



## School law conference looks at investigations



On September 21, fifty educators and attorneys attended the Monroe County Bar Association Center for Education and the Monroe County School Boards Association school law conference to learn about legal issues involved with investigations that school districts increasingly need to conduct.

### **The School District's Role and Parameters in Investigating and Addressing Employee Off Campus Behavior**

This discussion was led by Sara E. Visingard, Esq., Harris Beach, PLLC; and Quinn Smith, Esq., Wayne-Finger Lakes BOCES.

### **The School District's Role and Parameters in Investigating and Addressing Student Off Campus Behavior**

This presentation was led by Joseph G. Shields, Esq., Ferrara Fiorenza, PC; and Donald Budmen, Esq., Ferrara Fiorenza, PC.

### **Homeless? Resident? or Non-Resident?**

#### **How to Legally Distinguish Between the Three and What to do About it**

The review of issues involved with this complex issue was led by Lynda M. VanCoske, Esq., Monroe-2 Orleans BOCES; Anne M. McGinnis, Esq., Harris Beach, PLLC; and Dan Magill, Senior School Investigator, Monroe 2-Orleans BOCES.



This was the 34<sup>th</sup> annual school law conference co-sponsored by the Monroe County Bar Association Center for Education and the Monroe County School Boards Association.

LEFT (l to r): Presenters Quinn Smith, Esq.; Donald Budmen, Esq.; Joseph G. Shields, Esq.; Lynda M. VanCoske, Esq.; Daniel Magill; Sara Visingard, Esq.; and Anne McGinnis, Esq., conference organizer.

TOP: MCSBA President Mike Suffoletto (Web) introducing the program.



# News Scope

MONROE COUNTY SCHOOL BOARDS ASSOCIATION  
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(585) 328-1972 www.mcsba.org

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Past President – John Piper, Penfield CSD  
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## MCSBA Fiscal Training

(SED Approved)

Saturday, November 4, 2017

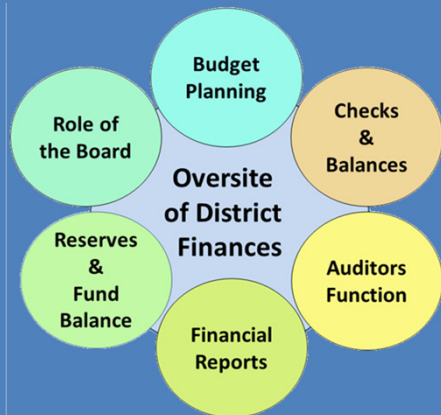
7:30am – 3:30pm

DoubleTree Inn, 1111 Jefferson Road

*Required training for new board trustees;  
Good refresher for all other board trustees.*

*To learn more or to register,  
call 585-328-1972 or email*

*[mary\\_talbot@boces.monroe.edu](mailto:mary_talbot@boces.monroe.edu)*



## From our president

Recently, my school district suffered a public relations challenge. A comment made by our superintendent was misinterpreted and misconstrued. The subsequent comments on social media I found to be disheartening and not reflective of our community as a whole.

How is a school board prepared to handle such criticism? Does your school board feel they are adequately equipped to deal with social media criticism and complaints?

That is why a recent article published in *ON BOARD* was helpful. The article entitled “*The Time for School Public Relations is Now!*” highlighted the fact that every district, every school board should develop and execute a plan to communicate and engage with all of the community’s stakeholders.

We know public education is under attack. No matter how much good your district does, or how much your district has accomplished, the facts don’t usually show up on social media. Instead, some people will speculate about the so-called insults the district is committing, feeling affronted that their core values have been violated and need to be defended, no matter how nonsensical they may be.



Mike Suffoletto

That is why school boards need to be known as the trusted source in their communities for information about their district’s operations. It is imperative that school boards tell their district’s stories, because if you don’t tell your story, someone else will tell it for you. In our district we had to manage the crisis, rather than allowing the crisis to control the district.

Social media makes it easy for our critics to reveal the truth as they see it. Our school board debated whether we should even step forward to remedy things that are seemingly out of control. After all, disgruntled critics already have made up their minds as to what the truth is. Our decision was to use all means at our disposal to communicate what has happened, and what we are doing about it. This included using media releases, and face to face communication.

No matter how nasty or out-of-line social media comments are, we can choose to learn from them. We believe the best results will come about if the Board is willing to acknowledge errors and correct them, is open to discussion of the situation, but most importantly tells their district’s story before anyone can tell it for them. As the closing lines of the article in *On Board* stated, “Every person in a school district – from the board president to the playground assistant – plays a role in the communication and community engagement efforts. It has never been more important.”

*Mike Suffoletto*

# From our executive director: TRUST

Trust is a small word that packs a tremendous punch. Trust is why marriages and families thrive, businesses succeed, and relationships flourish. However, when trust is betrayed, the hurt can cause irreparable damage. That is why trust is earned. It isn't something we bestow on someone or something just because of title or position. Trust is a core value that we hold close to our hearts.



**Sherry Johnson**

By definition, trust, as a noun, is the “firm belief in the reliability, ability or strength of someone or something.” It is the “acceptance of the truth of a statement without evidence or investigation.” As a verb, trust is defined as to have “faith or confidence” in someone or something.

We talk about trust a lot with teams. Highly effective teams adopt norms that team members use to build a trusting relationship. This relationship allows the team to take risks, to explore, to succeed and to fail. If you have had the privilege of being on such a team, you understand the value of those relationships and you cherish the memories of the quality work you were able to do as a member.

However, Board of Education members are elected officials who don't get to pick their teams; rather they choose to join a group of others who come from diverse backgrounds with various experiences and ideas about why they want to serve in

the capacity of “trustee”. How then is trust achieved? Communication is certainly key. This should include a policy on board ethics. Ground rules or codes of conduct on how the board will function at the table are also excellent ideas. Retreats allow boards to get to know each other better and build a more trusting relationship. Board trustees who take their role seriously, who are prepared and who participate will develop the respect of the other members regardless of whether they agree with their position on an issue. Over time, all of these positions can contribute to the overall cohesiveness and effectiveness of board governance teams.

However, no matter how many policies, rules or retreats that a board may have, true trust develops when each individual member behaves in a manner that is acceptable to every other member, not just at the table, but in the public venues. As elected officials, board members are obligated to interact with their constituents. Board trustees who publicly support decisions made by the board, who don't undermine the reputation of other members, who support the work of the superintendent while also working to gain the support of the community, will build trust more quickly than can a policy or set of ground rules. Individual character counts for team competency.

You and your team make decisions on the important work for your district, the children it serves and the community at large. Whether you are a veteran board trustee or brand new to your role, we want you to trust that we are here to support you in your work both individually and as a team. It is something that we at MCSBA seek to earn every day.

*Sherry Johnson*

## BOCES manufacturing program

Both of Monroe County's BOCES offered a three-week summer camp called Summer Advanced Manufacturing Experience (SAME) Camp geared toward students who would be in grades 9-10 during the 2017-2018 school year. The SAME Camp was sponsored by the Monroe County Industrial Development Corporation (MCIDC). Monroe One BOCES and Monroe 2-Orleans BOCES partnered with the County of Monroe, Monroe Community College, and FAME (Finger Lakes Manufacturing Enterprise) to provide the SAME Camp experience for 16 students.

For five days per week during three weeks in July, the SAME camps at both BOCES taught students how to use common manufacturing equipment to create different projects. Students learned precision manufacturing theory supported by hands-on production of precision metal projects, experience that may potentially jump start a great career in advanced manufacturing and engineering. In addition, each Friday the students toured local advanced manufacturing companies to observe how those skills are applied in real-world work environments.

On Friday, July 28<sup>th</sup>, a combined graduation ceremony was held at MCC's Flynn Campus Center. SAME graduates from both BOCES programs received certificates for three credit hours of MCC Precision



*Photo by Jen Merkel (B2).*

ABOVE: EMCC Automated Manufacturing & Machining teacher, Lenny Hall (B1), demonstrating the use of micrometers. Information used in this article was contributed by John R. Walker, School-Community Relations Coordinator (B1).

Machine Program credit toward an A.A.S. degree in Precision Manufacturing at MCC. This was the sixth year of the SAME Camp program.

# Update on ESSA

At the first Information Exchange Committee meeting of the new school year, District Superintendents Dan White (B1) and Jo Anne Antonacci (B2) discussed the Board of Regents ESSA mission as well as the development time line for the plan.

They listed three waivers to the ESSA statute that will be submitted to the U.S. Department of Education with the ESSA plan:

- \* Elimination of double testing for high achieving middle school students enrolled in high school courses.
- \* ELA Testing for second year English language/multilingual learners.
- \* Off grade testing for students with disabilities.

The ELA waiver was denied in the past but it is important to our region due to the growing number of ELL students across Monroe County.

The ESSA plan was submitted by the September 18, 2017 deadline. Formal feedback is expected in December 2017. A question and answer period will follow between NYS and the U.S.E.D., with plan approval estimated by February 2018. Guidance from the Federal Government on implementation will follow once all state plans are approved.

The full presentation appears on the Engage NY site at the following link,

<https://www.regents.nysed.gov/common/regents/files/Full%20Board%20Monday%20-%20ESSA%20State%20Plan%20-%20Proposed%20Plan%20for%20Submission%20to%20USDE.pdf>.

In response to common misconceptions, the presenters noted that:

- \* Annual 3-8 testing is still required by the U.S.E.D.
- \* 95% testing rates are required and states will be expected to develop remediation plans for districts not meeting the 95% threshold. (No Monroe County district met the 95% threshold last year).
- \* APPR is still linked to NYS testing by NYS education law 3012d. ESSA does not require the test linkage.
- \* No specific set of standards is required by ESSA, just the requirement that states have standards.
- \* Accountability will remain as part of the ESSA plan (sub-groups, student achievement, graduation rates, and other second tier requirements, etc.).



ABOVE: Presenters Dan White (B1) and Jo Anne Antonacci (B2) surrounded by Information Exchange Committee Co-Chairs Gary Bracken (Spe) and Tammy Gurowski (Web).

Also at the September meeting, committee members re-affirmed committee goals (serve as a forum to share information and educate members about current issues and trends), and identified issues to discuss at future meetings during this school year:

- Combating the increasing drug epidemic,
- Suicide and school culture,
- Understanding anxiety,
- Communication with stakeholders,
- Building resilient schools,
- Confronting hate speech,
- Student discipline policies and trends,
- Special education drivers,
- Rochester International Academy- serving immigrant students,
- Screenagers (would require approval for cost of film and would likely be an evening session since the film is about an hour long).

It was also suggested that an additional update on ESSA occur in the spring.



# Workplace satisfaction in challenging economic times

The Hilton School District was recently designated as a Top Work Place. At the first Labor Relations Committee meeting of this school year, held on September 27, Hilton's Superintendent Casey Kosiorek and Assistant Superintendent for Human Relations Scott Massie reviewed what the Top Work Please designation measures and how districts participate.

They also discussed how the designation was used by the district:

- \* In notices for attracting, recruiting and hiring quality staff;
- \* In promoting the school district in the real estate market;
- \* During budget development to garner community support;
- \* As a marketing tool on letterhead, webpage etc.
- \* To offset those portraying the district negatively.

Lastly, the presenters discussed the District's Fitness and Wellness Committee and provided examples of their activities, noting that the committee's work helps to promote satisfaction within the staff. The committee's activities are funded outside the district's budget so no taxpayer money is used but staff at all levels participate.



ABOVE: Labor Relations Co-Chairs Irene Narotsky (Pit) and Tom Abbott (Hil) with presenters Casey Kosiorek (Hil) and Scott Massie (Hil).

BELOW: Labor Relations Committee members attending the September 27 meeting.

Labor Relations Committee members at the September meeting also re-affirmed the goal of the Labor Relations Committee: *To openly share information about labor relations issues, in a confidential setting, in a way that promotes a common understanding and provides MCSBA members with additional ideas for consideration in their home districts.*

In addition, members identified Retirement Incentives as the topic for their October meeting and Employment Law Impacting Schools (family leave and overtime regulations) for November. Topics for remaining meetings are being determined by electronic survey.



## CLERKS: Save the Date!

# Fall District Clerk's conference

November 15, 2017      8:15 a.m.-1:00 p.m.  
DoubleTree Inn, 1111 Jefferson Road

**TOPICS INCLUDE:**

**Legal Up-Date-** Including advise on creating resolutions and legal notices

**A Day in the Life of a District Clerk-** (Responding to difficult people or situations)

**Preparing for Board Meetings-** (Security concerns, room configuration, sign-in, public comment structure & rules for engaging the Board, etc.)

**Circle time-** Share best organizational tools.




# U of R offers teenaged girls a *Pre-College Experience* in PHYSICS

**PREP (Pre-College Experience in Physics)** is a program offered each July for selected female students from Rochester area high schools. The three-week course on the University of Rochester campus, provides an introduction to physics through hands-on, inquiry-driven activities. Tours of many of the University's research facilities and presentations by researchers give PREP students exposure to a range of science and technology careers. Participants see the "laws of physics" in action, relate physics-based skills and concepts to real life, and get a taste of college science. No college credit is awarded for participation. However, PREP does provide exposure to the college environment, including sessions with current undergraduates and an admissions counselor.

In 2017, PREP involved 22 girls who will be entering 9<sup>th</sup> to 12<sup>th</sup> grades in the fall. Of that number, 16 are public school students from Brighton, East Irondequoit, Fairport, Gates Chili, Rush-Henrietta, Webster, West Irondequoit, and Victor.

Tuition is free to all participants. PREP is organized and supported by: The U of R Department of Physics and Astronomy as well as by the DOE and NSF US groups of the CMS Experiment at the Large Hadron Collider at CERN.

To learn more, visit the PREP website at <http://www.pas.rochester.edu/about/community-programs/prep/index.html>.

For more information, contact:  
Ms. Connie Jones, PREP Program Administrative Assistant  
Department of Physics and Astronomy, University of Rochester  
(585) 275-5306, [connie@pas.rochester.edu](mailto:connie@pas.rochester.edu)

PREP Program Director is Dr. Steven Manly, [manly@pas.rochester.edu](mailto:manly@pas.rochester.edu).



**TOP TWO PICTURES:** Pairs of participants collided with each other on carts equipped with empty soda cans to absorb the impact. The collisions and their reactions were filmed so participants could measure and compare results.

**MIDDLE:** Participants wait under the Rush Rhees Library balcony for colleagues to drop eggs. For the egg drop, teams were given supplies (2 sheets paper, 3 cotton balls, 10 popsicle sticks, 1 balloon, 1 small paper plate, 3 tissues, 5 straws) to devise egg carriers that would provide safe landings. The winning egg conveyance kept the egg in one piece and weighed the least.

**LEFT:** Participants in a marble-projectile motion activity prepare themselves to predict where a marble rolling off the table would land on the floor. Teams measured a marble's velocity before it rolled off the table, then used equations of motion to calculate exactly where the marble should land on the floor. They put a target on the spot where they calculated the marble should land, and they had two chances to see if their calculations were accurate.

This is part of a series describing summer programs that colleges offer high school students. They represent superior learning opportunities but students frequently don't know about them.

# NYS Constitutional Convention- FAQ

(Frequently referred to as the Con Con)

Note : MCSBA has no formal position on the Con Con but will provide factual information about the process for BOE members to use at their discretion.



## 1) Q. Why are we having a Constitutional Convention in NYS?

A. Every 20 years the NYS Constitution provides for citizens to revise or amend the Constitution as they see fit so as to check the power of state government. (See attached timeline on reverse side).

**Unlike** the U.S. Constitution the NYS Constitution is a very wordy and archaic document containing 20 articles and more than 200 amendments.

## 2) Q. Outside a Constitutional Convention, what other methods exist for amending or changing the Constitution?

A. Currently the Legislature can forward any number of amendments to the NYS Constitution. Each amendment must be approved by the following 3 step process:

1. Amendments (any # of them) are approved by the Legislature.
2. Amendments are approved a second time by the Legislature AFTER a legislative election.
3. Amendments are submitted to the NYS voters for approval.

Recent examples include, casinos, and ethics reform measures (on the 2017 fall ballot).

## 3) Q. What could be included in the Con Con?

A. A “yes” vote on the November ballot would open the entire Constitution for debate and revision, including anything related to public education. A “no” vote means that the current method the legislature uses to make amendments is the only option for change over the next 20 years.

## 4) Q. How have delegates been selected historically?

A. Currently NYS voters must choose 204 delegates for a convention, (3 from each senate district and 15 at large candidates), by the general election process. Incumbent legislators may be delegates. The legislature sets the process for delegate selection however if the process from 1967 is used it may be subject to a legal challenge. Delegates begin their work the April following their election.

## 5) Q. If the Con Con is approved, who is likely to become a delegate?

A. Delegates could be:

- Public figures who have the money, inclination and time to devote to the work.
- At the 1967 Constitutional Convention, delegates included 24 judges and 13 incumbent legislators, comprising approximately 20% of the total delegates.

## 6) Q. What does the NYS Constitution say about education?

A. Article XI addresses educational issues:

- NYS’s responsibility to “support a system of free common schools”.
- How our SUNY System ( Board of Regents, SED) is to be set up and governed.
- What is commonly referred to as the “Blaine amendment” which denies funding for religious education except for testing, inspections and transportation.

**7) Q. What would be the primary interest of the delegates?**

**A.** The elected delegates will be charged with making changes on behalf of all the citizens of NYS. The delegates will most likely be approached by lobbyists or special interest groups, from within and outside the state, to protect or change specific language in the constitution.

**8) Q. How will citizens vote on the final amendments when the delegates have completed their work?**

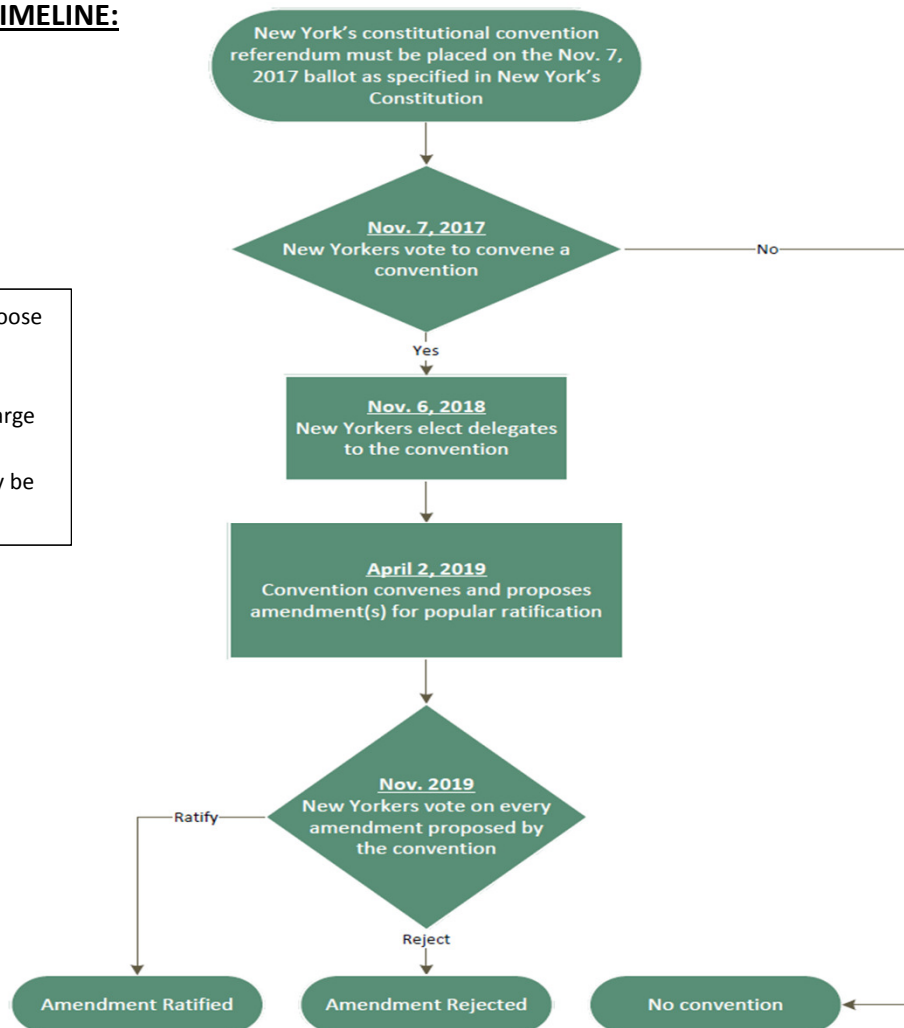
**A.** Delegates may submit any number of amendments, separately or as a single ballot question to the voters for their approval.

**9) Q. What could the Con Con cost?**

**A.** Based on the cost of the 1967 Con Con corrected for inflation, convention costs now are estimated to exceed \$47 million. Costs primarily arise from compensation paid to delegates and their staff, including actual travel expenses, until their work is completed. No timeline to finish their work is defined, although about one year is the norm.

**NYS CONVENTION TIMELINE:**

**Note:** NYS voters must choose 204 delegates for a convention, 3 from each senate district and 15 at large candidates. Currently incumbent legislators may be delegates.



**For more information go to:**  
New York State Constitutional Convention Clearinghouse at [www.newyorkconcon.info/](http://www.newyorkconcon.info/)