

School Law Conference



Those attending the September 23 MCBA-MCSBA school law conference received the latest information on a number of issues school districts are dealing with currently.

Lynda M. VanCoske, Esq. Labor Relations Administrator, Monroe-2 Orleans BOCES; and Anne M. McGinnis, Esq., Harris Beach PLLC; reviewed student off-campus free speech rights as related to superintendent hearings and discipline for students with disabilities.

Allison L. Marley Esq., Ferrara Fiorenza PC, explained how the legalization of marijuana in New York State impacts its public schools.

Sara E. Visingard, Esq., Harris Beach PLLC, updated participants about new laws and regulations and recent case laws affecting school district labor relations, student matters and operations.

TOP: Law Conference presenters Lynda VanCoske, Esq., Allison Marley, Esq., Sara Visingard, Esq., and Anne McGinnis, Esq.

LEFT: MCSBA Executive Director Sherry Johnson welcoming participants.

BELOW: Some of those attending the September 23 seminar.





President – Gary Bracken, Spencerport CSD
Vice President – Amy West, Honeoye Falls-Lima CSD
Past President – Amy Jo Thomas, Pittsford CSD
Treasurer – John Abbott, Monroe 2 – Orleans BOCES
Executive Director – Sherry Johnson, Sherry_Johnson@boces.monroe.edu
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Meeting with Assemblyman Bronson about bus driver shortage

On September 21, members of the MCSBA Legislative Committee met with Assemblyman Harry Bronson, member of the Assembly's Transportation Committee, to discuss potential solutions, both long and short term, to the school bus driver shortage. The shortage began before the pandemic due to increased mandates and other factors, but the pandemic has made an already difficult issue more problematic. Members felt the meeting was productive and they will continue to work with the Assemblyman to provide districts some assistance with this issue. Participants in the Zoom session are seen below. Present but not pictured were Bo Wright (RH) and Mark Elledge (Pen).



From our president: Promote the positive



Gary Bracken

First, I want to thank the other officers and staff, especially your Vice President Amy West and our Executive Director Sherry Johnson for keeping things running smoothly in my absence. I have had to temporarily relocate to Sackets Harbor to care for my dad as he is home on end-of-life hospice. A sportsman who turned 90 in July, he was active up until he wasn't. Thanks to all for the support!

With that in mind, my dad has inspired my column this month. As I write this, I am sitting bedside with him, remembering what he did to somehow get me to where I am now—first off, not in jail (HA!), next, educated, and finally a successful military officer and communications professional. As a side note, he is also a retired military service member.

Early on, my dad, back in the 1960s, engaged to become a member of our schools PTO in South Jersey. His and my mom's involvement with our schools and other groups left an impression that persists to this day, driving me to serve – like all of you have chosen to do – to make things better for our next generation.

Of course, your service these days is not like in the 60s and is definitely not easy. Misinformation abounds, people in our communities are subject to a lot of social media postings that inaccurately portray what is happening in our schools and what are our roles as board members, and the negatively-focused minority seems to have the highest volume.

So what to do? Well, my dad was also a master communicator, with his kids, his co-workers and friends, and with his clients. Over the past year when I would tell him what we faced he would invariably say that I should not spend too much time listening to the negative, but instead focus on the positive and letting people hear about that.

Communicating with our communities and our elected officials has always been important. However, now it is of paramount importance that we as a collective group, raise our voices in celebration of the positive, good work being done by administrators, teachers, and staff to not only keep our kids safely in school, but also providing an outstanding educational experience every day.

I also believe we support a positive public education experience for all. So why not educate our communities and get the word out to your constituents on what you, as board members can - and cannot - do in support of our schools.

Tell the good stories through multiple channels like the district's web site, newsletters, social media, speaking opportunities with community groups, and during your board meetings. And, of course, keep our elected state and federal officials informed and provided with accurate information on what our schools mean and do for the communities.

Dr. Robert A. Cook is quoted as having said, "say and do something positive that will help the situation; it doesn't take any brains to complain." So let's keep working together to communicate and accentuate the positive while drowning out the negativity. Thank you all for your continued devotion to serve the kids of our communities.

Gary Bracken

From our executive director: Expectations & Endeavors This Fall



Sherry Johnson

Dear Members,

Happy Fall!

Fall began officially on September 22, yet as the month neared its final week and I traveled from here to Saratoga Springs, I could find nary a tree that had turned to full autumn color or leaved onto the landscape in the wonderful mosaics we expect this time of year. Apparently, due to the summer heat and rain, the trees are a couple of weeks behind. It seems fitting that Mother Nature would mirror the kind of summer that many of you experienced trying to conduct board meetings under heated and stormy conditions.

