majority of voters.

But for schools, both proposals would effectively set the cap at *zero percent*, since *schools* would be required to adopt a budget with no increase in tax levy, if their proposed increase is not approved by the voters.

For schools, the so-called cap would operate as a trigger to determine what percentage of voters would be needed to approve a tax increase – 50 percent plus one vote for a tax increase up to the threshold, 60 percent for a tax increase greater than the threshold. But again, without voter approval,

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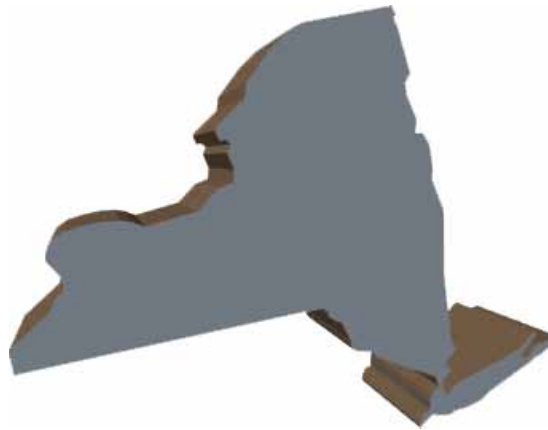
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schools would be limited to the prior year's tax levy – a zero percent increase. As with the current budget process, districts would be allowed two chances to gain voter approval.

The Assembly plan diverges from the Governor's proposal in two respects. First, it provides a few more exemptions from the

cap – for actual growth in the tax base, for increases in assessed value, for certain large legal expenses, and for pension costs attributable to increases in employer contribution rates greater than 2 percent. As with the Governor's proposal, capital expenditures would be exempt.

To illustrate the impact of the partial pension exemption, the employer contribution rate for the Teachers Retirement System is rising from 8.62 percent of payroll to 11.11 percent, an increase of 2.49 percent. So only costs attributable to .49 percentage points would be exempt; districts would have to include roughly 80 percent of the total cost increase within the cap.

Even at that, it is not clear that the exemption for pensions and the other exemptions would be of much help to schools.

As written, the bill can be interpreted that the exemptions would be counted only in determining whether a district's proposed tax levy exceeds the threshold requiring it to gain approval by 60 percent of voters. They would not allow a district to increase the tax levy if usable to gain voter approval.

Second, the Assembly proposal also contains a unique "sunset" provision to force the expiration or reconsideration and re-enactment of the tax cap at the same time as yet to be developed legislation extending rent regulation for New York City.

In the days since the Assembly proposal was first unveiled, the sunset issue has emerged as a bigger complication to reaching a final bill than was first evident.

### The Unacknowledged Accomplishment

The debate over property tax caps largely ignores the progress that has been made in slowing the growth in taxes. A television advertisement asserts the typical tax bill has gone up by 80 percent over the past decade. It is commonly asserted that tax increases have been averaging 7 to 9 percent a year. The memo in support of the Assembly proposal extravagantly proclaims that property taxes have grown "exponentially."

But over the last three years, school districts have asked their voters to approve tax increases averaging just under 3 percent a year, less than half the

*Continued on page 3*

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## Featured Article

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average over the preceding five years. Districts – and their voters – achieved these reductions despite cuts in state aid and surging costs for pensions and health insurance.

In each of the last two years, school districts have asked their voters to approve budgets with smaller spending increases than the year before, but with larger tax increases. This year, 37 percent of districts proposed cutting their spending below last year's level, but 86 percent of those districts still proposed raising their local tax levy.

Why? Because there are three major moving pieces in school budgets – spending, local tax levy, and state aid. Schools have no control over the third – state aid – and in each of the past two years, districts have had to absorb cuts in state aid.

The contrast with 2003 is striking. That year, schools also had to deal with declining state aid and surging pension costs, and they proposed budgets with local tax increases averaging 8.2 percent.

But confronting similar pressures in 2010 and 2011, school district leaders put forward budgets with tax increases that averaged five percentage points less.

The tax cap model now favored by lawmakers would reward the progress made by school leaders in restraining increases by imposing limits more draconian than those local governments would face. It would do nothing to reverse cuts in aid and rising benefit costs that

have made program reductions the price of property tax restraint. Nor would it lower taxes for homeowners already paying more than they can afford.

One superintendent, who has also served in states with tax caps, offered this perspective a year ago:

*Annually, school districts hold budget hearings, present budget workshops, and send out voter information. Some, of course, are more aggressive than others in putting information in front of voters or taking such ambitious steps as we did with a full-blown public engagement process (focus groups, polling, public engagement sessions, and online surveys).*

*Whether passive or aggressive, voters have the information and can express their concern or satisfaction at the polls.*

*We already have a tax cap: it's where the school board sets the tax rate. The voters can vote yea or nay.*

*And, while it took a couple of years of a wake-up call for communities, the system works. In this miserable economy, [very few] districts in [my county] voted down budgets. Why? Because they all brought information forward in numerous ways to their voters and they all imposed lower tax rate increases on themselves.*

*In other words, the taxpayers spoke and we listened. And, like us, the majority of those were below 3 percent – a far cry from the 5, 6, and 7 percent increases of the past.*

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## Dr. John B. King, Jr. Appointed as NYS Education Commissioner



Senior Deputy Commissioner for P-12 Education at the New York State Education Department, Dr. John B. King, Jr. was appointed as New York State Education Commissioner and President of the University of the State of New York by the Board of Regents in May. Dr. King replaces outgoing Commissioner David M. Steiner and will start officially as Commissioner on June 15, 2011.

Dr. King will be the 14th and the youngest Education Commissioner to serve the state since the position was created in 1904. He is also the first African-American commissioner and first Puerto Rican commissioner in New York State. Dr. King's parents were both public educators in New York City. He has spoken movingly of the role of public schools in his life after their early passing. THE COUNCIL and its members congratulate Dr. King and look forward to an effective relationship.



# Moral Character and Fitness: When Does Inaction Lead to Liability?

By Andrea Gellen, Legal Intern, The Council

The Dignity for All Students Act is set to take effect in 2012, therefore it is important to be aware that your inaction or inattention to a situation may result not only in a violation of the law, but could potentially result in the loss of your certification.

### Reviewing Recent Decisions

In North Carolina, the commissioner of education revoked a principal's certificate due to his failure to prevent or stop sexual relations between a teacher and a student. The court held that children have a protected liberty interest in their bodily integrity and school administrators have a duty to protect this liberty interest. Because the principal failed to take appropriate actions within a reasonable time of learning about the incident, he had contributed to the violation of the bodily integrity of a student. (1994 15 F.3d 443).

4 More recently, a Georgia principal discovered a sex video made by students on a cell phone. The principal failed to take action for three days, and then informed the parents that she would not take action because the issue was not academic in nature. The court held that the principal failed to properly address the situation, as appropriate action would have consisted of calling in the parents of all three children, addressing the hostile school environment, and reporting the incident to the police or to child protective services. After several appeals, the court upheld the

decision of the state professional standards commission to revoke the principal's certificate. The court held that Georgia's code of ethics requires educators to demonstrate conduct that follows generally recognized professional standards, while here the principal's conduct was detrimental to the health and welfare of students (2010 Ga. Appl. LEXIS 940).

### New York's Position

While no similar cases have arisen in New York recently, the relevant Commissioner's decisions in New York indicate that a New York case would most likely have a similar outcome. The Commissioner has stated that under New York education law, a superintendent's certificate can be revoked only when the "superintendent has been guilty of a willful violation or neglect of duty under the Education Law, or willfully disobeys a decision, order, rule or regulation of the Board of Regents or the Commissioner of Education." (2000 NY Educ. Dept. LEXIS 67) Additionally, in New York, actions that are merely reprehensible but do not violate the bodily integrity of students are not considered grounds for the revocation of a superintendent's certificate, but instead warrant temporary suspension. (1994 NY Educ. Dept. LEXIS 72) Therefore, unaddressed incidents that violate the bodily integrity of students, such as the two cited above would most likely be grounds for the revocation of a certificate in New York.

*Continued on page 5*



**The Law**

Remember, the Dignity for All Students Act is supposed to provide public school students access to an education free from discrimination and harassment. School employees will have to undergo significant training to recognize and respond to harassment and bullying. Also, Part 83 of the New York Regulations of the Commissioner of Education addresses issues of good moral character and fitness. Under part 83, a school administrator's certificate can be revoked for failure to properly address an issue that affects the bodily integrity of students, whether the situation is an altercation between students; inappropriate interactions between students and teachers; or, the ramifications of a member of the school staff being convicted of a crime. An administrator can be held liable for a failure to engage in a timely and good faith attempt to remedy the situation if a situation has been brought to her attention, or if she should have known about the situation. In other words, the administrator can be charged with knowledge if the circumstances are easily discoverable, and therefore should have been known.

Traditionally, part 83 violations that warrant revocation of a certificate have been acts, but today, an increasing number of certificates are being revoked due to inaction. The rationale behind these revocations is that those who are morally fit to be responsible for the welfare of students ought not stand idly by while the bodily integrity and safety of the student body is jeopardized.

While charges to revoke an administrator's certification on the grounds of a part 83 violation must be made within 30 days of the performance of the act in question, the Commissioner will often conclude that these acts continue to occur long after the initial oversight or lack of performance has taken place. For example, the failure to address

the violation of a student's rights will not be considered by the Commissioner to be a static act the first time a school administrator fails to respond, but will be considered an act that continues to occur, as long as the administrator continues to fail to address the issue. Therefore, an appeal that may otherwise be dismissed as untimely may be considered by the Commissioner to arise from acts that are ongoing, and therefore not subject to the 30-day limitation.

