2013
Proposed Resolutions and Voting Delegates Guide
for the 2013 Annual Business Meeting

the POWER of EDUCATION

October 26, 2013
NYSSBA BOARD OF DIRECTORS

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ANNUAL BUSINESS MEETING

SATURDAY, OCTOBER 26, 12:00 NOON, CONVENTION CENTER, LILAC BALLROOM

DELEGATE ORIENTATION / ASK THE PARLIAMENTARIAN

SATURDAY, OCTOBER 26, 8:45 – 10:00 A.M., CONVENTION CENTER, HIGHLAND B

Join Jay Worona, NYSSBA’s general counsel and parliamentarian for the Annual Business Meeting, and Resolutions Committee Chair Russell Stewart, for an orientation to acquaint voting delegates with the business meeting process and answer any questions regarding conduct of the meeting.
TO: School Board Members and Chief School Administrators

FROM: Russell Stewart, Resolutions Committee Chair

DATE: August 2013

This is your report of the recommendations of the Resolutions Committee on proposed resolutions, which will be acted upon by the delegates at the New York State School Boards Association’s Annual Business Meeting on Saturday, October 26, 2013 at 12 noon at the Rochester Riverside Convention Center.

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Voting delegates should bring this report and the Amendments and Rebuttals brochure, each electronically sent to districts in mid-August and September respectively, to the Annual Business Meeting. These will be the working documents used at the meeting.

Note that each resolution has a box in which your delegate can record the position taken by your board on the resolutions, as well as that taken by the delegates at the meeting.

In an effort to allow delegates to the Annual Business Meeting sufficient time to fully debate all new resolutions, a consent agenda for existing NYSSBA positions is being offered at this year’s meeting. These resolutions were previously approved by voting delegates and have been a part of NYSSBA’s advocacy agenda for the past five years. If they are not renewed, they will expire. These resolutions will be offered to the delegates on consent, allowing for these several resolutions to be considered in a single vote. If any delegate wishes to remove a resolution from the consent agenda, they need only request it at the time the resolution is called. It will then be considered under the “Resolutions Recommended for Adoption” portion of the meeting.
PROPOSED ORDER OF BUSINESS

Lunch will be available for delegates at 11:30 a.m.; the Business Meeting will begin at noon.

ORDER OF BUSINESS

- President’s Welcome and Comments
- Announcement of a Quorum
- Adoption of Order of Business
- Adoption of Rules of Conduct for the Business Meeting

THE BUSINESS MEETING

- Announcement of Election Results – Areas 1, 3, 5, 7, 9 and 11
- Introduction of Officers and Directors

ELECTION OF OFFICERS

- President
- 1st Vice President
- 2nd Vice President
- Treasurer

PRESENTATIONS

- President-elect Comments
- Report of the Executive Director
- Report of the Treasurer

ADOPTION OF RESOLUTIONS

- Report of the Resolutions Committee
- Consideration of Expiring NYSSBA Positions Recommended for Adoption on Consent
- Consideration of Proposed Resolutions Recommended for Adoption
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1. ELIMINATE SPECIAL ELECTION REQUIREMENT

Resolved, that the New York State School Boards Association support an amendment to Education Law section 1950 (2-a) (f) to eliminate the requirement of holding a special election to fill a vacancy on the board of cooperative educational services prior to the annual election, consistent with the authority granted local school districts.

RATIONALE

The procedure for filling a vacancy in the membership of a BOCES is found in Education Law section 1950 (2-a) (f). The statute requires that in the event of a vacancy, which occurs prior to January first in any school year, a special election to fill such vacancy should be conducted in accordance with the election procedures contained in Education Law section 1950 (2-a) (b), (c), and (d). The statute also requires a special election be held for vacancies occurring between five days prior to the date on which nominations are due and the end of the school year.

Education Law section 1950 (2-a) (f) states in pertinent part:

(f) In the event of a vacancy in the membership of a board of cooperative educational services which occurs prior to January first in any school year or during the period commencing five days prior to the date designated for submission of nominations of candidates to the board of cooperative educational services and ending on the last day of the school year, a special election to fill such vacancy shall be conducted in accordance with the provisions of paragraphs b, c, and d of this subdivision on a date designated by the president of the board of cooperative educational service not later than forty-five days after the date the vacancy occurred. In the event of a vacancy in the membership of a board of cooperative educational services which occurs on or after January first and prior to the fifth day preceding the date designated by submission of nominations of candidates, the board of cooperative educational services may fill such vacancy by appointment and the person shall hold office until the next annual election of the board of cooperative educational services.
Education Law section 1950 (2-a) (f) should be amended to eliminate the requirement to hold a special election and to add language to permit BOCES to fill the vacancy by appointment prior to the next annual election. Such an amendment would be consistent with the authority granted a union free school district pursuant to Education Law section 1709. The law should be amended as follows:

(f) In the event of a vacancy in the membership of a board of cooperative educational services which occurs prior to January first in any school year or during the period commencing five days prior to the date designated for submission of nominations of candidates to the board of cooperative educational services and ending on the last day of the school year, a special election to fill such vacancy may be conducted in accordance with the provisions of paragraphs b, c, and d of this subdivision on a date designated by the president of the board of cooperative educational services not later than forty-five days after the date of the vacancy occurred. Such vacancy may also be filled by appointment and the person so appointed shall hold office until the next annual election by the board of cooperative educational services. In the event of a vacancy in the membership of a board of cooperative educational services which occurs on or after January first and prior to the fifth day preceding the date designated for submission of nominations of candidates, the board of cooperative educational services may fill such vacancy by appointment and the person so appointed shall hold office until the next annual election of the board of cooperative educational services.

A STATEMENT IN SUPPORT OF THE RESOLUTION
FROM THE RESOLUTIONS COMMITTEE

The Resolutions Committee believes that support for the resolution is thoroughly expressed in the rationale.

2. INTERNATIONAL STUDENTS ATTENDING PUBLIC SCHOOL

Submitted by the NYSSBA Board of Directors on June 8, 2013.
Originally submitted by the Newcomb School Board on May 20, 2008.

RESOLVED, that the New York State School Boards Association support the right of public school districts to have the same access to F-1 visa, tuition paying students that currently only private schools have, authorizing districts that so choose to allow such students to stay in the district for their entire secondary school experience.

RATIONALE

In an ever flattening global world, it is important for all schools to have access to tuition paying, F-1 visa students from around the world. Not only would
New York state students be provided an increased familiarity with other cultures, these students would provide a vital source of revenue for financially struggling schools presently facing declining enrollment. Currently, federal law authorizes public schools to apply for F-1 students for only one year, while private schools have this right for the students’ entire educational experience. Public school districts should have the same right as private schools to accept or deny F-1, tuition-paying, visa students for one or more years in their schools.

A STATEMENT IN SUPPORT OF THE RESOLUTION FROM THE RESOLUTIONS COMMITTEE

The Resolutions Committee believes that the reasons for support of this resolution are well stated in the rationale. In addition, the committee believes that there is tremendous educational value in the practice of incorporating international students into the school district. In a growing international economy, exposure to other cultures and languages prepares our own students for participation in this economy.

3. UNFUNDED AND UNDERFUNDED MANDATES

RESOLVED, that the New York State School Boards Association support the prohibition of any new unfunded and under-funded New York state mandates on the local public school districts.

RATIONALE

- State legislative decisions have increased, at an alarming rate, the number of unfunded and under-funded state mandates.
- Unfunded and under-funded state mandates have increased the expenditures of local public school districts.
- The funding of all these mandates has placed an unfair burden on the local public school district.
- The cumulative impact of satisfying all of these mandates has been to divert precious local money from our top priority of student learning.

Therefore, for our local public school districts to remain in a positive financial position, to maintain our excellent programs and to meet state standards, state mandate relief is needed now.
A STATEMENT IN SUPPORT OF THE RESOLUTION FROM THE RESOLUTIONS COMMITTEE

The New York State School Boards Association has long advocated for substantive relief from unfunded and under-funded state mandates. At a time when school districts face a nearly daily barrage of criticisms and complaints from voters and lawmakers for their spending and budgets, this position remains of paramount importance. Both taxpayers and the state officials they elect must recognize that there is a direct relationship between increasing school district taxes and the increases in state mandates on school districts. Only when districts are allowed to direct their resources towards their educational missions, rather than to state mandated programs and services, will any real relief be achieved.

4. FISCAL OVERSIGHT OF CHARTER SCHOOLS

   Submitted by the NYSSBA Board of Directors on June 8, 2013.
   Originally submitted by the Schenectady School Board on June 5, 2008.

RESOLVED, that the New York State School Boards Association support efforts to ensure fiscal oversight of charter schools by state governmental entities.

RATIONALE

A New York court determined that the state comptroller has no authority under law and the state constitution to audit the fiscal records of charter schools. As a result, charter schools in New York State are not subject to objective scrutiny of the schools’ fiscal practices. This complete abrogation of fiscal oversight is grossly at odds with the ever increasing public scrutiny of public school districts fiscal practices. Proper stewardship of public funds is a laudatory aim and, thus, all public schools willingly submit to the comprehensive review of district financial practices. Such stewardship of public moneys is an equally worthy goal for charter schools and, thus, charter schools which operate as public schools in New York should be subject to public review by a governmental entity.

Governmental review of charter school fiscal affairs could be accomplished through clarification of law so as to permit State Education Department review of schools, Public Authority Control Board review of charter school corporations or other means. In addition, legal appeals to the court decision may be pursued to restore the authority of the state comptroller to audit charter school fiscal affairs. In whatever manner possible, charter schools should not operate outside of public scrutiny of their fiscal operations.
A STATEMENT IN SUPPORT OF THE RESOLUTION FROM THE RESOLUTIONS COMMITTEE

The Resolutions Committee believes that the arguments in support of the resolution are well stated in the rationale.

5. CODE OF CONDUCT OF THE NEW YORK STATE SCHOOL BOARDS ASSOCIATION

Submitted by the NYSSBA Board of Directors on June 8, 2013.
Originally submitted by the NYSSBA Board of Directors on June 7, 2008.

RESOLVED, that the members of the New York State School Boards Association strive to uphold the following Code of Conduct:

Consistent with our dedication to children, learning and community, members of the New York State School Boards Association, as representatives of the citizens of our state’s school districts and Boards of Cooperative Educational Services (BOCES), hereby adopt this Code of Conduct. In so doing, we state our belief that a code of conduct promotes public confidence in the schools and advances the attainment of district goals, and thus we recognize:

- That we have been selected by our fellow citizens and entrusted with the authority and obligation to strive to provide all students of our communities and state with equal opportunity for educational excellence.
- That the future welfare of our communities, local school districts and BOCES, state and nation depend in large measure upon the quality of education we provide in the public schools to fit the needs of every learner.
- That legally the authority of the boards of education is derived from the state which ultimately sets the parameters in which school board service is conducted.
- That we must never neglect our personal obligations to our communities and our legal obligations to the state, nor surrender these responsibilities to any other person, group, or organization; but that, beyond these, we have a moral and civic obligation to the nation which can remain strong and free only so long as public schools in the United States of America are kept free and strong.

In view of the foregoing considerations, it shall be our endeavor as school board members and as members of the New York State School Boards Association to:
• Devote time, thought, and study to the duties and responsibilities of being school board members as well as participate in training activities so that we may render effective, informed and credible service.

• Regularly attend board meetings and take action after careful study of the issues facing the board and after full discussion at such meetings.

• Work with fellow school board members in a spirit of harmony and cooperation in spite of differences of opinion that arise during vigorous debate of points at issue.

• Base decisions upon available facts in each situation; to base each vote upon honest conviction, unswayed by partisan bias; thereafter, to abide by and uphold the final majority decision of the board.

• Communicate concerns and public reaction to board policies and school programs to the superintendent and other board members in a professional manner.

• Remember that as individuals, school board members have no legal authority outside the meetings of the board, and that this must be reflected in all expressions with staff, the local citizenry, and the media.

• Resist temptation and outside pressure to use our positions as school board members to benefit either ourselves or any other individual or agency apart from the total interest of our school districts.

• Agree to honor our positions and the people who elected us by maintaining high ethical standards and by not engaging in any activity which presents a conflict of interest, or an appearance of impropriety.

• Publicly disclose the nature and extent of any interest we as school board members have in any proposed contract or agreement which comes before the board.

• Keep confidential matters pertaining to the schools, which are either legally required to be kept confidential and/or, if disclosed, would needlessly injure individuals or the schools.

• Follow the dictates of the state’s Open Meetings Law.

• Recognize that the primary function of a school board is to establish policies (which are in conformity with applicable law and regulations) by which the schools are to be administered, but that the administration of the educational program and the conduct of school business shall be left to the superintendent of schools and his/her staff.

• Strive to procure, when the vacancy exists, the employment of a superintendent who is best qualified for the job and who represents the interests of our communities.
• Strive to build and exercise a relationship with the superintendent that is constructive and positive and which enables district staff to function as effectively as possible.

• Make decisions having received the recommendations of the superintendent in matters of employment or dismissal of school personnel.

• Welcome and encourage active involvement by citizens, including parents and organizations in board activities regarding establishing school policy and developing future plans.

Finally, strive step by step toward ideal conditions for most effective school board service to our communities, in the spirit of teamwork and devotion to public education in a manner which serves as a role model to our students and which demonstrates that school board service is the greatest instrument for preservation and perpetuation of our representative democracy.

RATIONALE

School board members serve to improve the lives of our most precious resource – the children of our state and nation. They do so, for the most part, by volunteering their time to serve on one of our nation’s last bastions of grass-roots democracy – our school boards. Despite the fact that school board service is noble, press reports as of late have questioned the value of this most important institution and have questioned whether many school board members are themselves ethically challenged. This resolution, if adopted, will stand as a testament to the core values in which school boards, as members of the New York State School Boards Association, believe. It makes clear that service to children is paramount and that representing the collective will of our state’s communities is first and foremost in the minds of school board members. Finally, this resolution makes clear that it is the aim of all members of the New York State School Boards Association to conduct their business in a manner that stimulates constructive dialogue and which, in turn, enables school boards to serve as role models for our democratic form of government to the very children whose interests they represent.

A STATEMENT IN SUPPORT OF THE RESOLUTION FROM THE RESOLUTIONS COMMITTEE

The Resolutions Committee believes that support for the resolution is thoroughly expressed in the rationale.
RESOLUTIONS RECOMMENDED FOR ADOPTION

6. ELIMINATION OF STRAW VOTE

Submitted by the Orleans/Niagara Board of Cooperative Educational Services on June 19, 2013.

RESOLVED, that the New York State School Boards Association seek legislative support for eliminating the initial public straw vote in the process for the prospective merger or consolidation of school districts.

RATIONALE

The statutory process set forth in Education Law §§1510-1512, 1705, et. seq. and 1800 et. seq. for the merger of two or more school districts is unnecessarily time consuming and burdensome. Education Law (including §§1510-1512, 1705, et. seq. and 1800 et. seq.) requires two votes, an initial (“straw”) vote and the final (binding) vote upon approval of the consolidation plan by the Commissioner: prior to consolidation of school districts. The present two-step process makes consolidation of school districts unique in New York State as compared to other governmental entities considering consolidation (where only one vote is required) as well as imposing additional costs on the districts considering consolidation. A more streamlined process would effectively enable the merger of school districts in a manner that would continue to provide for due deliberation of such a merger or consolidation, as well as provide ample opportunity for public input. Elimination of the straw vote would continue to require two votes on consolidation; the first by the Boards of Education of the respective school districts and the second by a majority of district voters in each district.

A STATEMENT IN SUPPORT OF THE RESOLUTION
FROM THE RESOLUTIONS COMMITTEE

Despite significant financial strain and pressure to provide a full curriculum, school district consolidations and mergers have been a little utilized tool. The attenuated process discourages community support, despite significant state aid incentives. Several elements of that process should be improved, recognizing the historic lack of acceptance by communities. At the very least, communities should only be required to vote once, following board approvals. Further, if one district fails to support a merger or consolidation, those that did support it should be allowed to conduct a revote shortly thereafter, rather than wait an entire year and lose valuable educational benefits for students. The resolution would maintain full involvement by affected communities, with a study, board support by all involved districts and a vote of the involved communities. In an age of fiscal restraint and higher educational expectations, school districts should have an efficient process at their
disposal, rather than one that is cumbersome, time consuming and overly burdensome. In a time when reformers and elected officials are calling for mandated restructuring, it would behoove local districts to have an effective voluntary procedure to authorize restructure.

7. ADDITIONAL STATE AID FOR INCREASE IN SCHOOL DAY OR SCHOOL YEAR

Submitted by the NYSSBA Board of Directors, on June 8, 2013, upon the recommendation of the Resolutions Committee, based on the results of the Member Resolutions Survey.

RESOLVED, that the New York State School Boards Association support legislation providing additional state aid to all school districts choosing to increase the length of either their school day or their school year.

RATIONALE

Research clearly indicates that more, high quality “time on task” is directly correlated to increased academic performance. The lengthening of school days, school year or a combination thereof, provides school districts with the opportunity of more instructional time for students.

The major impediment to the implementation of expanded school days or year is the combination of very real, increased costs in the areas of instructional personnel, transportation, and overhead (classroom space and utilities). State aid recognizing these costs is critical to the implementation of any expansion of instructional time.

A STATEMENT IN SUPPORT OF THE RESOLUTION FROM THE RESOLUTIONS COMMITTEE

Expanded instructional time given to students was a central pillar of the recommendations recently made by the New NY Education Reform Commission. The governor, in his executive budget request, included “seed” or demonstration funds for expanded school day/ year. The governor offered this funding through a competitive grant process. Bringing this concept to scale and to the benefit of a wide number of school districts will require a stable and continuing state aid commitment.

School districts have found it increasingly difficult to increase local tax levy support in managing state aid cuts in the post-tax cap era. Additional state aid is of paramount importance in the launch of any new program. In this financial environment every dollar is scrutinized in order to save instructional positions, to save educational programs and to stop a rise in class size.
Those schools that would benefit the most from an expanded school day/year (of high instructional quality) are in the least likely position, financially, to implement such a program. Simply put, the benefits to students’ increased academic performance, utilizing the most successfully demonstrated models, cannot be realized without additional state financial support.

7a. AMENDMENT - ADDITIONAL STATE AID FOR INCREASE IN SCHOOL DAY OR SCHOOL YEAR
Submitted by the Shenendehowa School Board on September 12, 2013.

NOTE: Stricken (aaaaa) language represents proposed deletions to existing resolutions and underlined language represents proposed additions to existing resolutions.

RESOLVED, that New York State School Boards Association support legislation providing additional state aid inclusive of special grants for to all school districts choosing to increase the length of either their school day, or their school year or restructure of their school instructional year to create year-round instruction.

RATIONALE FOR AMENDMENT

While the original resolution is permissive in possibly allowing for restructure of the school instructional year, the amendment clarifies the specific intend to include the authority and funding for the more extensive efforts restructure of the school year.

The amended resolution goes beyond efforts to increase achievement through extension of the school day or school year to specifically authorize and fund year-round instruction. We believe this amendment would allow school districts to address the loss of achievement due to a long traditional summer vacations. While other efforts may enhance achievement they do not deal with the loss that results from extended vacation periods.

8. REPEAL THE GAP ELIMINATION ADJUSTMENT
Submitted by the NYSSBA Board of Directors, on June 8, 2013, upon the recommendation of the Resolutions Committee, based on the results of the Member Resolutions Survey.

RESOLVED, that the New York State School Boards Association support legislation to exempt state aid for public education from the calculation of the Gap Elimination Adjustment (GEA).
RATIONALE

State aid for public education must be exempted from the calculation of the Gap Elimination Adjustment (GEA). Since the GEA’s inception, school districts have lost more than $8 billion in GEA state aid cuts.

GEA, originally known as the Deficit Reduction Assessment (DRA), was first enacted in the 2009 State Budget with the goal of reducing the state’s fiscal deficit. It reduced the state aid due each district for the 2009-10 school year by a formula. For the next several years, school districts faced frozen and/or reduced state aid allocations, decreased further by the annual GEA cut. To make matters worse, federal supplemental aid which helped districts mitigate some of the state aid loss was no longer available by the end of the 2011-12 school year.

By also enacting the tax levy limit (popularly known as the property tax cap) in 2011, the state also limited districts’ ability to raise local revenue. Since state aid and local property taxes are the primary sources of revenue for school districts, districts have been forced to make difficult choices to balance their budgets with reduced revenue.

Despite managing districts in an austere fiscal environment for several years, school officials have been forced to continue to make significant personnel and programmatic cuts specifically due to the GEA. Every additional cut in personnel and programming hurts more, report school board members. The following are examples of these consequences reported by school officials:

Increasing class size, eliminating or reducing modified sport, music and drama, laying off staff (teachers, administrators, teaching assistants, custodians, administrative assistants), closing school buildings, lessening security, restructuring each grade, reducing non-mandated curricula – Advanced Placement, business courses and other electives, decreasing academic intervention programs, reducing Career and Technical Education, making kindergarten half-day, eliminating or reducing prekindergarten, cutting summer school and enhanced summer school, reducing custodial services, and foregoing repairs and capital improvements (i.e., air conditioning, paving, safety repairs for bus loops).

Additionally, GEA state aid cuts have forced districts to deplete fund balance and reserve funds to limit the destructive effect of cuts to their districts’ educational program and to maintain tax levy increases at levels their communities can support. Once spent, given state aid loss and limited local revenue, these “rainy day” reserves have been impossible to replenish. Despite strategic and prudent use, school board members across the state express concern that their fund balance and reserves will not last. Some districts report that they are one to two years away from the disastrous consequences of depleted reserves.
With limited fund balance, districts are in a precarious position to deal with unforeseen crises, such as natural disasters. In fact, for two consecutive years, school districts have suffered greatly through the havoc and destruction caused by Hurricane Irene, Tropical Storm Lee and most recently, Hurricane Sandy. Without reserves, districts do not have the cash-flow to address immediate needs during such crises.

Make no mistake – continued state aid loss due to GEA reductions will continue to erode the quality of education school districts can provide. The State cannot continue to pass along its revenue shortfalls to local school districts. School boards have and will continue to strive for efficiencies but they will also be forced to continue making detrimental cuts to personnel, the educational program, services and extracurricular activities, and to continue depleting what is left of their reserves.

Finally, the state cannot fulfill its constitutional obligation of providing a sound basic education to every child when it systematically deletes funding it has deemed necessary.

A STATEMENT IN SUPPORT OF THE RESOLUTION FROM THE RESOLUTIONS COMMITTEE

The Resolutions Committee believes that support for the resolution is thoroughly expressed in the rationale.

9. OPPOSING TENURE STATUS FOR NON-INSTRUCTIONAL EMPLOYEES
   Submitted by the NYSSBA Board of Directors, on June 8, 2013, upon the recommendation of the Resolutions Committee, based on the results of the Member Resolutions Survey.

RESOLVED, that the New York State School Boards Association oppose any legislative or regulatory effort to grant tenure status to non-instructional school employees.

RATIONALE

Tenure was designed to protect academic freedom, preventing nepotism or cronyism from interfering in the employment of educators. It was intended to shield teachers from undue pressure regarding the subject matter taught or the people hired (or fired) within the academic staff of the school. The concept of zealously protected employment status is unique to the academic and judicial communities. It was never envisioned that the benefits of the exhaustive due process afforded to teachers and judges would also be granted to laborers, who were expected to perform work as directed. School district non instructional staff currently enjoys due process protections that
are time tested, effective and fair. These protections are uniformly applied and employees are well aware of the process. Conversely, the process for disciplining tenured staff is generally recognized as ineffective, grotesquely expensive, inefficient, far too time consuming and rarely leads to a result that protects the interests of students. Expanding this system to all non instructional staff would not only have no public policy benefit, it would create onerous new financial and administrative burdens on school districts (already strapped to find the time, staffing and financial resources needed to effectively perform their work under APPR). Legislation to grant tenure status to non instructional employees has repeatedly passed the state legislature in election years, only to be vetoed each time by successive governors (at NYSSBA’s behest). In an era of fiscal restraint and little flexibility in addressing student need, the granting of cumbersome and costly additional due process rights to non-instructional staff serves no legitimate public interest.

**A STATEMENT IN SUPPORT OF THE RESOLUTION FROM THE RESOLUTIONS COMMITTEE**

The Resolutions Committee believes that support for the resolution is thoroughly expressed in the rationale.

**10. ESTABLISHMENT OF TRS PENSION RESERVE**

Submitted by the Shenendehowa School Board on May 14, 2013.

1 RESOLVED, that the New York State School Boards Association shall seek legislation that will allow local school districts and BOCES districts to establish reserve funds necessary to meet the financial obligations that result from contributions required by the New York State Teachers Retirement System.

**RATIONALE**

Historically, New York State Teachers’ Retirement System has experienced a cyclical pattern of good times and challenging times with regard to the performance of its investment portfolio. Consequently, to meet the retirement system’s obligation to future retirees the rate of contributions has risen and fallen. During challenging times the poor performance of the investment portfolio has required increases in the contribution rates for school districts and BOCES districts. Such increases have been substantial in recent years and have significantly contributed to the fiscal stress public school experienced.

To allow school district to better manage the fiscal demands of retirement contribution increases, the State of New York authorized the public school districts to establish retirement reserve funds for New York State Employees
Retirement System contributions. No such authorization was granted to public school districts to meet contribution obligations for the New York State Teachers’ Retirement System.

The inconsistency of authorizing reserves for one state retirement system and not the other is glaring. The justification or rationale that led to granting authorization of reserves for one retirement system applies equally to the other. The need for school districts and BOCES districts to establish reserve funds exists equally with regard to both retirement systems. It is time to grant school districts and BOCES districts the authority to establish reserve funds for contribution to the New York State Teachers’ Retirement system.

A STATEMENT IN SUPPORT OF THE RESOLUTION FROM THE RESOLUTIONS COMMITTEE

The Resolutions Committee believes that support for the resolution is thoroughly expressed in the rationale.

11. AID ADJUSTMENT DUE TO LOSS OF TAX BASE

Submitted by the NYSSBA Board of Directors, on June 8, 2013, upon the recommendation of the Resolutions Committee, based on the results of the Member Resolutions Survey.

RESOLVED, that the New York State School Boards Association support legislation to hold school districts financially harmless whenever they experience the unanticipated, significant loss of revenue due to tax certiorari cases or the unexpected loss of a significant portion of the value of their taxable property.

RATIONALE

Operating and other selected school aids are distributed based in part on the property wealth of the school district. Many school districts have been repeatedly harmed by tax base calculations that do not accurately reflect the community’s true fiscal circumstances. This, in turn, underfunds their schools and has a negative effect on the quality of education the district can afford to provide its children.

The Foundation Aid formula was created to adjust education funding based on actual district wealth; however, it has not been financed according to the original plan due to poor economic conditions. As a result of inaccurate property valuation, some school districts have experienced aid freezes without the benefit of accurately adjusted tax base calculations. Continuing to freeze Foundation Aid after years of failing to adjust tax bases exacerbates the tremendous wealth disparity between the school districts in New York State. Thus, in order to ensure a more accurate funding formula, the
legislature must financially hold harmless school districts that experience any unanticipated and significant losses to their tax bases.

School districts are especially vulnerable to lost revenue in tax certiorari litigation. In these cases, school districts (if they do not prevail) must reduce tax assessments and issue refunds to property owners. Districts must subsequently increase school tax rates to account for the loss, though these losses are not consistently and accurately accounted for in the districts’ Combined Wealth Ratio (CWR). This fiscal setback is especially true in cases where school districts suffer substantial tax base losses due to the closing of power plants and other properties with high market values. School districts do not have the financial resources to support these types of refunds and have no opportunity to recover lost revenue of that portion of the current school budget raised through those property taxes. Legislation must be enacted to provide school districts the funding they need to maintain educational programming in the wake of such circumstances.

Most recently, school districts were hit by unprecedented property tax losses due to natural disasters, including Hurricane Irene, Tropical Storm Lee and Superstorm Sandy. In recognition of these hardships, the state must also put in place mechanisms that quickly account for these changes in property wealth rather than place this burden on school districts and the communities that support them. Only the prompt and accurate adjustment of state aid can adequately rectify such circumstances for affected districts.

A STATEMENT IN SUPPORT OF THE RESOLUTION FROM THE RESOLUTIONS COMMITTEE

The Resolutions Committee believes that support for the resolution is thoroughly expressed in the rationale.

12. AID FOR SCHOOL SAFETY

Submitted by the NYSSBA Board of Directors, on June 8, 2013, upon the recommendation of the Resolutions Committee, based on the results of the Member Resolutions Survey.

RESOLVED, that the New York State School Boards Association support legislation to ensure state and/or federal financial support for efforts to enhance school safety.

RATIONALE

The School Resource Officer (SRO) program is a well-established means of keeping children and school personnel safe while preparing themselves for emergency situations. With special training and regular professional development, an SRO can protect a school’s environment and maintain an
atmosphere where students, teachers and staff feel safe. School psychologists and social workers have also shown the ability to identify and divert potentially violent behavior prior to incidents.

SROs can be educators, law enforcers and counselors. As an educator, the SRO can visit classrooms and teach students concepts of safety and crime prevention techniques. The SRO can provide a positive image of law enforcement in an effort to help young people make constructive choices in their lives. As a law enforcer, the SRO can investigate criminal activity occurring on school campuses in accordance with New York State law and school district policies. As a counselor, students may come to the SRO to discuss issues and seek individual solutions to personal problems. The SRO can also be available for conferences with students, parents, and staff regarding law related concerns. School social workers and psychologists have the ability to diffuse potentially violent behavior, addressing the root causes and increasing the likelihood of maintaining a safe school environment.