I know that all of you had the expectation that after a year and a half of managing misinformation, no information, ever-changing information, and information that was finally helpful but very late in arriving, this would be a more normal year, whatever that now means.

However, you persisted, and despite late mandates, transportation shortages, and a myriad of other logistical issues, students started school on time and in-person. What an important feat that all of you accomplished! Even if we are unable to call school “normal” as we understand the word, the need for the routine of school for students and families cannot be understated. Even for those of us with no children in school, seeing the buses on the road and watching excited children climb onto them, is incredibly reassuring.

At MCSBA, we also understand the need for routine and we are delighted to implement our full slate of programming, in person. However, we do now include a Zoom option for our Information Exchange and Labor Relations committees for those who would rather live stream those two professional development opportunities. We also want to remind everyone that those meetings are taped and uploaded to our “Member’s Only” section of the website for later viewing. We continue to work with our venues to maintain adequate seating distances, and monitor attendance as much as possible to make sure that members remain safe and comfortable.

In the area of advocacy, we will not be traveling to Albany for our December one-day trip this year, but will instead invite key state leaders to meet with our committee members via Zoom. We are hoping that we can hold our legislative breakfast in February at the Double Tree and then, perhaps be in a place to head to Albany for our two-day trip in March. Therefore, much like school, we continue to adapt our routine.

We can be confident that the leaves are going to turn and when they do, they will be spectacular in their beauty. The days will grow shorter, the air will turn cooler and fall will persist. However, is this something that needs monitoring for any long-term impacts on our climate and economy? Perhaps Mother Nature is offering us a lesson in expectations. Routine is important, but as you provide for all students to bloom and grow, you will also need to monitor the long-term impacts of the pandemic. As leaders, it will be incumbent on all of you to make sure that teachers and staff have the supports they need to help each child persist and develop their own beautiful mosaics to share with the world.

I have full confidence that you are rising to those expectations and we are here to support you in those endeavors in any way we are able.

Sherry Johnson

2021-2022 Legislative Committee Organizes, Identifies Legislative Priorities



Legislative Committee Mission

The Legislative Committee seeks to:

- 1) INVOLVE member districts and their communities in the legislative process.
- 2) INFLUENCE legislators and the State Board of Regents.

During its organizational meeting for the school year, members of the Legislative Committee re-approved the committee's mission statement, even though advocacy may need to continue via zoom for a time, and the December trip to Albany is cancelled.

In addition, members identified the following legislative issues important to their districts:

- Funding (ensuring that Governor Hochul delivers on the promised foundation aid);
- Wavier for absenteeism due to quarantine (if enough students are quarantined, districts could be forced into receivership);
- Testing requirements for unvaccinated staff (or those who refuse to disclose vaccination status) and students;
- Bus Driver Shortages/CDL requirements;
- State Review for Capital Projects (COVID requires many districts to pursue capital projects, adding to the load the SED must review and approve and creating a backlog);
- Substitute and support staff shortages;
- Denial of unemployment benefits for failure to comply with mandates (staff should not be able to claim unemployment if terminated for failure to comply with federal or state mandates on vaccinations if they are implemented).

Members also determined that the Federal Role position should be reviewed by a subcommittee.



ABOVE: Legislative Committee Co-Chairs Matt Metras (WI) and Vincent Antonicelli (ER).

LEFT & BELOW: Sherry Johnson reporting to Legislative Committee members.



2021-2022 Information Exchange Committee: Goal setting & Youth Apprenticeships

At their first meeting of the school year, members of the Information Exchange Committee approved the standing goals for the group once again:

Information Exchange Committee 2021-2022 GOALS

1. Provide forums where members can share information and network about new and innovative programs in their districts.
2. Provide activities to educate MCSBA members about current major educational issues and trends.

During the meeting members also heard a presentation by Rich Turner, Director of the Rochester Technology and Manufacturing Association (RTMA) about the NYS Registered Apprenticeship & Finger Lakes Youth Apprenticeship Program (FLYAP). Among his comments were the following:

- * RTMA and Monroe Community College partnered to create the Finger Lakes Youth Apprenticeship Program in 2019 to get high school juniors and seniors interested in advanced manufacturing careers via job shadowing or paid co-ops—to fill the skills gap in advanced manufacturing in our area by creating a talent pipeline for the 1500 current job openings.
- * If selected by local businesses, juniors are eligible for an unpaid, 8-hour job shadowing opportunity and seniors are eligible for a paid co-op of up to 200 hours of on-the-job training at \$15/hour.
- * Additionally, juniors and seniors are eligible for two college credits each year they participate in the program. All dual enrollment credits costs are paid through a grant allowing the coursework to remain free for students.
- * Students and local businesses interview and rank each other in a “Matching Day” to align students’ interest with business opportunities in a variety of advance manufacturing fields. Students selected for the program participate in a “Signing Day” modeled after pro sports drafts where businesses present students with certificates with career exploration offers.
- * FLYAP work-based learning coordinators work with students and their school counselors to insure successful experiences. Students’ schoolwork remains a priority; businesses work around students’ schedules and extracurricular activities.
- * During the pandemic “Matching” and “Signing” days continued virtually, resulting in 34 paid co-ops and 30 job shadows at 36 local companies with youth apprentices earning 300 college credits at Monroe Community College. The 2021- 2022 process will occur through the late fall with student placements occurring in January of 2022.