**Looking Ahead**

Be pro-active, address all issues brought to your attention that may threaten the bodily integrity of students, or undermine the educational missions of the school. Establish clear hierarchies of authorities responsible for reporting events within the district, to avoid the diffusion of responsibility.

Report and investigate incidents immediately after they occur and inform local law enforcement officials of any potential crimes. Confiscate any evidence that could be relevant (e.g. cell phones, time sheets, phone logs). Do not return the evidence! A mere digital copy of a cell phone video, or photocopy of a timesheet is considered to be insufficient evidence for any future trial or hearing. Therefore, it is important that any relevant device or record be kept intact.

Keep up-to-date on all staff criminal history: any crimes committed by staff, especially crimes involving children, should prompt a hearing on the fitness of the professional to work with students. Establish clearly defined rules for what behavior and activity is grounds for termination, and ensure rules are made known to employees of the district. This pro-active approach will give you a head start on meeting the requirements of the Dignity for All Students Act.

## The Council Announces Slate of Officers for 2011 - 2012

THE COUNCIL'S Nominating Committee is pleased to announce the following slate of officers for the 2011-2012 year. Inductions will take place at the Fall Leadership Summit's Annual Banquet on Sunday evening September 25, 2011.

- President ..... Marilyn C. Terranova, Eastchester
- President-Elect ..... James T. Langlois, Putnam/Northern Westchester BOCES
- Vice President ..... Mary Beth Fiore, Elmira Heights
- Treasurer ..... Neil O'Brien, Port Byron
- Past President ..... Robert W. Christmann, Grand Island



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## Upcoming LEAF, Inc. Programs Focus on APPR Training



The Leadership for Educational Achievement Foundation, Inc. (LEAF, Inc.) and THE COUNCIL are committed to helping you as you plan your district's compliance with the new Annual Professional Performance Review (APPR) regulations. We are offering the following programs over the next several months.

### Update to the Field: Teacher and Principal Evaluation Law Webinar

To assist you in the work ahead, THE COUNCIL and LEAF, Inc. offered a complimentary webinar on May 31. If you were not able to participate in the webinar, it is now available for viewing at: <http://breeze.neric.org/p50946377/>



### Annual Professional Performance Review: What Superintendents Need to Know Workshops

Three half-day sessions will be held across New York State over the next few months to provide superintendents and central office staff members with critical information related to the new Teacher and Principal Evaluation systems. Superintendents will have the opportunity to hear from legal experts and practicing superintendents who serve on the Regents Task Force for Teacher and Principal Effectiveness which advised the Regents in developing the new regulations. Time will be set aside for questions, sharing and planning as we work together to navigate through this complex APPR journey.

The following topics will be discussed:

- Understanding the Law (§3012-c) and Regulations (§100.2) - What is required/What needs to be negotiated  
What are the timelines/Are timelines realistic?
- Understanding the Appeals Process.
- Training Principal and Teacher Evaluators - What is the District's role/What is the State's role/How are lead evaluators trained/What are the options for training?
- How can LEAF, Inc. assist you?

**July 26, 2011 – Nassau BOCES**

**8:30 a.m. - 12 p.m.**

**Speakers:** John Gross, Partner, Ingerman Smith, LLP  
Gregory Guercio, Partner, Guercio and Guercio, LLP  
John Bierwirth, Superintendent, Herricks UFSD  
Lorna Lewis, Superintendent, East Williston UFSD

**Program Cost:** \$120 (includes meals and materials)

SESSION 1

**August 15, 2011 – Monroe I BOCES**

**8:30 a.m. - 12 p.m.**

**Speakers:** Benjamin Ferrara, Partner,  
Ferrara, Fiorenza, Larrison, Barrett & Reitz, P.C.  
Jon Hunter, Superintendent, Fairport

**Program Cost:** \$120 (includes meals and materials)

SESSION 2

**September 27 – Saratoga Springs**

**11 a.m.-3 p.m. (following the Fall Leadership Summit)**

**Speakers:** To be determined

**Program Cost:** \$120 (includes meals and materials)

SESSION 3

**BOCES Aid will be available. Registration will be mailed in June.**

*\*Please note that these sessions are different from the regional sessions being offered in collaboration with New York State School Boards Association (NYSSBA). The sessions above are for superintendents and central office staff only.*

### Getting Ahead of the Game in New York State: Complying with the New APPR Requirements with Charlotte Danielson



These two-day sessions will provide concrete suggestions for complying with many of the requirements for evaluation systems, and for training and certifying lead evaluators. The workshop will offer suggestions of approaches for district leadership teams to incorporate into their systems for documenting student growth, but is primarily designed to provide guidance on the portion of the APPR requirements related to teacher practices.

Participants can expect to meet the following objectives:

1. Understand the characteristics of an evaluation system that both ensures effective teaching and promotes teacher learning;
2. Identify alternatives to standardized tests for documenting student growth;
3. Understand the design steps for an evaluation system;
4. Prepare a draft evaluation system for the district;
5. Make a plan for training and certifying lead evaluators; and
6. Become familiar with online resources to assist with observation and evaluation.

**The cost to attend will be \$395 per person/\$350 per person for teams of four or more. BOCES Aid will be available. Registration information is included with this Councilgram or on [www.nyscoss.org](http://www.nyscoss.org).**



Charlotte Danielson is an educational consultant based in Princeton, New Jersey. She has taught at all levels, from kindergarten through college, and has worked

as an administrator, a curriculum director, and a staff developer. In her consulting work, Ms. Danielson has specialized in aspects of teacher quality and evaluation, curriculum planning, performance assessment, and professional development.

Charlotte Danielson has a rich and varied educational background. She holds a BA in history from Cornell University, and advanced degrees (in philosophy, economics, and educational administration) from Oxford and Rutgers Universities.

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**If you have any questions regarding this program, please contact Kelly Masline, LEAF, Inc. Director at [kelly@nyscoss.org](mailto:kelly@nyscoss.org) or 518/694-4880.**

### Offered In Two Locations!

**August 9-10, 2011**  
(NYU, Kimmel Center, NYC)

**August 24-25, 2011**  
(Crowne Plaza, Syracuse)

**Registration & Program:**  
8:30 a.m. / Program 9 a.m.-4 p.m.

**Who Should Attend:**  
Superintendents, Deputy/Assistant Superintendents, Principals, Directors of Curriculum, Teacher Leaders, and Union Representatives.

## Congratulations to the Future Superintendents Academy's 2011 Graduates!



The Leadership for Educational Achievement Foundation (LEAF, Inc.), the Foundation of the New York State Council of School Superintendents (THE COUNCIL), and Capital Region BOCES are proud to announce the 2010-11 graduates of the Future Superintendents Academy.

The Future Superintendents Academy is a highly selective and rigorous program with the goal of preparing participants for the challenges, issues and rewards of the superintendency. A limited number of candidates are chosen statewide to participate in the program.

The program requires a year-long commitment that consists of a three-day summer institute and eight weekend sessions throughout the year. Sessions focus on critical topics relevant to the superintendency including simulations and case studies, reading assignments, projects and coaching.

Courses are taught by LEAF's cadre of highly experienced faculty, most of whom are, or have been superintendents themselves. In addition, two project directors, Dr. Robert Bradley and Mr. Alan Pole, both retired superintendents, attended all sessions to assist participants throughout the program.

Congratulations to the following individuals for completing the Future Superintendents Academy in June 2011:

**Claudia Aguirre**, Principal  
NYC District 3

**Roseann Bayne**, Assistant Superintendent  
Highland CSD

**Paul Berry**, Middle School Principal  
Galway CSD

**Lisa Boerum**, Asst. Superintendent/Principal  
Little Flower UFSD

**Kenneth Card, Jr.**, Assistant Superintendent  
Huntington UFSD

**Dominic Cipollone**, Principal  
NYC District 9

**Brian Dineen**, Elementary Principal  
Cobleskill-Richmondville CSD

**Kim Dyce-Faucette**, Chief of Staff  
Rochester City School District

**Rhonda Farkas**, Principal  
NYC District 22

**Lauren French**, Middle School Principal  
Gouverneur CSD

**Charles Galluzzo**, Elementary Principal  
Williamsville CSD

**James Gratto, Jr.**, Middle School Principal  
Saranac CSD

**Deborah Grimshaw**, Assistant Superintendent  
Onondaga CSD

**Teresa Lawrence**  
Director of Curriculum & Staff Development  
Clarence CSD

**Shenean Lindsay**, Principal  
NYC District 23

**Jacob Michelman**, Principal  
NYC District 4

**Walter Moran III**, Middle School Principal  
Eastchester UFSD

**Carol Napolitano**, Assistant Superintendent  
Liberty CSD

**Deborah O'Connell**, Deputy Superintendent  
Clarkstown CSD

**Folasade Oladele**, Deputy Superintendent  
Buffalo Public Schools

**Brett Provenzano**, Principal  
Fairport CSD

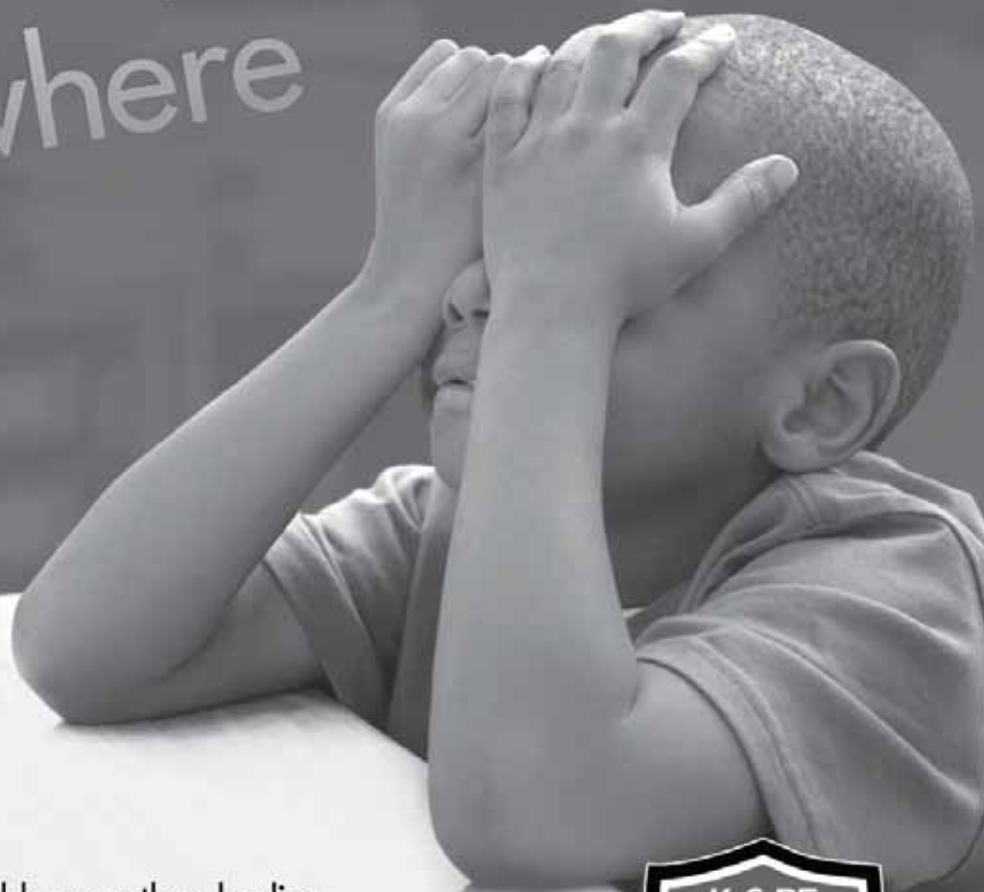
**Andrew Selesnick**, Principal  
Chappaqua CSD

**Rebecca Stone**, Elementary Principal  
South Jefferson CSD

**Theodore Welch**, School Business Administrator  
Springville-Griffith Institute CSD



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## Member News

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Congratulations to **Oliver N. Blaise, Jr.**, retired superintendent, who finished the Shiprock, NM Marathon on May 7, 2011, and the Colfax Marathon in Denver, CO on May 15, 2011. This was his 59th and 60th marathons respectively, and in his 47th and 48th states.

Oliver is registered to run the Maui, HI marathon on September 18, 2011 and the Prairie Fire Marathon in Wichita, KS on October 9, 2011. If all goes well, he will accomplish his goal of competing in marathons in all 50 states. His next goal is to then go on and finish his last three continents.

Oliver wanted to let his colleagues know that staying well is a leadership issue!

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## The Council's General Counsel Accepts New Position

THE COUNCIL'S General Counsel, Michele V. Handzel, Esq. recently accepted a position at the Capital Region BOCES, as their in-house labor counsel effective as of July 23, 2011. Michele will work for BOCES' Labor Relations and Negotiations Service, now in its second year, which helps school districts negotiate with employee organizations and administer contracts.

Michele has been with THE COUNCIL nearly three years and has been working with superintendents statewide, negotiating contracts and a variety of other issues. She was instrumental in the development of the Level 2 Contract Services and the Legal Support Sustaining Membership, a branch of our Strategic Partnership Program. All of us at THE COUNCIL are appreciative of the work that Michele has done on behalf of our members and our organization. We wish her great success as she faces a new challenge.

THE COUNCIL has begun its search for Michele's successor and it is our plan to have a new General Counsel in place prior to her departure. We are also using this as an opportunity to continue the good work she established and are committed to the in-house legal service for our members including the Legal Level 2 Services. You should have received your renewal in the mail for this valuable service. Legal Level 2 Contracts expire July 1, 2011.

Michele will remain on staff through July 2011 and will also assist in the transition. In addition, we have made plans with a private law firm for legal support, to continue to serve our members.

THE COUNCIL wishes Michele every success in her new and exciting endeavors.

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### A Primer on Legal Documents Served Upon the District

by Joseph G. Shields, Esq. and Benjamin J. Ferrara, Esq., Signature Partner Ferrara, Fiorenza, Larrison, Barrett & Reitz, P.C.

Your assistant accepts delivery of a summons and complaint. What happens next? Knowing what to do with legal documents when received can make a world of difference in the outcome of a case. That is why it is critical that school districts have intake procedures for handling these documents.

FERRARA, FIORENZA,  
LARRISON, BARRETT & REITZ, P.C.

Too often, legal documents do not find their way to the superintendent or other appropriate official and your school attorney in a timely fashion. This can lead to important deadlines being missed or perhaps even losing the chance to defend a case. Among the most common documents you and your staff will encounter are: notice of claims; summons and complaints (or notice of petition and petition); and subpoenas.

Before most lawsuits can be brought against a district, a “notice of claim” must be presented. A notice of claim is designed to give your District and your insurance carrier an opportunity to investigate the claims and fix any problems discovered without further litigation. If your District receives such a document, you or your staff should record the date that it was received, by whom, and how it was served. Copies should be sent immediately to the District’s insurance carrier, and to the District’s attorney for review and further action.

The legal document that commences a lawsuit is either a summons and complaint, or notice of petition and petition. These documents will include specific dates by which responses must be made. Failure to meet those deadlines can result in a default judgment against your District. Consequently, staff should know to alert you (and/or another designated official) and to provide copies to the District’s insurance carrier and attorney, immediately.

One particular type of petition that is too often overlooked is a tax certiorari petition. Tax certioraris are proceedings in which taxpayers seek to lower or eliminate their real property assessments. These cases are usually brought against towns or counties. However, their impact on school districts (where the property is located) can be substantial. If an assessment is reduced, the district will receive less revenue from the property and may be forced to refund taxes already paid. In addition to any other intake procedures, this petition should be evaluated by your business office. Your business officials should estimate the amount of tax revenue that is at stake. This can help you and your school attorney decide whether it makes sense to assist the other municipality in defending or settling the claim.

Perhaps the most common form of legal document your staff will encounter is the subpoena. In New York, subpoenas can be issued by both courts and attorneys to compel testimony or produce evidence, usually school records. As with other legal documents, there are deadlines which must be met. Failure to meet those deadlines can result in fines or even imprisonment. There are also special rules that protect certain entities, including school districts, from abusive or intrusive subpoenas for records and which require that such subpoenas seeking such information (rather than merely requiring testimony) be issued by the Court, not the attorney. As with other legal documents, your staff should recognize their importance and know to whom they should be delivered.

One final reminder: your intake procedures should also encourage school officials/employees to avoid making any statements to anyone or voluntarily providing their records or notes about a pending case, without first clearing it with the attorney representing the District.

*This article was submitted by Ferrara, Fiorenza, Larrison, Barrett and Reitz, P.C. a Signature Partner of THE COUNCIL. They are located at 510 Campuswood Drive, East Syracuse, NY 13057 / (315) 437-7600 / [www.ferrarafirm.com](http://www.ferrarafirm.com)*

*Their school attorneys provide comprehensive legal services to public school districts/BOCES and assist their superintendents throughout Upstate and Western New York in all aspects of education law, school business operations, employment law and labor relations. They advise and represent their clients based upon their wide ranging collective expertise emphasizing the avoidance/minimization of costly litigation through day-to-day counseling, training and other preventative measures.*



New York's AASA Executive Board representative, Clark Godshall, District Superintendent, Orleans/Niagara BOCES participated in the American Association of School Administrators' (AASA) Executive Committee meeting in Houston, Texas on April 27 and 28, 2011. The meeting included a site inspection of the venue for the February 16-18, 2012 AASA Education Conference in Houston which includes superb accommodations, stellar speakers, and a vibrant city and cultural center.

Your delegate acted upon the following items:

- Restructured AASA's Belief and Position Statements for better utilization.
- Completed the annual evaluation of Dr. Daniel Domenech, Executive Director.
- Received positive fiscal news that the year ending budget has vastly improved.
- Recommended the 2012 budget for ratification by the Governing Board.
- Endorsed future joint AASA and NSBA conferences in 2013 and 2014 resulting in greater programming opportunities while being sensitive to superintendent-only training strands.
- Addressed success in membership retention and recruitment.
- Discussed a framework of "Educator Quality for the 21st Century" a collaborative effort of AASA and the American Federation of Teachers (AFT).
- Reviewed plans for the joint AASA/NAESP July advocacy conference in Washington, D.C.

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AASA has been through some rough financial times, but they ended with a surplus last year and project one for this coming year along with a balanced budget.

If you are not currently an AASA member please consider the benefits of membership which include: legal services, national availability of networking opportunities, award winning publications and advocacy of national agenda items along with legislative initiatives. Feel free to contact THE COUNCIL for further membership information in AASA at (518) 449-1063.

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## AASA's 2012 National Conference on Education Held in Houston, TX

Save the date and secure travel funds to guarantee your attendance at AASA's National Conference on Education, February 16-18, 2012, in Houston, TX. Visit [www.aasa.org/nce](http://www.aasa.org/nce) to learn more about the National Conference on Education themed *Big Conversations; Big Solutions*. They post speakers and conference sessions as they are confirmed. Register early to get the lowest rate available and first access to the hotel room block. New York State is not hosting a room block this year, however, we will hold a dinner event for our members attending the education conference in Houston with our Strategic Partners.

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## Membership Selects AASA Representation

The Nominating Committee has also concluded the election for seats on the AASA Governing Board with the following results:

- **Charles S. Dedrick, Capital Region BOCES**, elected to 3-year term
- **Henry "Hank" Grishman, Jericho**, elected to 3-year term

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# Vacancies

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## **Bethlehem CSD**

Student Enrollment..... 5,000  
Salary..... \$170,000 Range

Charles S. Dedrick  
Capital Region BOCES  
900 Watervliet-Shaker Road  
Albany, NY 12205  
518-862-4901  
[ryamin@gw.neric.org](mailto:ryamin@gw.neric.org)

**Reply By: 6/20/11**

## **Canajoharie CSD**

Student Enrollment.....1,061  
Salary.....\$110-125,000

Office of the District Superintendent  
Linda Capece-Morley  
Hamilton Fulton Montgomery BOCES  
2755 State Highway 67  
Johnstown, NY 12095  
518-736-4300 ext.4300  
[pmichel@hfmbooces.org](mailto:pmichel@hfmbooces.org)

**Reply By: 7/31/11**

## **Cleveland Hill Union Free School District**

Student Enrollment..... 1,433  
Salary..... \$140-150,000

Donald A. Ogilvie  
District Superintendent  
355 Harlem Road  
West Seneca, NY 14224  
716.821-7002  
[dpolanski@e1b.org](mailto:dpolanski@e1b.org)

**Reply By: 6/3/11**

## **Gouverneur Central School**

Student Enrollment..... 1,700  
Salary..... \$120-140,000

Thomas R. Burns  
District Superintendent  
St. Lawrence-Lewis BOCES  
PO Box 231  
139 State Street Road  
Canton, NY 13617  
315-386-4504 x 10150  
[kmorgan@sllbooces.org](mailto:kmorgan@sllbooces.org)

**Reply By: 8/1/11**

## **Medina Central SD**

Student Enrollment..... 1,870  
Salary..... \$160,000

Clark J. Godshall  
District Superintendent  
Orleans/Niagara BOCES  
4232 Shelby Basin Road  
Medina, NY 14103  
800-836-7510 x2201  
[cgodshall@onbooces.org](mailto:cgodshall@onbooces.org)

**Reply By: 8/12/11**

## **High Marks for Buffalo's City Honors School**

Congratulations to the Buffalo Public Schools' City Honors School for moving from 10th to ninth place in *The Washington Post's* annual school rankings this year. City Honors continues to hold the top rating in the Northeastern United States, and the school that achieved its highest index rating ever with a score of 9.657. It also received a rating of 9.2 for students that earned college credit on at least one AP or IB examination.

Over 31 percent of City Honors' families fall below the federal poverty line, the third highest of top ten schools in the ranking. City Honors is believed to be the only school in the nation that mandates both AP and IB courses for every student as part of its demanding graduation requirements.

Superintendent **Dr. James A. Williams** says he is happy for the accomplishments of school principal Dr. William Kresse and his staff and students who have "pushed forward to unprecedented excellence over the past several years, never losing footing despite a two-year relocation during construction."

*The Washington Post* rankings were previously hosted by *Newsweek Magazine*. Founder, education journalist, Jay Mathews, migrated the rankings when *Newsweek* was sold last year.

# EXPERTISE



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### Wellness: A Personal Reflection and Journey

*by David S. Feller, Superintendent, North Merrick UFSD*

It is well documented that the job of a school superintendent is 24/7. In addition to the business of running a school system, there are the numerous late night meetings, attendance at special occasions, and the unanticipated emergencies. At all times, we serve as caregiver to the entire school community. Our compassionate leadership is expected and needed - especially during times of crisis.

Given the realities and stressors inherent in this role, we need to be mindful to find time to care for the caregiver. If we do not consciously make the effort, it will not happen.

For many years, an important part of my wellness routine was my daily three mile run. This was one activity that I did not have to rely on anyone else. All that was required was my sneakers, a pair of shorts, a three mile route, and access to a shower. In 30 minutes, I was a new and refreshed person.

During the past four years, I was unable to run due to a nagging foot injury. I desperately tried and failed to find the right substitute; swimming involved too many clothing changes, biking required too much time as well as finding a safe route, and walking seemed to be too passive. Finally, I found the right doctor and my foot began to slowly heal.

As I made progress, I set a goal of training for a local 5K race known as "Robbie's Run." This event was started to honor the memory of a nine-year-old boy who tragically died when he went into cardiac arrest when he was running the bases during a little league baseball game. An AED might have saved his life. His courageous parents formed an organization to raise funds to be able to donate AEDs to community groups to prevent similar tragedies from happening in the future.

My daily training enhanced my sense of purpose and spirit as I was able to recapture the great feeling I have always derived from running. Finally, the day of the race came. I started off slowly as I wanted to be certain that I completed the race. I was able to pick up the pace when I was ½ mile from the finish line. Crossing the finish line was my "Rocky" moment. I was elated and proud. My first "text" was to my doctor, thanking him for helping me to achieve my goal.

At the race, I met many adults and children from my community who seemed to take pride in the fact that their 59-year-old superintendent had actually run in this race. Their acknowledgement only added to the good feeling that I had. How fortunate I was to be able to focus on my own wellness and at the same time support such a worthwhile cause that promoted health and safety in our entire community.



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## 2011 Fall Leadership Summit

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# Reimagining Learning for the 21st Century: Technology, Collaboration, and Innovation

Try Your Hand at Changing the Face of Education!



September 25–27, 2011  
The Saratoga Hilton & Saratoga Springs City Center  
Saratoga Springs, NY

Special thanks to our Title Sponsor, Premier Diamond Partner



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### Engaging Keynote Sessions!



#### Catalyzing Success

Vicki Phillips, Director of Education,  
College Ready, Bill & Melinda Gates Foundation  
*Sponsored by Signature Partner Sussman Sales  
Company, Inc.*



#### State Education Department Leadership

Hear from the new Commissioner of Education,  
Dr. John B. King, Jr.!  
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Construction Management Group Inc.*



#### The Changing Face of Education

Mary Cullinane, Director,  
US Partners of Learning, Microsoft Corporation

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### Experience Special Events and Performances!

- **Jazz Co:** Experience the talent of the Eastchester Jazz Co. who will open up our program with style through dance.
- **The String Angels:** Enjoy three electric violins, three beautiful women in one explosive show at the Annual Banquet. We will also honor our 2010-2011 retirees and witness the “passing of the gavel” to our incoming president Marilyn C. Terranova, Eastchester.
- **Marketplace of Ideas:** Visit exhibitor showcases with our Signature Partner Sussman Sales Company’s book store, wellness center, CompassLearning Cyber Café; music and networking events.

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### Education Tailored to your needs!

- **Featured Presentations:** Hear from Sean Patrick Corcoran about getting value of Value-added; Sean Covey on principle-centered leadership; or David Hyerle on the development of Thinking Maps.
- LEAF, Inc. sponsored Institutes for New Superintendents and 2nd & 3rd Year Superintendents.
- **Legal Briefings:** Keep up-to-date on current education law practices as well as special education legal requirements.

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### Varied learning options!

- Legislative and Curriculum Updates, Sunrise Café Discussions, Relevant Skill Building Sessions, and new this year - our LEAF, Inc. Resource Center.
- More Time for Networking!
- “Bistro” Networking lunch, President’s Reception, and our 12th Annual Golf Invitational.

**Registration materials were mailed on June 1, 2011. They are available on [www.nyscoss.org](http://www.nyscoss.org).  
Call THE COUNCIL at (518) 449-1063 for more information.**

# Building An RTI Process

October 13-14, 2011 / The Desmond Hotel & Conference Center / Albany, NY

## Speakers Include:

**Dr. John Hintz**  
University of Massachusetts  
at Amherst

**Dr. Theresa M. Janczak**  
NYS RtI-Technical  
Assistance Center

**Dr. Daryl Mellard**  
University of Kansas

**Dr. Phyllis Robinson**  
University of Texas

**Dr. Donna Scanlon**  
University of Albany

**Dr. Edward Shapiro**  
Lehigh University

Individual educators or district teams are encouraged to register including: superintendents, assistant superintendents, principals, teachers, and school-related professionals

## Speakers will discuss:

- Core Instruction/Tiered Intervention
- Use of Data
- RTI in Middle Schools
- Historical Overview of RTI
- Assessment
- Limited English Proficiency

For more information or to register, go to <http://www.nysut.org/eReg/RTI1011> or call Jayne Ferro at 518-213-6000, ext 6699.

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Register Today!

Conference Fee:  
\$350 per person or  
\$325 per person for  
teams of 4 or more

Pre-Conference Fee:  
\$50 per person

## June 2011 Retirements

**John C. Brown**  
07/11, Cassadaga Valley CSD

**Michael DiFabio**  
06/11, Hannibal CSD

**Dave Dinolfo**  
06/11, Caledonia-Mumford

**J. Douglas Hay**  
07/11, Salamanca City SD

**Elizabeth Lison**  
06/11, Valley Stream UFSD #13

**Howard S. Smith**  
07/11, Williamsville CSD

**Betsy Stiker**  
07/11, Addison CSD



## UPCOMING EVENTS

**The Council's 2011 Fall Leadership Summit**  
Reimagining Learning for the 21st Century: Technology, Collaboration, and Innovation  
September 25-27, 2011  
Saratoga Springs, NY

**2011-12 LEAF, Inc. Programs:**  
Future Superintendent's Academy  
July 6-8, 2011  
Albany, NY



**New Superintendents Institute**  
July 14-15, 2011  
Albany, NY

**2nd & 3rd Year Superintendents Summer Workshop**  
July 21-22, 2011  
Saratoga Springs, NY  
*\*SPACE IS LIMITED\**

**Charlotte Danielson Workshops**  
August 9-10, 2011 (NYC)  
August 24-25, 2011 (Syracuse)

**APPR Workshops**  
July 26, 2011 (Nassau BOCES)  
August 15, 2011 (Monroe 1 BOCES)  
September 27, 2011 (Saratoga)

Thank you to our Newsletter Underwriters

