

# COUNCILGRAM

The Newsletter of The New York State Council of School Superintendents Volume XIII; Issue 7 March 2010

## Cloudy Crystal Ball Prospects for Final State Budget Unclear

By Robert Lowry, Deputy Director

By mid-March a year ago, the state budget picture had come into focus. The federal stimulus plan had been enacted into law and one-half of the state's two-year allocation was sufficient to avert the major education cuts proposed by Governor Paterson. There was broad support for eliminating the largest proposed cut, the School Aid Deficit Reduction Assessment – a lump sum reduction in total aid. That action was widely supported and enabled the Governor and Legislature to restore all districts to essentially flat operating aid, sparing them from the appearance of picking winners and losers among districts.

This year, the budget outlook is cloudier. The Assembly and Senate have advanced their versions of budgets and seem far apart on major components, and the Governor rejects elements of both plans.

### Deteriorating Revenues

One regrettably recurring aspect of the state's budget situation is a continuing fall-off in revenues. Between the Governor's submission of his proposed budget last year and its adoption in early April, the state's projected deficit ballooned by almost a third, over \$4 billion. This year, just two weeks after releasing his proposed budget, the Governor announced that the projected deficit had grown by an estimated \$750 million, about 10 percent – and the

Comptroller's Office and State Assembly Majority said the Administration was too optimistic.

State law permits the Governor to amend his budget up to 21 days after submission. Many anticipated that he would propose further cuts to eliminate the new deficit, including more School Aid cuts. Instead, he closed the new gap primarily by assuming that Congress will approve an extension of special federal aid for Medicaid costs, generating an extra \$1 billion for New York State. The Administration warned, however, if the federal aid is not forthcoming additional budget cuts will be needed. This threat compounds the uncertainty in district budgeting.

As dysfunctional as New York state government is acclaimed to be, some of its processes are sound and are carried out with great diligence by professional staff. The quarterly financial plan updates prepared the Governor's Budget Division now run to 500 pages detailing actual and projected revenues and expenditures for each of five succeeding fiscal years. Majority and minority parties in the Assembly and Senate all publish and exchange economic and revenue forecasts. This year, that exercise added to the gloom.

As required by law, the Governor and Legislature agreed on a consensus revenue forecast – that the state would take in \$850 million less than



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## INSIDE

State News .....	1
Legal News .....	5
Vacancies .....	11
Member News.....	13-19

Continued on page 2



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## State News continued from page 1

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the Governor said in his revised forecast. Projected deficits have now risen by more than 20 percent in the two months since the Executive Budget was released.

In most past years, the Legislature has been able to justifiably predict greater revenues than assumed by the Governor. Forecasting later, it has had access to better data and thus less need to err on the side of caution. The extra revenue has been the primary funding source the Legislature draws upon to pay for its additions to the Executive Budget, with School Aid most often a leading beneficiary.

But the consequence of projecting less revenue than the Governor is that the first \$850 million in added revenue or new cuts the Legislature agrees upon will go, not to increase School Aid or avert other budget actions, but to fill the hole that has emerged in the Governor's budget. The deteriorating revenue picture is one reason why almost all superintendents report unprecedented pessimism among their Legislators on the prospects for significant School Aid restorations.

### Legislative Budget Plans

The fears of school leaders and education advocates were confirmed when the State Senate passed a resolution outlining a state budget plan advanced by its Democratic majority which accepted the Governor's proposed School Aid reductions. The action came less than a week after 16 of the 32 Democratic Senators wrote to Governor Paterson, declaring "We cannot, in good conscience, vote for a final budget that includes any cuts to education." The budget resolution passed on a straight party-line vote, 32-29, with

one Republican Senator absent and excused.

The Assembly offered its budget plan two days later. It would restore \$600 million in School Aid, chiefly by reducing each district's share of the \$1.4 billion "net" Gap Elimination Adjustment by 41 percent. The net GEA is the lump sum reduction in aid recommended by Governor Paterson, less the offset he proposed using funds remaining from last year's federal stimulus plan.

Both houses rejected proposals to shift Preschool and Summer Special Education costs on to school districts. Both also endorsed allowing districts with Employee Benefit Accrued Liability Reserve funds to offset aid reductions, if they have funds in excess of those needed to compensate departing employees for unused leave time. On the other hand, the Assembly rejected most of the other school mandate relief proposed by the Governor, as well as additional measures proposed by the Senate Democrats.

To close part of the projected budget deficit, the Assembly accepted significant elements of a financial recovery plan recommended by Lieutenant Governor Richard Ravitch. The Assembly would borrow \$2 billion while implementing reforms to eliminate the state's structural deficit over time. The reforms would move the state to fully following Generally Accepted Accounting Principles, create an independent review board empowered to declare the state budget out of balance, and authorize the Governor to implement across the board, pro-rata budget reductions if the Legislature and Governor fail to enact an adequate deficit reduction plan within a specified period.

*Continued on page 3*

The Assembly did not accept Mr. Ravitch's recommendation to start state fiscal years on July 1, as 46 other states do. That date would make sense for state purposes, but seems impossible to reconcile with timelines for annual school budget votes, something which only a handful of other states employ.

### **The Governor's Reaction**

Governor Paterson expressed appreciation for the efforts of the Senators and Assemblymembers but found both plans unacceptable. Both rejected some of his revenues, including a tax on sugary sodas, and his budget professionals found some of the Legislature's replacement funding sources unrealistic. The Governor submitted legislation to enable the state to pay bills through April 11 and pledged to approve only "austerity" spending levels until a full budget is enacted.

The prospect that the state budget could be delayed into mid-April would leave schools in the dark for information needed to make critical local budgeting decisions, not just state aid levels, but whether EBALR funds could offset cuts, whether a state retirement incentive is available, and what the contingency budget cap will be. Groping for reasons to see a glass half-full, the Senate majority's performance in getting all its members to vote for a tough state budget plan (including School Aid cuts), suggests perhaps it will be able to produce the votes to pass an actual budget. The past fractiousness of the Senate has led some to fear the state might never see a complete budget enacted for the coming year.

### **"Shortchanging Students" – A Report by The Council and the School Boards Association.**

THE COUNCIL and the New York State School Boards Association collaborated on a survey to spotlight the tough choices school leaders are facing due to the threat of deep state aid cuts. It found that 77 percent of districts expect to lay off teachers, with an average of 4.1 percent of teachers facing layoffs. Projected across all districts, 6,300 teachers outside New York City could lose their jobs. Mayor Michael Bloomberg has said the City may need to lay off 8,500 teachers, bringing the statewide projection to 14,800. More than 5,000 other school jobs could be eliminated through attrition and non-teacher layoffs.

Responding districts reported these staff cuts would translate into service reductions for students: 79 percent foresee increasing class sizes, 70 percent would curtail advanced classes and other electives, half would reduce or eliminate summer school, and more than 40 percent would reduce other forms of extra help for students.

The survey also demonstrates that school leaders are again working to hold down local tax increases. In 64 percent of districts it was reported that the maximum tax levy increase likely to be proposed would be 4 percent or less. In contrast, in 2003-04 (the last time School Aid was cut), only 8 percent of districts proposed budgets with tax increases under 4 percent.

A theme of THE COUNCIL's advocacy has been that school leaders face terrible choices in assembling local budgets and state leaders can help make better choices possible, by providing more funding, more flexibility, or both. The survey supports that thrust.

## **Call for Proposals: Skill Building Workshops**

The 2010 *Fall Leadership Summit: The Courage of the Superintendency* will be held at the The Saratoga Hotel and Conference Center from Sunday through Tuesday, September 26-28, 2010. The Winter Institute will be held on February 27-March 1, 2011.

### **Share Your Knowledge and Your Experience! Please share your expertise through our Skill Building Workshops.**

Deliver a one-hour education seminar that will enhance the skills of superintendents and provide them with take home tips to apply to their everyday work environment. Sessions are will be on Monday of each event. There are a limited number of sessions available. These sessions require learning objectives as well as key takeaways for attendees.

If you would like to present a Skill Building Workshop at the Fall Leadership Summit or Winter Institute, please contact Theresa Wutzer, Associate Director, at [theresa@nyscoss.org](mailto:theresa@nyscoss.org) or (518) 694.4884 for a proposal form. All proposals for the Fall Leadership Summit are due by Friday, May 14, 2010 and proposals for the Winter Institute are due on Friday, November 4, 2010. Strategic Partners may also participate but must select either of these options as part of their contracted benefits.

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# Presenting the District Budget Proposal – Stick to the Facts

By Michele V. Handzel, General Counsel



Despite state aid cuts, declining enrollment, rising pension, fuel and health care costs, you and the board are charged with developing a budget proposal that would maintain education quality yet keep the property tax rate at a level that can be supported by the community. This fiscal climate requires difficult choices. After months of analysis, debate, and grueling decision-making, you and the board develop and support a budget proposal which you believe balances the needs of the district, its students, and the community.

But, remember, when you and the board present the budget proposal to the community, stick to the facts. For those of you who remember the TV detective series *Dragnet*, keep its catchphrase in mind – “Just the facts, ma’am.”

To be in compliance with the law, do not deviate from this famous catchphrase. Avoid adjectives when discussing the budget proposal. Do not use any subjective words or phrases that could be interpreted to express your support. Do not characterize the budget proposal as “modest” or “reasonable” or “necessary” or “needed” or even “important.” And, even though you strongly feel that it represents the best proposal that can be offered given the current economic realities; do not urge anyone to vote “Yes.” Remember that tone counts – the tone of your verbal or written words cannot solicit votes in favor of the budget proposal.

When in doubt, just stick to facts -- the neutral, objective facts.

### **Isn't it obvious that I support the budget that I helped develop?**

Superintendents and school boards are constitutionally and statutorily prohibited from advocating for the passage of the proposed school district budget. While under Education Law Section 1709(33) and 1716, the Board may disseminate information at public expense regarding its budget proposal, in its landmark decision on this issue, the Court of Appeals held that school boards lack the authority “to disseminate information at the taxpayers’ expense, patently designed to exhort the electorate to cast their ballots in support of a particular position advocated by the board.” (Phillips v. Maurer, 67 N.Y.2d 672 (1986))

Under the New York State Constitution, public funds cannot be used to promote a partisan position. Article VII, Section 8(1). Precedent has established the constitutional standard for permissible election activities and distribution of literature at public expense – “to educate, to inform, to advocate or to promote voting on any issue may be undertaken, provided it is not to persuade nor to convey favoritism, partisanship, partiality, approval or disapproval by a State agency of any issue, worthy as it may be.” (Stern v. Kramarski, 84 Misc.2d 447 (1975))

### **Share Information District-wide**

In a nutshell, share information regarding the budget proposal with all residents of the district. Do not target parents or others groups to receive mailings, e-mails, or telephone calls which provide factual information and/or encourage them to vote at the special election. Sharing information with all residents ensures that the district does not appear to be selectively targeting individuals who are likely to vote in favor of the board’s proposals.

### **Robocalls and E-mail**

Superintendents are permitted to use “all call” systems to send pre-recorded messages which encourage residents to vote as long as the distribution is not limited to a selective list of voters. In Appeal of Schattle, Decision No. 14, 102 (1999), a superintendent sent messages through the district’s automatic calling system regarding the time, date, place and subject of the district budget vote. However, the only telephone numbers logged into the system were of residents with children enrolled in the public school system who may be more inclined to support the adoption of the board’s propositions. The Commissioner found that the use of a selective list of residents gives the appearance that the district is using public resources for impermissible partisan activity.

*Continued on page 10*

Superintendents who plan to use robocalls and/or e-mail to disseminate factual information regarding a budget vote are advised to publicize to all district residents that the district's email or automatic calling system will be used for this purpose and that all residents can sign up to receive such messages. Notice through a public newspaper that is widely circulated throughout the district and information on the district's website is likely to be considered sufficient. Residents should be given ample opportunity to sign up for this service.

### **Mailings**

Letters and flyers are often sent to residents with factual information regarding a budget vote. Is it unlawful targeting to send such communications in the mail only to parents or with students to take home in their backpacks?

The Commissioner has said that a distribution will not be deemed impermissible targeting per se solely because it is not disseminated to all residents district-wide. Instead, facts will be considered case-by-case. For instance, in Schadle, the Commissioner found that the district did not impermissibly target parents because while some letters with factual information regarding the budget were addressed and sent only to parents, others were sent to all residents. The Commissioner advised districts to be mindful of the prohibition against targeting voters and of their responsibility to provide information regarding elections and votes to all residents in the district. Specialized mailings to only parents or any other group may suggest the appearance of partisan activity.

### **Decline Invitations to Events Closed to the Public**

When invited to speak on the proposed budget, you must ask, "Is the event open to the public?" If not, the invitation must be declined. In Appeal of Goldin, Decision No. 14,250 (1999), the Superintendent attended a series of "coffees" or gatherings that were organized, initiated, and hosted by private individuals and groups such as the parents, teachers, PTAs, Rotary Clubs, senior citizen groups and a church. The Commissioner found that the "coffees" were part of the Superintendent's efforts to provide factual information concerning the election, rather than for purposes of speaking to targeted groups to solicit their vote on the proposed budget. Nevertheless, the Commissioner held that the superintendent in his official capacity and during hours of employment with the district should refrain from attending such "coffees" since it presents the appearance of partisan activity.

### **Additional Feedback**

The multitude of Commissioner's decisions regarding permissible discussions on district budget proposals reflect the frequency such issues arise. If you are questioning practices in your district for disseminating information regarding the budget proposal, Council attorneys are available for further discussion.

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**In Memoriam**

Edward Stanley Witko, age 88, of Dryden, NY, passed away Friday, March 12, 2010, at the Cayuga Medical Center at Ithaca. After serving in the U.S. Navy onboard the U.S.S. Canberra, he graduated from Springfield College with a B.A. in Education. He was married to the love of his life, the former Marion Carey, on May 4, 1946.

Ed began his physical education teaching career at Berlin High School and in 1951, relocated to Onteora High School. After earning his Masters Degree, he was appointed as the high school principal at Onteora, a position he held until 1967 when he became the assistant superintendent of the TST BOCES. Ed retired from BOCES as the Superintendent in 1980.

He was a member of the Leonard T. Spaulding Post #1134, American Legion and the Dryden Township Post #8158, Veterans of Foreign Wars, a member of the Knights of Columbus, Rotary and was a Communicant of Holy Cross Church. Survivors include his loving wife, Marion; and his four children; seven grandchildren; and a great-grandson. Memorials are graciously directed to Holy Cross Church, 375 George Road, Freeville, NY.

### New Direct Legal Representation Service Offered to Members

As the role of the school superintendent continues to evolve, it is important that THE COUNCIL's legal services evolve to meet the needs of our members by providing access to a more comprehensive legal service beyond contract negotiations.

Several previously administered membership surveys indicated that THE COUNCIL needed to expand its legal services to include the representation of our members in protracted conciliation efforts for superintendents with contract and other employment related issues, including in-person representation of the superintendent in a due process proceeding. We are aware of only one other state in the country (New Jersey) that offers such a comprehensive range of legal services to its members.

We are also seeing more challenges to superintendents and the superintendency that require the involvement of our legal counsel. We believe that THE COUNCIL, because of its mission, is in the best position to respond to some of these challenges, both for our individual members and to protect the integrity of the superintendency.

Finally, legal representation can be very costly for our members. These new services are a less costly alternative so members have access to legal representation at a fixed yearly cost.

#### Level One – Existing Legal Service

As an active member of THE COUNCIL, superintendents automatically qualify for our Contract Support Services. The core of this existing legal service is contract negotiation and remains intact as the “first” level of the legal service and is provided by the revenue raised through our Strategic Partner Program. All superintendent members can access the core legal services, at no additional fees, including:

- 1. New Superintendents** — THE COUNCIL represents new superintendents in the negotiation of their initial contract, even before they join as members.
- 2. Contract Reviews/Renewals** — THE COUNCIL reviews superintendent contracts to identify out-of-date clauses that may jeopardize their rights, or to identify benefits that should be restructured based on current trends, new statutes or changing personal situations. Should recommended changes require renegotiation, THE COUNCIL will represent the superintendent.
- 3. Retirement Planning** — THE COUNCIL reviews superintendent contracts to ensure intended post-employment benefits and identify clauses or restructuring arrangements that may erode superintendent's retirement earnings.
- 4. Model Contract** — THE COUNCIL has a model contract to serve as a base for negotiation of new agreements or as a means of evaluating a superintendent's current contract. Not all superintendents will have or need every clause in the model, but the language it contains is a good resource for superintendents wishing to add a benefit, or restate a provision. Access the Model Contract at <http://www.nyscoss.org/about.php>.
- 5. Interims** — THE COUNCIL also makes available a model contract for interim superintendents wishing to work with districts on a per diem or short-term basis. Our attorneys can counsel retirees on the steps necessary to ensure that these earnings do not jeopardize retirement benefits.
- 6. Post-Retirement Representation** — THE COUNCIL can also represent superintendents who discover contract issues that arise after retirement, such as TRS determinations.
- 7. Contract Support** — THE COUNCIL will represent the legal interest of the superintendent with a board's attorney



*continued on page 9*

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### Upcoming Events

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- April 28th, 2010 - South Westchester BOCES
- May 25th, 2010 - Rochester, NY
- May 26th, 2010 - Long Island, NY

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Christina.McGuey@FranklinCovey.com**

if it determines that a board has violated the terms of a superintendent's contract, and/or the negotiation of a separation agreement if it becomes necessary to sever the employment relationship in advance of the expiration of the superintendent's employment contract.

**Level 2 – New Legal Service Developed**

The "second" level is a new legal service, never offered before by THE COUNCIL. With Level Two service, superintendents are eligible for in-person representation by a Council attorney, or outside counsel, if necessary to represent the superintendent in any protracted conciliatory efforts beyond the core legal services described in Level One. This new service can help settle various forms of contract and employment related disputes, for an additional fee of \$200 per year, paid by the superintendent, not the district.

This new Direct Legal Representation Service, includes in-person representation of a superintendent during mediation, arbitration and due process proceedings, including one appeal either to the Commissioner of Education, or at the state court level. In most instances, a dispute between a member and his/her employer can be resolved through informal remedies. However, if legal remedies, personal appearances, or protracted conciliation efforts are necessary, the second level of services allows a member to take advantage of an attorney with the knowledge and experience to represent a member to resolve issues in labor and education law.

There is a \$1,000 deductible that is the member's responsibility if these services are initiated for the first \$1,000 of the legal fees and costs associated with Direct Legal Representation. The deductible expense is paid directly to THE COUNCIL before direct legal representation will begin. The Executive Director of THE COUNCIL reserves the right to waive the deductible.

**How to Register for this New Service**

Level 2 benefits will be available, effective July 1, 2010. Superintendents should have received registration information for THE COUNCIL's expanded legal services from our General Counsel. It included a brochure outlining services along with how to register for this new service. Our membership renewal period begins May 1, 2010 and you'll also receive a new legal services policy along with our membership brochure outlining all Council services. For questions or more information regarding Level One and Level Two Legal Services please contact Michele V. Handzel, Esq., General Counsel, [michele@nyscoss.org](mailto:michele@nyscoss.org) / 518.449.1063.



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**For more information contact:**

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# Vacancies

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**Brocton CSD****Student Enrollment:....680****Salary:....\$100-125,000**

Robert S. Guiffreda  
District Superintendent  
Erie 2-Chautauqua-Cattaraugus BOCES  
8685 Erie Road  
Angola, NY 14006  
(716) 549-4454  
[cmarx@e2ccb.org](mailto:cmarx@e2ccb.org)  
**Reply By: 4/9/10**

**Depew UFSD****Student Enrollment:....2,136****Salary:....\$140-\$160,000**

Vincent Coppola  
Western New York Educational Service Council  
SUNY Buffalo  
222 Baldy Hall  
Buffalo, NY 14260-1000  
(716) 645-2932  
[debrabri@buffalo.edu](mailto:debrabri@buffalo.edu)  
**Reply By: 4/15/10**

**Guilderland CSD****Student Enrollment:....5,300****Salary:....\$175,000 Range**

Charles S. Dedrick  
District Superintendent  
Capital Region BOCES  
900 Watervliet-Shaker Road  
Albany, NY 12205  
(518) 862-4901  
[ryamin@gw.neric.org](mailto:ryamin@gw.neric.org)  
**Reply By: 5/3/10**

**McGraw CSD****Student Enrollment:....564****Salary:....Up to \$125,000**

Natalie Mitchell  
McGraw Search Consultants  
c/o NYS Rural Schools Association  
111 Kennedy Hall  
Cornell University  
Ithaca, NY 14853  
(607) 255-8709  
[nam33@cornell.edu](mailto:nam33@cornell.edu)  
**Reply By: 4/2/10**

**Newark Valley CSD****Student Enrollment:....1,300****Salary:....\$110-127,000**

Allen D. Buyck  
District Superintendent  
Broome-Tioga BOCES  
435 Glenwood Road  
Binghamton, NY 13905  
(607) 766-3802  
[abuyck@btboces.org](mailto:abuyck@btboces.org)  
**Reply By: 4/23/10**

**North Tonawanda City SD****Student Enrollment:....4,000****Salary:....Up to \$170,000**

Clark J. Godshall  
District Superintendent of Schools  
Orleans/Niagara BOCES  
4232 Shelby Basin Road  
Medina, NY 14103  
(800) 836-7510 Ext. 2201  
[cgodshall@onboces.org](mailto:cgodshall@onboces.org)  
**Reply By: 6/4/10**

**Otselic Valley CSD****Student Enrollment:....400****Salary:....\$100-115,000**

William Tammaro  
DCMO BOCES  
6678 County Road 32  
Norwich, NY 13815  
(607) 335-1233  
[tammarow@dcmoboces.com](mailto:tammarow@dcmoboces.com)  
**Reply By: 4/1/10**

**Spencer-Van Etten CSD****Student Enrollment:....1,030****Salary:....\$110-135,000**

Allen Buyck  
Interim District Superintendent  
GST BOCES  
9579 Vocational Drive  
Painted Post, NY 14870  
(607) 654-2283  
[dhughson@gstboces.org](mailto:dhughson@gstboces.org)  
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# The Impediments to Board Liability for a Student Assault on a Teacher

*By Signature Partner New York Schools Insurance Reciprocal*

New York's highest court recently absolved a board of education from liability after a special education teacher was assaulted by a student, and the case provides some useful background on the basis for such liability. (See Dinardo v. the Board of Education of the City of New York, 13 NY3d 872).

The assaultive student was only 10-years-old, but had engaged in various threats and acts of violence. This resulted in the teacher (and her supervisor) recommending that the student be moved to a more controlled environment, but while this was pending, the teacher continued to express concerns over safety. In response, she was told that "something was being done" and she should "hang in there," but she was injured before the student could be transferred.

In the ensuing lawsuit the teacher claimed that by suggesting a student transfer was imminent, the board had induced a level of complacency that caused the injury. After trial the jury awarded the teacher \$500,000 in damages, which the trial court and first-level appellate court declined to overturn.

The Court of Appeals reversed, however, and in doing so referenced some important protections for the board. The first is the protection for "discretionary" actions of governmental agencies. The exercise of discretion is a complex, multi-factor process that is distinct from merely "ministerial" types of action. Generally, such discretionary government actions cannot be second-guessed in court.

However, in some cases a plaintiff still can sue a governmental entity, if a "special relationship" arises between the government agency and the plaintiff. The Court explained that such a special relationship can arise if "the assurance by the municipal defendant [is]... definite enough to generate justifiable reliance by the plaintiff."

In Dinardo, the majority opinion focused on the assurance made to the teacher, and found "no rational process" by which the jury could have believed that the statements by board representatives (to the effect that "something" was to be done at an undefined time in the future), lulled the plaintiff into a false sense of security. Thus, no special relationship arose.

Two judges who disagreed with the majority issued interesting concurring opinions. These judges found the statements to the teacher legally sufficient for a jury to decide whether the teacher had been induced to relax her vigilance. However, they also said (with some apparent misgivings) that they were nevertheless constrained to dismiss the claim on the strength of earlier case law that protects discretionary decisions.

The case merits attention because the tenor of a particular communication was discussed by the majority as a basis for possible liability. This is a problem because it is very hard to formulate general rules for such communications. At the same time, the Dinardo case shows significant protection for "discretionary" decisions, which presumably are the bulk of those that are difficult or troubling for school officials to make.

*This article was prepared by Thomas F. Gleason, Esq., General Counsel to the New York Schools Insurance Reciprocal, Signature Partner. For more information, please contact him at (518) 432-7511 or [tgleason@gdwo.net](mailto:tgleason@gdwo.net) or go to [www.nysir.org](http://www.nysir.org).*

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### Aspiring Superintendents' Workshops



On Thursday, April 29, 2010, The Leadership for Educational Achievement Foundation, Inc. (LEAF) will once again offer our annual one-day Aspiring Superintendents' Workshop in three locations - Albany, Long Island and Rochester. The program is intended for those who have demonstrated leadership at the district or building level and who may be considering a superintendency in the future. The workshop offers an overview of the superintendency, information on fiscal responsibilities, a session on superintendent and school board relationships, and shares strategies for obtaining a superintendency.

Cost for the program is \$150 per person. Superintendents may nominate individuals that have the potential to become successful school leaders. Nomination forms can be accessed on our website: <http://www.nycoss.org/pdf/upload/aspiringsupsNomination.pdf>.

For more information about this program please contact Kacey Feldman, Program Associate, at (518) 449-1063 or email [kacey@nycoss.org](mailto:kacey@nycoss.org).

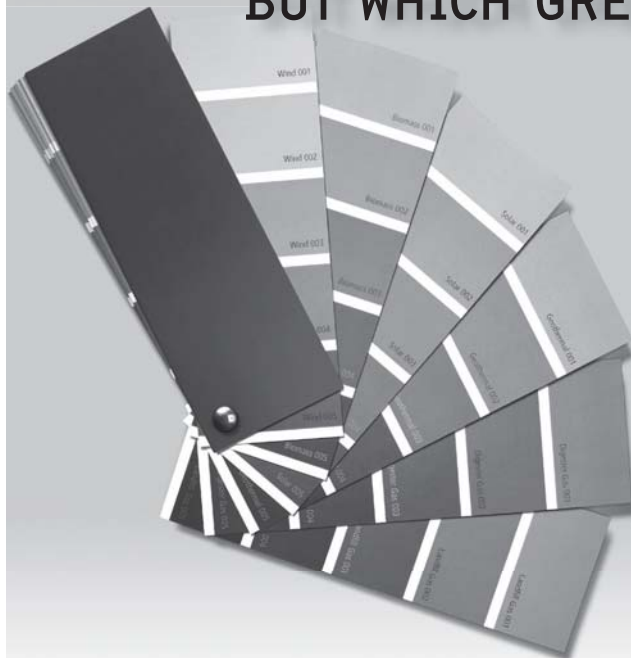


*Thank you to our Premier Silver Partner Hamlin Design Group for sponsoring the Long Island workshop.*



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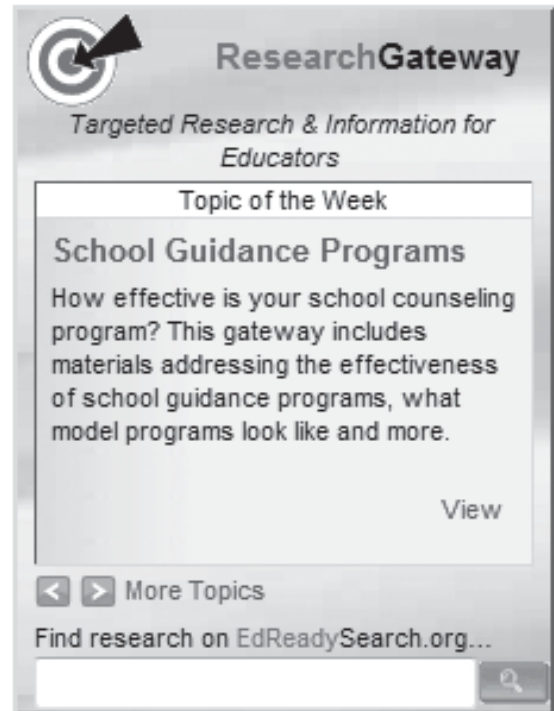
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# 2010 Council Lobby Day – Superintendents Highlight Impact of State Aid Cuts on School Districts

The dismal climate (not referring to the weather) that greeted superintendents arriving in Albany for THE COUNCIL'S Lobby Day made their advocacy efforts even more urgent. Only days earlier, Governor David Paterson, mired in scandal and the departure of key senior staff, announced that he would be dropping out of the Governor's race, leading to speculation as to how his announcement would impact State Budget negotiations. Only a few weeks earlier, Governor Paterson's projected deficit for next year had grown by \$750 million to \$8.2 billion. The Senate, Assembly, and Division of Budget had just a day earlier agreed to a revenue forecast for next year that was \$850 million less than the Governor had accounted for in his executive budget proposal, raising the deficit to over \$9 billion.

After a welcome by Interim Executive Director Robert Bradley, Legislative Chairs Wendell Chu (East Islip) and Thomas Coseo (Clarence) presented effective advocacy strategies, recommended issues to discuss with legislators, and discussed necessary logistics for Lobby Day. Deputy Director Robert Lowry presented a budget overview and analysis, offering recommendations and observations for superintendents to raise with legislators the next day.

Approximately 60 superintendents participated in the Lobby Day on March 2, 2010. They met with representatives from their region. At a time when every interest group is clamoring for scarce state dollars for worthy causes, Legislators need to hear from superintendents. On Lobby Day, superintendents reported discussing with the Legislators how state aid cut translated into instructional and non-instructional personnel reductions, significant programmatic cuts, and particularly in districts with low property wealth, property tax increases. They also discussed the need for flexibility for leaders that will give better options to provide programs and services for children in times of diminished resources.

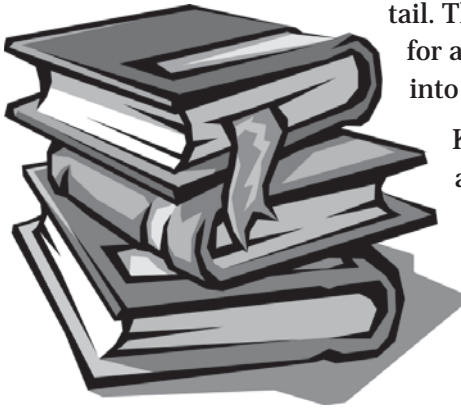
Accompanied by Council advocacy staff, a group of superintendents, representing a cross-section of the state, met with Senator Suzi Oppenheimer, Chair of the Senate Education Committee, Assemblywoman Cathy Nolan, Chair of the Assembly Education Committee, Senator John Flanagan, Ranking Minority Member of the Senate Education Committee, and senior staff from the Governor's Office and Division of Budget. Superintendents did not leave optimistic for an on-time budget, but were gratified by the Legislators' sincerity in wanting to assist school districts weather through the fiscal challenges. Superintendents discussed steps their districts have taken



## Member News

**Dr. Robert J. Manley** and **Dr. Richard J. Hawkins**, retired New York State School Superintendents, published *Designing Systems for All Students: A Toolkit to Fix America's Schools* in December 2009. The book was published by Rowman and Littlefield and American Association of School Administrators.

It provides a clear methodology for school leaders, teachers, and school board members to follow as they redesign their schools for the benefit of students. The authors demonstrate how school leaders set the expectations for all students to learn and grow as important contributors to the culture. In the effective schools that the authors describe, students deliver performances, discuss and conduct important inquiries, and lead profound learning activities. The book also explains how curriculum can be redesigned to engage students in advanced cognitive and social and emotional development. Additionally, several barriers to great schools such as assessment practices, false testing procedures, poor governance, ineffective leadership and staff development are described in stark detail. Throughout the book are examples of effective practices that make it possible for all students to prosper. The book is filled with practical ideas that are compiled into a toolkit to fix America's schools.



Kevin N. McGuire, professor, Center for Educational Leadership and Accountability, St. John's University and retired superintendent said "Remarkably wise, insightful, and practical. Manley and Hawkins have compiled a superb and much-needed book on schools that work for all students. They provide a groundbreaking guide for educators who want to translate a commitment into effective action. Their unique perspective, developed as leaders in school districts and college institutions, makes their book."

18



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to functionally consolidate (i.e. centralized business office, transportation), concerns that next year will be even worse with less money to keep the tax levy down, the urgency in passing legislation to authorize the use of a 5-year average of the inflation for in calculating the contingency budget, the need for mandate relief (i.e. paper-work reduction, Wick’s Law exemption), and their opposition to transfer any of the cost of preschool special education to school districts and any additional cost of summer school special education to school districts.

Fortuitously, Commissioner David Steiner was scheduled to address the Senate Education Committee at its scheduled meeting that afternoon. Repeatedly, Legislators made reference to conversations that they had with superintendents that morning regarding the necessity for mandate relief. Legislators repeatedly stressed to the Commissioner that districts, especially in this fiscal climate, need relief from burdensome mandates and asked what the State Education Department was doing to ensure that input from school leaders was solicited prior to implementing regulations and to provide districts with real mandate relief from overly burdensome regulations. The presence of superintendents in attendance at the meeting was noticeable and acknowledged by members of the Committee.

Legislators heard the voices of superintendents that day. An often repeated idiom – the squeaky wheel gets the grease applies. Notwithstanding the fiscal climate, advocates for other interests continue to flood the Capitol. Continued advocacy by superintendents highlighting the impact of state aid cuts and the need for greater flexibility can only make a positive difference for school districts.

**Thank you to our Newsletter Underwriters**



## Survey Input Finalizes Conference Dates

We wanted to thank all of you for participating in our Fall and Winter conference surveys as well as the recent conference scheduling survey to clarify length and timing for our upcoming events. As you know, THE COUNCIL supports its members by providing exceptional opportunities to expand and enrich their expertise and knowledge in the area of educational administration through statewide conferences.

The Fall Summit is typically held in late September or early October and includes an Annual Banquet where retired superintendents are honored.

The Winter Institute was held in late January but in 2011 will be moved towards the end of February and connected to our Lobby Day based upon survey results. This was also a recommended change from our Conference Redesign Committee in 2009 (composed of superintendents and strategic partners) because they wanted to incorporate more time between Fall and Winter events; combine two key events for less expense and travel time; ensure the Institute takes place after release of the Governor’s proposed budget; and encourage greater superintendent involvement in advocacy, which once was a primary focus of the Winter Institute.

THE COUNCIL’S annual events are open to all New York State superintendents, assistant superintendents, Strategic Partners, retired life members and friends of THE COUNCIL. This year’s events will be scheduled over three days - half-day Sunday, all day Monday and half-day on Tuesday.

### 2010 Fall Leadership Summit

*The Courage of the Superintendency*  
September 26-28, 2010  
The Saratoga Hotel & Conference Center  
Saratoga Springs, NY  
*Speakers to be determined spring 2010.*

### 2011 Winter Institute / Lobby Day

February 27 – March 1, 2011  
The Desmond Hotel & Conference Center  
Albany, NY  
*Theme and speakers to be determined summer 2010.*

### Bundled Tuition Offers Savings!

We’ve again bundled the Fall Leadership Summit and Winter Institute with your membership dues. If you opt to attend both, your tuition will be reduced from \$499 to \$475 per event, per person. You can also pre-pay event tuition with your membership dues. See your membership packet for more information regarding this option. To help maintain your budget, we’ve kept prices for conference registration and meal packages the same. Membership information will be mailed May 1, 2010.

*As you all know, the Fall Leadership Summit and the Winter Institute offer keynote addresses by national experts in the fields of leadership, education and related areas; opportunities for members to share best practices with colleagues through smaller educational sessions; an interactive discussion with the Commissioner of Education about New York State issues and initiatives; and networking for support and collegiality among members through social interaction, group discussions, meetings and workshops. Each event focuses on a themed event over several days.*

20

# UPCOMING EVENTS



### Leadership Summit for Assistant Superintendents

April 15, 2010..... Albany

### Fall Leadership Summits

September 26-28, 2010..... Saratoga Springs

September 25-26, 2011..... Saratoga Springs

### Winter Institutes

February 27-March 1, 2011..... Albany

### AASA Conventions

February 17-19, 2011..... Denver, CO

### LEAF Programs:

#### Leadership for Student Achievement (Albany)

Session 5 ..... May 6, 2010

#### Aspiring Superintendents’ Program

April 29, 2010..... Albany,  
Long Island & Rochester