ABOVE: Information Exchange Committee Co-Chairs Kerri Keyes (GC) and Tammy Gurowski (Web) with Rich Turner (in the center), Director of Workforce Development at Rochester Technology and Manufacturing Association (RTMA).

BELOW: Rich Turner discussing workforce development during the September 15 Information Exchange Committee meeting.



2021-2022 Labor Relations Committee: Goal Setting & Data Breaches in Schools

At their organizational meeting, members of the Labor Relations Committee on September 22 re-approved the following Goal Statement for the 2021-2022 school year:

The goal of the Labor Relations Committee is 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, participants heard a presentation entitled “Are You Prepared To Respond To A Cyber Attack Or Inadvertent Data Breach In Your School?” which was presented by Joseph Shields Esq., and Lindsay Plantholt, Esq. from Ferrara Fiorenza PC. Among their comments were the following:

- * Three laws protect data in a school setting: Family Educational Rights and Privacy Act (FERPA); Education Law Section 2-d and part 121 of the Commissioner’s Regulations; and NYS Technology Law Section 208, as modified by the SHIELD Act.
- * Under each of these laws there are legal reporting obligations, disclosure requirements and notification timelines.
- * Human error is the greatest liability, so training staff on acceptable use policies and imposing limits on access to data is essential in minimizing breaches. Have staff take ownership for security of district data through proper training and protocols.
- * Knowledge of/limits on the interconnection of programs and systems can reduce the damage of malware attacks and breaches.
- * Back up district data and isolate it from the main system so that it will not also be corrupted in a cyber-attack.
- * Right size cyber insurance, consider what the insurance covers and how much it will pay out. Utica National and NYSIR have consultants that can do risk assessments for districts.
- * Public notification can be delayed until investigations are complete and do not compromise collection of evidence in a breach.
- * A forensic analysis of the breach will determine areas of vulnerabilities and help to regain community’s trust after an attack.
- * Make students aware of criminal or other liability for originating cyber breaches.
- * The NY State Police have units with expertise in cyber-attacks and can be extremely helpful with criminal investigations. They often have expertise other police units do not.

BELOW: Participants at the September 22 Labor Relations Committee meeting.



ABOVE: Labor Relations Committee Co-Chairs Frank Muscato(GC) and Barb Babiarz(Pen) with presenters Lindsay Plantholt, Esq., and Joseph Shields Esq., of Ferrara Fiorenza, PC.



New CRSEF-Aligned Resource for PreK-2nd Grade Teachers and School Leaders

Implementing NYSED's Culturally Responsive-Sustaining Education Framework

**CULTURALLY
RESPONSIVE-
SUSTAINING
EDUCATION**



“Help educators create student-centered learning environments that:

- affirm racial, linguistic, and cultural identities;
- prepare students for rigor and independent learning;
- develop student’s abilities to connect across lines of difference;
- elevate historically marginalized voices; and
- empower students as agents of social change.

This user-friendly resource integrates social and emotional learning and equity practices and demonstrates how they can, together, be woven throughout the schedules and routines of the early childhood school day. Designed to support the use of, and adherence to the New York State Department of Education’s Culturally Responsive-Sustaining Education Framework (CRSEF), this resource is a collaboration by educators from Children’s Institute, Greece Central School District, and Webster School District, and was underwritten by the Greater Rochester Health Foundation.

Through curated teaching tools, children’s books, articles, videos, and podcasts, this resource supports PreK-2nd grade staff in the successful integration of the CRSEF’s grounding principles and practices during: SEL Throughout the Day, Mornings and Transitions, Reading and ELA, Science, Math, and Special Areas.

View the Resource ([sustaining-framework_resource_v2.pdf \(childrensinstitute.net\)](#))

Included are -

Brief background and directions at [Video on how to use the Prek-2nd Grade CRSF Resource \(loom.com\)](#)

Table of Contents at [sustaining-framework_resource_v2.pdf \(childrensinstitute.net\)](#).

To learn more, contact mary@www-childrensinstitute.ccsend.com, info@childrensinstitute.net, or www.childrensinstitute.net

A collaboration by educators from:

