



2021-2022

**Level I Legal Services
& Enhanced
Level II Benefits**

LEVEL I LEGAL SERVICES

Level I Legal Services are included with your Council membership. Our in-house legal service offers legal representation to superintendents and is considered the “first” level of the legal service. Legal services include but are not limited to:

- Contract Negotiation
- General Questions
- Retirement
- Contract Review
- Council attorneys represent superintendents in every stage of contract negotiations with the goal of reaching an agreement with respective school boards on employment contracts that best meet the individual needs of the superintendent and protects the superintendent.

SERVICES INCLUDE:

- **New Superintendents** — The Council represents new superintendents in the negotiation of their initial contract, even before they join as members.
- **Contract Reviews/Renewals** — The Council reviews superintendent contracts to identify out-of-date clauses that may jeopardize their rights, or to identify benefits that should be restructured based on current trends, new laws or changing personal situations. Should recommended changes require renegotiation, The Council will represent the superintendent.
- **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.

Additionally, Council attorneys assist superintendents with planning for retirement, evaluating contracts to better ensure that retirement needs are met and supporting superintendents in conversations with the Teacher’s Retirement System including:

- **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 who upgrade to an interim membership on the steps necessary to ensure that these earnings do not jeopardize retirement benefits.
- **Retirement Planning** — The Council reviews superintendent contracts to maximize post-employment benefits and identify clauses or restructuring arrangements that may erode superintendent’s retirement earnings.

Beyond representation, The Council’s legal service presents an array of programs and support. Our legal publications update superintendents on the latest court cases and regulatory changes affecting schools and administrators. Legal seminars provide professional development with invaluable sessions on trends in contract negotiations, troubleshooting to avoid conflicts and audit related issues.

For more information regarding Level I Legal Services or Enhanced Level II Benefits, please contact Jacinda H. Conboy, Esq., General Counsel (jacinda@nyscoss.org), or Greg Berck, Assistant Director for Governmental Relations & Assistant Counsel (greg@nyscoss.org) at 518.449.1063.

ENHANCED LEVEL II BENEFITS *

The Council strives to provide comprehensive legal services to its members. In most instances, a dispute between a member and his/her employer can be resolved through informal remedies. However, if legal remedies, or protracted conciliation efforts are necessary, Enhanced Level II Benefits are available to those who choose to participate in these enhanced services beyond those which are currently covered under your Council membership.

ENHANCED LEVEL II BENEFITS:

- **Direct Legal Representation** – Formal or informal intervention on behalf of members to resolve problems between the member and his/her employer and/or legal issues related to the superintendent's employment. Direct legal representation includes representation in protracted conciliatory efforts and additional matters based on the assessment and discretion of The Council's attorneys.
- **Due Process of Law** – Procedural steps designed to ensure that local board of education action is taken in accordance with Constitutional, statutory, and regulatory guarantees, including, but not limited to, the right to a hearing.
- **Employment Issues** – Providing assistance with respect to employment issues (i.e. cease and desist letters)
- **Protracted Conciliation Efforts** – Direct legal representation designed to informally resolve member/board disputes and contract violations.
- **Additional Contract Support** – The Council will represent the legal interests of the superintendent if The Council 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. The Council will also represent the superintendent in legal matters where their rights are being violated (i.e. cease & desist letters). This service requires membership in Level II Legal Services.
- **Post-retirement Representation** – The Council can also represent superintendents who discover contract issues that arise after retirement such as TRS determination

ADDITIONAL BENEFITS INCLUDE:

- **Enhanced Financial & Retirement Planning** – Under our Level II Legal service, The Council will review superintendent contracts to maximize post-employment benefits. This includes an individual financial planning consultation and quarterly, legal/financial updates providing retirement guidance.
- **Search Engine Optimization Repair Service** – The Council is pleased to offer a basic Search Engine Optimization Repair service to quickly adjust Google search results. Also included in this service is a social media consultation that encompasses a review of your current online presence, recommended tools to use, and a review of basic online strategy.



To schedule an appointment/phone conversation with Jazz or Greg, please contact Kelley Pratt, Program Associate & Legal Support, kpratt@nyscoss.org or 518.694.4878.

** Enhanced Legal II Benefits require enrollment that must be paid for directly by the member.*



OUR LEGAL TEAM



Jacinda H. Conboy, Esq.
General Counsel
E: jacinda@nyscoss.org
Twitter: [@JazzConboy](https://twitter.com/JazzConboy)
T: 518.694.4873

Jacinda (a/k/a "Jazz") is primarily responsible for negotiating superintendent's employment contracts and providing legal advice and assistance to our members. In addition, Jazz regularly designs legal seminars and provides presentations on legal educational issues to members and is also the leader of The Women's Initiative. Contact Jazz if you have contract questions, are interested in Level II Legal Services or need retirement services.



Greg S. Berck, Esq.
Assistant Director for Governmental Relations & Assistant Counsel
E: greg@nyscoss.org
Twitter: [@Greg_Berck](https://twitter.com/Greg_Berck)
T: 518.694.4874

Greg devotes his efforts to the The Council's lobbying and advocacy agenda. He also assists in negotiating superintendent's employment contracts and providing legal advice and assistance to our members. Greg works with the executive and legislative branches of state and federal government as well as a variety of state agencies. He is well respected within the halls of the Capitol and with other stakeholders from his tenure as education counsel for the Assembly majority. Contact Greg regarding legislative and regulatory concerns and legal inquiries.



Kelley A. Pratt
Program Associate & Legal Support
E: kpratt@nyscoss.org
T: 518.694.4878

Kelley serves as a contact for general member inquiries, manages career center postings, and processes database updates while answering and directing calls. She also provides support for the General Counsel and legal team. In addition, she assists all staff members with a variety of administrative projects, but primarily supports the membership department on a day-to-day basis. Contact Kelley if you have questions or need to request a meeting/call with Jacinda Conboy, Esq., General Counsel or Greg S. Berck, Esq., Assistant Counsel.



YES, I AM INTERESTED IN ENHANCED LEVEL II BENEFITS!

The Council is offering Enhanced Level II Benefits which provide:

- Direct Legal Representation
- Enhanced Retirement & Financial Planning
- Protracted Conciliation Efforts
- Post-retirement Representation
- Contractual Disputes
- Employment Issues

Areas covered by the second level of legal services include protracted conciliation efforts, negotiations of separations and due process procedures.

These services are available to superintendent members only by paying an annual \$250 fee to The Council for the 2021-22 membership year. After October 1, 2021, the membership fee is \$500.* Please refer to our website at www.nyscoss.org for a detailed explanation of this service and associated fees.

If you enroll in the Enhanced Level II Benefits at the time additional legal services are needed, you will automatically be charged the \$500 enrollment fee. As an additional benefit moving forward, a \$50 reduction in cost will be offered to all participants who consecutively renew after the 2019-20 membership year, to a minimum of \$150 annually. A lapse in renewal will forfeit any discount previously earned. Unsure if you are eligible for the discount? Contact membership@nyscoss.org.

For more information regarding Enhanced Level II Benefits, please contact Jacinda H. Conboy, Esq., General Counsel (jacinda@nyscoss.org), or Greg Berck, Assistant Counsel (greg@nyscoss.org) at 518.449.1063.

MEMBER DETAILS

Full Name: _____

Title/Position: _____

School District: _____

Address: _____

City: _____ State: _____ ZIP: _____

Work Phone: _____ Work Fax: _____

E-mail: _____

PAYMENT OPTIONS

- ☐ Enclosed is my personal check for \$250/\$500* made payable to NYSCOSS.
- ☐ Visa or Mastercard

Card Number: _____ Exp Date: _____

Print Name: _____

Signature: _____



Please return to:
NYS Council of School Superintendents
7 Elk Street, 3rd Floor
Albany, NY 12207
or fax to 518.426.2229
or email membership@nyscoss.org

For a complete listing and full description of our programs, please visit our website at www.nyscoss.org



NYS Council of School Superintendents
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