SRO programs and the addition of social workers and psychologists, as a local option, should be state and/or federally funded for both school districts and BOCES. An incentive for school safety has been provided for school districts in the New York Secure Ammunition and Firearms Enforcement (NY SAFE) Act, granting districts an additional 10 percent above their Building Aid ratio for security cameras, electronic security systems and hardened doors. In addition to this financial support, school districts need legislation that would provide a consistent funding stream from the state for SROs and other safety personnel that would supply both school districts and BOCES with the resources they need to maintain these programs.

Federally, the current administration is considering funding many more police officers in public schools to secure campuses as part of a broad gun violence prevention agenda. This school safety initiative, including developing emergency plans and improving mental health services available in schools, would make millions of federal dollars available to schools that want to hire police officers and install surveillance equipment. Federal funding, combined with funding from New York State, would ensure that SRO programs can survive budget cuts and provide the safety and security that school board members want for the public school children they serve.

A STATEMENT IN SUPPORT OF THE RESOLUTION
FROM THE RESOLUTIONS COMMITTEE

The Resolutions Committee believes that support for the resolution is thoroughly expressed in the rationale.
13. TAX LEVY CAP EXCLUSION FOR SCHOOL SAFETY

Submitted by the NYSSBA Board of Directors, on June 8, 2013, upon the recommendation of the Resolutions Committee, based on the results of the Member Resolutions Survey.

RESOLVED, that the New York State School Boards Association support legislation to exempt school safety enhancing equipment and School Resource Officers from tax levy cap calculations.

RATIONALE

Health and safety of students is of paramount concern and the flexibility to pay for and implement safety enhancing measures should be authorized commensurate with its priority status.

The ability of school districts to expeditiously enact safety measures has been severely hampered by the loss of state school aid which is still below the 2009 funding levels, as well as the enactment of the tax cap on local tax levies.

The exemption of the cost of safety equipment and school resource officers from the tax cap formula would provide school districts with the ability to expeditiously enhance the safety of their schools. Such an exemption from the tax cap equation would still require voter approval but would not “trigger” a need for a super majority vote (60%) on the total operating budget.

A STATEMENT IN SUPPORT OF THE RESOLUTION FROM THE RESOLUTIONS COMMITTEE

The exemption of costs related to safety equipment such as metal detectors, security doors and windows, as well as the costs associated with school resource officers, would expedite the timely implementation of locally determined safety measures.

The heightened awareness of school safety, spurred by recent tragic events, underscores the need for timely and speedy implementation of enhanced safety efforts to protect our students. Safety measures that have been identified locally for immediate attention cannot wait for future and/or promised funding from the state and other sources to materialize.

The costs related to safety equipment and school resource officers can be substantial. The exemption of these costs from the calculation of the tax cap provides transparency to voters by allowing a separate proposition dedicated to these safety efforts without jeopardizing the approval of the requested funds needed to support the on-going operational budget. Furthermore, an exemption of these costs would ensure that school safety
needs are not pitted against the maintenance of instructional programs in the budget development and approval process.

14. COMBINED REGENTS DIPLOMA AND ASSOCIATE DEGREE
Submitted by the NYSSBA Board of Directors, on June 8, 2013, upon the recommendation of the Resolutions Committee, based on the results of the Member Resolutions Survey.

RESOLVED, that the New York State School Boards Association support legislation and/or regulatory efforts to create a combined Regents High School Diploma and Associate Degree.

RATIONALE

Every effort must be made to remove obstacles to Early College High School (ECHS) programs that allow high school students the opportunity to earn both a Regents High School Diploma and Associate Degree in five years. NYSSBA must support legislation or regulatory efforts necessary to encourage the development of such programs.

ECHS programs have a proven track record of success. There are currently 23 ECHS programs in operation in New York State. Nationally, 28 states currently have ECHS programs. While these programs vary, successful ECHS programs have a positive impact on student outcomes which include:

- **Closing the Achievement Gap.** Participating high risk students have a higher high school graduation rate.

- **Increasing Readiness for Four-Year Colleges.** ECHS programs decrease the need for remediation in core academic areas upon entry into a four-year college. For the cost of remediation annually, the City University of New York currently spends over $333 million and the State University of New York spends nearly $100 million.

- **Making College Affordable.** College suddenly becomes affordable. While the cost varies among programs, simultaneously earning a high school degree and associates degree has the potential to save students and their families thousands of dollars. Since students earn college credit while still in high school, ECHS opens college doors for students who otherwise would not have the financial means to attend.

- **Promoting College Attendance.** ECHS programs encourage students to consider pursuing a four-year degree. While college is not the desired track for all students, ECHS programs inform students that college is an attainable option should they choose it.
ECHS has gained momentum. The New NY Education Reform Commission recommended the development of ECHS programs in its 2013 preliminary action report. The 2013 State Budget includes $4 million in pilot funding to expand ECHS programs to improve college access and success.

NYSSBA must support legislation and regulations necessary to encourage the development of high quality ECHS programs providing students an opportunity to earn both a Regents Diploma and Associate Degree.

A STATEMENT IN SUPPORT OF THE RESOLUTION FROM THE RESOLUTIONS COMMITTEE

The Resolutions Committee believes that support for the resolution is thoroughly expressed in the rationale.

15. EMPLOYEE CONTRIBUTIONS TO THE RETIREMENT SYSTEM
Submitted by the NYSSBA Board of Directors on June 8, 2013.

RESOLVED, that the New York State School Boards Association support legislation reinstating the requirement that all members of the State Employees’ Retirement System (ERS) and the Teachers’ Retirement System (TRS) contribute to their respective retirement system throughout their careers.

RATIONALE

At the height of the stock market’s profitability, the state legislature enacted a series of improvements to public pensions, including the elimination of the employee contribution after 10 years of service. As a result, the majority of public employees no longer contribute to their retirements. This leaves the full responsibility (of providing funding levels adequate to assure sufficient investment gains to assure all pension payments) up to the public employer. While the vast majority of revenue funding public pensions is derived from investment income, the dramatic downturn in the stock market has forced public employers to pay unusually high contribution rates (in order to compensate for investment losses or slower than normal rates of gain.) The reintroduction of the 3 percent employee contribution would help to offset these high rates, leaving greater revenue for educational programs and services. Each Tier III and Tier IV employee accepted public employment with the expectation of contributing 3 percent of their salary for the duration of their career. As a result, reinstating their contribution merely reestablishes the original terms of their employment. An argument has been advanced (by employee unions and the retirement system itself) that the elimination of the 3 percent employee contribution rate was a benefit and that under our state’s constitution, employee retirement benefits cannot be diminished. While this policy is certainly equitable (as it protects the original provisions of an
employee’s employment throughout their career), here it is misapplied. Retirement contributions are not “retirement benefits” but instead terms of employment. By definition, benefits inure only after one retires. An employee’s contributions are employment requirements that create eligibility for receiving actual benefits upon retirement from service. As such, the legislatively granted elimination of Tier III and Tier IV employee contributions can be reinstated, saving school districts tens of millions of dollars annually.

A STATEMENT IN SUPPORT OF THE RESOLUTION
FROM THE RESOLUTIONS COMMITTEE

The Resolutions Committee believes that statements in support are well stated in the rationale. In addition, the Resolutions Committee recognizes that the constitutional question (of whether reinstating pension contributions is an unconstitutional reduction of a pension benefit) makes it highly unlikely that the Legislature would enact a change addressing the substance of this resolution. The length of time required to first advocate for its passage and then wait out the inevitable legal challenge would significantly delay the benefit of this needed reform. Nonetheless, the Resolutions Committee feels that adding this resolution to NYSSBA’s legislative platform would send a message to state leaders that school district pension contributions are a continuing significant expense that has the potential to impede educational progress.

ADDENDUM

16. P-16 ALIGNMENT
Submitted by the Amherst Central School Board on July 23, 2013.

RESOLVED, that the New York State School Boards Association support NYSED standards through a P-16 systemic approach to education.

RATIONALE

In the current educational structure, Institutions of Higher Education have NYSED mandates and P-16 schools have NYSED mandates. However, there is no P-16 mandate/alignment.

It is important that the P-16 practices and mandates become aligned. P-12 schools as well as Schools of Education need to understand and account for mandates that effect teacher educators across the P-16 spectrum.

The recent mandate structures for P-12 schools call for Regent’s Reform Agenda, Common Core, APPR, and teaching with effective data use. Some of the current NYSED mandates for Schools of Education call for the new
Teacher Performance Assessments, NYSTCE’s Reform Agenda and national accreditation. While all of these initiatives are beneficial, if the initiatives are not aligned it’s difficult for effective change to occur.

Even though accountability occurs at both levels, due to a lack of alignment the accountability is at cross purposes. To begin to raise student performance and close the achievement gap, all educators across the P-16 system must work together and be held accountable. However, without the alignment of mandates, collaborating becomes a difficult process.

One example of stakeholders working together is demonstrated by the WNY P-16 Consortium. Consortium representation includes superintendents, college presidents, teachers, professors, deans, principals, board members, and Erie 1 BOCES. Representatives from WNY Colleges, P-12 schools, and ECASB work in a mutually respectful collaborative environment. Three task forces (Common Core, Teacher Preparation and Partnerships) work to track progress and provide strategic insight and support through annual summits.

RESOLUTIONS NOT RECOMMENDED FOR ADOPTION

17. ESTABLISHMENT OF EARLY PRACTICUM FOR TEACHER PREPARATION PROGRAMS

1 RESOLVED, that the New York State School Boards Association shall
2 work with the State Education Department, institutions of higher
3 learning with teacher preparation programs and other appropriate
4 organizations to promote inclusion of an early practicum for students in
5 teacher preparation programs.

RATIONALE

As an organization we are keenly aware of the central role of teacher preparation programs in providing well prepared and quality candidates for faculty positions in our public schools. Many proposals, effective and productive, as well as misguided and unpromising have been advanced to improve the quality of teachers entering the classroom.

Teachers who enter the classroom only because they have invested so much time and money in completing their degrees, who feel locked in and believe they have no options, do not hold much promise as motivated, and committed professionals. As an organization we should want to avoid such situations whenever possible.
At the present time most students in teacher preparation institutions have either no opportunity or a limited opportunity to experience teaching in real classrooms prior to their student teaching experience in their final year of undergraduate preparation. Many are successful, enjoy the experience and move on into the profession. Some realize that teaching is not for them and will walk away from teaching thus avoiding an unfulfilling experience for themselves and their future students. Neither of these groups create a problem for school districts. However, there are those who would like to walk away and do not because of time and money already committed and the lack of finances to pursue an alternate course. Such teachers are not likely to be successful, some will teach briefly and leave the profession and other may linger as marginal teachers for years or a career. Both of these situations may result in marginal teachers and are problematic. Those that drop out early are part of the turnover rate of teachers who leave within five years. They cause schools to spend time and resources in staff development that will bear no fruit. Therefore, as an organization we should be interested in early self-identification by students in teacher preparation. An early teaching experience should reduce the incidence of problems associated with current practices where students do not have practice experiences until their final year in college.

A STATEMENT IN OPPOSITION OF THE RESOLUTION FROM THE RESOLUTIONS COMMITTEE

This resolution is beyond the scope of NYSSBA’s mission and influence. Just as school districts would not wish higher education to tell us how to operate our schools, we should not focus our advocacy on institutions of higher education. While we appropriately call for teachers of high quality and effectiveness, demanding how the professionals responsible for providing them do their job is presumptuous and far outside of NYSSBA’s traditional advocacy efforts. Such an effort would require contact with all private, as well as public teaching colleges and universities nationwide. It would require altering the course requirements and curricula for each such school, as well as urging the establishment of classroom opportunities for millions of as yet untrained education students. School districts currently have the option of questioning teaching applicants about their interest in the profession and must assess a number of factors involving motivation. Not all effective teachers are motivated by altruism. The goal of this resolution could be as easily accomplished through raising the grade point average requirement for applicants, or graduates of teaching programs, or the institution of a national teaching licensure test. Most importantly, newly hired teachers must be thoroughly evaluated to determine their effectiveness in the classroom. The key to employing effective teachers is in hiring and evaluating to ensure the retention of appropriate staff, not in a cursory exposure to the profession.
Would be teachers have already spent the greater part of their lives in classrooms and should have a sense of whether they want to spend the rest of it there. Forcing untrained teaching students to observe without first providing instruction on what to look for would soon reveal itself to be at best a perfunctory requirement of the teaching program and not a successful preventative for inappropriately motivated staff.

17a. AMENDMENT - ESTABLISHMENT OF EARLY PRACTICUM FOR TEACHER PREPARATION PROGRAMS

Submitted by the Shenendehowa Central School District on September 12, 2013.

NOTE: Stricken (aaaaa) language represents proposed deletions to existing resolutions and underlined language represents proposed additions to existing resolutions

RESOLVED, that the New York State School Boards Association work with the State Education Department, institutions of higher learning with teacher preparation programs and other appropriate organizations to promote inclusion improvements in teacher preparation programs, including an early practicum for students in teacher preparation programs, and yearlong teaching internships.

RATIONALE FOR AMENDMENT

The amendment is in response to reservations expressed by the Committee. The resolution has been amended following the Resolution Committee’s decision to not recommend this resolution.

The Shenendehowa Central School District Board of Education agrees that the original and amended resolution is an extension of the traditional role of NYSSBA advocacy. It calls for NYSSBA as a leader in advocacy to enhance public education, to venture into an area where its voice should be heard. We are calling upon NYSSBA for advocacy in collaboration with strategic partners in support of its central role of enhancing the quality of public education. It is impossible to argue against promoting teacher quality as a means of enhancing the quality of public education and contrary to NYSSBA’s appropriate role.

Public schools are the most significant consumer of the product from institutions that prepare teachers. As such, we must insist on a place at the table when these institutions consider all that shapes the production of future teachers. Certainly, when institutions of higher learning insert themselves in the public debate or address public bodies regarding what we should teach to our public school students, they as final consumers have no compunction or
reticence to do so. We believe both public schools and institutions of higher learning should be heard and have a legitimate voice on these issues.

The statement of nonsupport also claims that raising the grade point averages of applicants to preparatory institutions and a national teaching licensure test could more easily achieve the goal of this resolution. This statement may convey conventional wisdom; however this is an unsubstantiated statement that in our opinion is an example of well-intended, but misguided efforts on the part of reformers who often lack sufficient knowledge or practical experience to make such assumptions.

The amended resolution recognized the legitimate concern that education majors, if they entered the classroom too early, might not be prepared to properly benefit from the experience or assess their interest in continuing to pursue an education major. For this reason we have suggested that the early practicum would not occur until the sophomore year.

We agree that public schools have mechanisms to screen, mentor and further select those who will remain in the classrooms, and these mechanisms, when properly employed, are effective tools for securing effective teachers. However, these mechanisms are employed after the fact. Early self-assessment and self-selection by students in teacher preparation allow both the students and the public schools to better steward their resources. Early self-awareness and self-selection would allow students to better align their education with areas where they have legitimate interests and ability for possible employment, whether in education or another field. Thus they would not paint themselves into corners without effective means to exit onto another path. They would have remaining financial resources and time, to matriculate in four years with another major. And, schools would spend fewer of their resources screening, selecting, mentoring and evaluating probationary teachers.

18. TRUTH IN TESTING LEGISLATION
Submitted by the Bath School Board on July 17, 2013.

RESOLVED, that the New York State School Boards Association support passing of the Truth in Testing for the Common Core as introduced in the NYS Assembly (A7442A-2013) and the NYS Senate (S5540-2013).

RATIONALE

The purpose of all school boards is to advocate for its students and NYSSBA should take a strong stand in favor of students to ensure the fairness and accountability of the new Common Core State Standards. These standards were enacted without any thorough debate in the NYS Legislature and are
being imposed without trial implementation to assess their effectiveness. Because mandated testing is a major component of this new curriculum, testing companies stand to make huge profits from the common core initiative. Public education should not be about profit margins and our students’ learning objectives should not be based upon standards developed by trade organizations funded by private entities with no accountability to taxpayers.

The Truth in Testing for the Common Core legislation, which has been introduced in both the NYS Assembly and NYS Senate, is designed to ensure that the mandated tests are fair, unbiased, grade level appropriate and administered properly. It would require the Commissioner of Education to report to the Legislature on the effectiveness of the tests; the correlation between test scores and grade point averages; and a statistical analysis of student performances based on socioeconomic, gender, race, ethnicity and regional factors. It would also require the Commissioner to have an independent audit of the common core program and to conduct a state-wide survey of administrators and teachers on a variety of issues surrounding the common core testing.

More than helping to ensure efficacy and accountability in this initiative, support of this legislation by NYSSBA will also send a strong message of support to local administrators, teachers and parents who continue to strive to provide students with a strong and positive educational experience.

A STATEMENT IN OPPOSITION OF THE RESOLUTION FROM THE RESOLUTIONS COMMITTEE

While the Truth in Testing legislation is well meaning and may even have helpful components, it is an example of legislative overreaching, imposing several new unfunded mandates on our schools and directing policies reserved to the Board of Regents under our state constitution. Testing has always been a component of instruction. Recently however, an emphasis on the use of student tests in teacher evaluations has brought tremendous opposition to the tests. Claims of too much testing, poor implementation by the State Education Department and student stress may all hold a degree of validity. However, every statewide educational organization supports the Common Core Learning Standards as our state’s best hope of addressing longstanding, systemic poor performance in some schools and a lackluster overall level of achievement by our state.

This legislation would mandate an appeals process that would require unfunded administrative attention for every test where a result was questioned. It would mandate additional testing accommodations for ELL students and those with disabilities, without providing any additional aid to schools. It would mandate a waiver process for students, without accounting
for an adjustment to school performance scores. It would require an audit of the Common Core approach before its full implementation and it would require a survey of administrators and teachers without specifying the questions to be asked or how the answers would be used. Like most efforts by the legislature to insert itself into public education, this bill is well intended but inappropriately focused. It creates new administrative burdens for schools and creates new financial strain for schools by failing to pay for its new mandates. While its attention to ensuring the viability and appropriateness of student tests is warranted, it veers off into inappropriate policies that go far beyond testing and into educational practice and content. It challenges the Common Core Learning Standards without providing an alternative approach. Tests need to be fair in both content and in number. The State Education Department needs to do a better job of implementing its testing requirements and aligning them with professional development for staff and instruction for students. However, this legislation only tangentially addresses these issues and to accomplish its good intentions, it creates new burdens on our schools. In addition, the legislation would take effect immediately, giving schools no time to implement the new, unfunded mandates contained in the bill.

18A. REBUTTAL - TRUTH IN TESTING LEGISLATION

Submitted by the Bath School Board on September 10, 2013.

The following rebuttal to the statement of opposition of the Resolutions Committee was submitted by the Bath School Board on September 10, 2013.

The Bath Central School District disagrees with the NYSSBA Resolutions Committee Statement in Opposition to the Truth in Testing legislation. We share the Committee’s concern about unfunded mandates, but we believe the proposed legislation addresses, rather than exacerbates the problem by holding the Board of Regents and the Commissioner of Education accountable to taxpayers, as well as administrators, educators and students. The State Education Department's push to apply for Race to the Top grant money created some of the largest unfunded and underfunded mandates seen in recent years. We believe the NYSSBA should play more of a role in combating both the additional administrative costs incurred as a result of APPR, as well as the additional cost burden local districts are facing as they implement the Common Core.

Our district disagrees with the Resolutions Committee assertion that the Truth in Testing Legislation will result in unfunded mandates on local school districts. Our reasons are as follows:

- Section B of the bill requires the State Education Department to release the test questions to the public. This is not an unfunded mandate to local school districts.
Section C of the bill requires the Commissioner to submit a report to the Legislature on the effectiveness of Common Core state tests in enhancing student learning and performance; the fairness and appropriateness of test items; the correlation between test scores and grade point averages of those taking Common Core state tests; analysis of student performance based on socioeconomic, gender, race and ethnicity, and regional factors; effectiveness of the test agency as the test development vendor; and whether to continue to use the test vendor. Given that this data is already required to be submitted, any additional costs would be incurred by the State Education Department, not local school districts.

Section D of the bill states the Commissioner would be responsible for developing guidelines for an appeals process based on clear proof that the test subjects’ scores are not reflective of such test subjects’ abilities. We do not believe this would require additional hiring of administrative staff at the local level.

Section E of the legislation merely states that students with disabilities would be provided with the testing accommodations already specified in their IEP or 504 Plan; thus, it imposes no additional financial burden on local districts. Regardless, we believe that both Sections E and F (testing accommodations for ELL students) should be mandated to ensure fairness to these students given the high stakes nature of the tests.

Section F; see above.

Section G of the legislation provides for a one-time waiver process based on extenuating circumstances. Again, this is not an unfunded mandate.

Section H of the bill requires an independent audit of the Common Core testing program. If school districts are mandated to go through internal and external audits then the State Education Department should be audited on their reforms and programs. An audit of the Common Core is critical as no data currently exists indicating whether it is effective or not in making students more college or career ready compared to previous learning standards. Since the independent audit would be THE responsibility of the State Education department, there would be no additional financial burden to local school districts.

Section I of the legislation would require the Commissioner to conduct a state-wide survey of school administrators and teachers relating to the amount of time spent on Common Core state test preparation and the impact of such preparation on the quality of instruction. With the
advances in modern technology, this could easily be conducted online with little to no cost to local school districts.

This bill is appropriately focused at the appropriate time. The majority of costs associated with the legislation would be borne by the State Education Department and not individual school districts. The bill is not a challenge to the Common Core Learning Standards, nor is it a call for its repeal. It simply demands fairness for all students of New York State in regards to the high stakes testing and mandates accountability from the State Education Department, something that is long overdue.

19. ESTABLISHMENT OF SPECIAL GRANTS

Submitted by the Shenendehowa School Board on May 14, 2013.

RESOLVED, that the New York State School Boards Association propose and support legislation providing a limited number of special grants covering all the additional costs to engage in a multiyear experimental initiative to provide year-round school.

RATIONALE

A number of efforts have been and are being made to provide funding to increase “time on task” or more instructional time for students as a means of increased academic performance. These efforts include proposals to lengthen the school day, increase the number of days in the school year or a combination of both. These efforts do not preclude an experiment in year-round school, however the funding is likely insufficient to support an experiment involving year-round school and is not directed toward this vital experiment.

Students may achieve more academically with an extended school year or an extended day of instruction, however they will also continue to loss a sizeable portion of what was acquired during these long periods of instruction as result of the traditional summer vacation period. If the educational community seriously seeks to increase student achievement without facing the repeated loss of academic gain that has been a feature of the traditional school year, we must deal with this issue.

It would be inappropriate to engage in any large-scale program to switch to true year-round school without first determining whether in fact adopting such a school year is effective in increasing student learning. Therefore, this resolution proposes a limited experimental adoption of year-round school over several years to determine the outcome of such a major shift in the structure of the school year.

Some year-round schools are already funded, particularly in southern states. However, without exception, these year-round schools exist to better utilize
the buildings and equipment already available. These year-round schools keep approximately 75 percent of their students in school, on a rotation basis. Thus, one quarter of the students are not attending school during one quarter of the year and buildings are able to accommodate more students in total. True year-round instruction for all students is virtually non-existent.

A major impediment to the implementation of expanded school days, year or adoption of year-round schools is a combination of very real increased costs in instructional personnel, transportation, and overhead (classroom space and utilities). Recognizing these costs, state funding is critical to implementing experimental expansion of instructional time by adopting a year-round instructional calendar.

An educational community committed to improving academic achievement must have the courage to determine if a solution, that holds promise of achieving desired results, will actually provide such results. A promising solution involves restructuring of the traditional school years. Only a trial will determine whether anticipated results are achieved and whether the results are sufficient to justify a change on a larger scale.

Obviously, large scale change could be strongly resisted by many factions within the populations and such opposition would not be easily overcome. Year-round school instruction would require a considerable investment in cooling equipment and additional resources for utilities. There is no question that the restructuring would be a major shift is current practices that would result in yet unforeseen challenges. However, before we ever consider attempting such a major change to increasing student achievement, we must engage in scientific testing of year-round school to evaluate the results.

**A STATEMENT IN OPPOSITION OF THE RESOLUTION FROM THE RESOLUTIONS COMMITTEE**

While there remains little question that extended learning improves academic achievement, the effort to select, approve and fund a year round educational pilot program would divert time, attention and resources away from much more pressing educational issues. Assuming that such a pilot program proved a stunning success after first waiting out years of advocacy, selection, funding and operation, New York State would be in precisely the position it is in currently; knowing that extended learning works and lacking the resources to implement it on a broad scale. New York State already spends the most per student in the nation. One out of every ten dollars spent on public education in the United States is already spent here. Local taxpayers already pay the highest contribution to their schools in the nation. Year-round public schools would require a nearly 20 percent increase in cost, bankrupting the many schools barely capable of providing existing state curriculum requirements. In addition, while there is evidence that students (particularly in low wealth schools and communities) do in fact experience a
loss of knowledge from one academic year to the next, it is also true that other students just as desperately need a break from the rigors of an ever increasing list of required knowledge. Further, tourism, one of New York State’s most prominent economic contributors operates largely on seasonal student employees. Eliminating that source of labor would have a dramatic effect on that industry, as well as traditional family dynamics and experiences. While New York State must continue to explore innovative educational delivery models, delays resulting from unsustainable diversions only serve to distract the vital work of improving instructional practices.

20. STUDY OF REMOTE VOTING FOR ANNUAL BUSINESS MEETING
Submitted by the Briarcliff Manor School Board on July 30, 2013.
Endorsed by the Croton-Harmon School Board.

RESOLVED, that the New York State School Boards Association support the request for a study to determine how the utilization of technology can increase participation in the New York State School Boards Association’s Annual Conference and Business meeting.

RATIONALE
This study will help to ensure equitable representation from all regions of New York State, further reduce the costs of participation for member boards by fostering economic equality, and allow for the widest participation reach to help increase the number of school boards who are able to participate and have their voices heard. Article 5 of NYSSBA’s bylaws states that the election of officers or bylaw amendments must be done in person by voting delegates at NYSSBA’s annual meeting. While it is important and necessary for member boards to have the ability to meet in person to discuss school board issues, it is just as important to allow participation by districts that cannot send a representative to the annual meeting. Requiring voting to be done in person presents a hardship for New York State’s school boards as many of them are struggling just to maintain current programs and keep tax cap compliant budgets. The cost of travel to the annual meeting for many of these board delegates is cost prohibitive, thereby preventing them from being fully engaged in the annual meeting process and stripping them of their right for equal representation at the annual meeting. Allowing for school district members to attend the annual business meeting at no cost is a step in the right direction. However, the size of New York State makes even that option impractical and unworkable for many districts. Allowing for the use of technology may help board members who cannot take time away from their families to participate and get involved at the state level at an earlier stage in their board volunteer work, actually become involved, leading to a stable volunteer base to help ensure the future of the NYSSBA organization. The current process as allowed by the bylaws limits representation from all thirteen NYSSBA Areas, creating inequitable representation at annual meetings on a regional basis. As a direct result of the above, many of the
thirteen NYSSBA Areas do not have their voices heard on issues that are important to them and may be critical to them.

Finally, today’s technology should be capable of allowing all thirteen Area Organizations to meet remotely while being linked together to engage in a fully representative annual meeting at a price that is not cost prohibitive.

Today’s technology can be utilized to enhance the ability of all of NYSSBA’s members to fully participate in one of their most important membership rights on an equitable basis; the right to elect officers and submit by law changes. The creation of a committee to study the ability of utilizing technology to achieve greater participation by all of NYSSBA’s member districts should be encouraged and endorsed.

A STATEMENT IN OPPOSITION OF THE RESOLUTION
FROM THE RESOLUTIONS COMMITTEE

While technology holds the promise of an easier (and therefore more inclusive) means of participating in the Annual Business Meeting, it also has the potential to minimize debate and the influence of discussion with other member delegates. NYSSBA’s current bylaws allow delegates to the Annual Business Meeting to attend the meeting free of charge. They do not need to be registered for the accompanying convention in order to represent their district at the meeting. The Annual Business Meeting is held in a relatively central location, in the middle of the day. This already maximizes the ability of a delegate’s attendance by eliminating most hotel costs. Conducting the meeting by electronic means would have the additional advantage of merely eliminating travel time to and from the meeting but at the expense of face to face discussion. In addition, conducting the meeting in a manner which would allow each participant to be simultaneously seen and heard at multiple remote locations would currently require a complicated (and potentially costly) means of identifying the order of speakers and a rewriting of the meeting’s operating rules. NYSSBA’s current method is certainly not the only possible means of annually determining the association’s legislative platform. For instance, some state school boards associations hold regional discussions and votes, then tally those regional results. However, NYSSBA’s current method of conducting the Annual Business Meeting has resulted in a comparatively efficient and inclusive means of arriving at the Association’s positions on key issues of importance to public education. In recent years, the process has become more inclusive by adding the element of forwarding issues voted upon in a member survey, reviewed by a representative body of the membership and submitted by the member-elected Board of Directors. The process was also updated (by delegates) to use electronic transmission of resolution materials, resulting in a more timely and relevant agenda.
While this current process may not work in perpetuity, it is not currently broken. NYSSBA currently has a highly relevant, topical legislative agenda, based on the central issues facing public education. The Annual Business Meeting itself has become highly efficient, taking a minimum amount of time to determine and document the will of the member delegates. The time may come when conducting the Annual Business Meeting by remote means becomes necessary or at least preferable, but we have not yet reached that point in time. Participation in the meeting is not declining to any measurable degree and steps are in place to encourage participation at a low cost and without a significant expenditure of the participant’s time.

In addition, the Resolutions Committee is concerned that remote voting might allow a regional perspective to dominate the voting process, rather than the current substantive debate. The committee is also concerned that any flaw in developing technology at the time of the vote or electronic discussions would prevent NYSSBA from presenting a timely and relevant legislative agenda to state leaders. While proponents would no doubt advocate for a study to determine the viability of any new methodology, the Resolutions Committee feels that the expenditure of association time and resources to study a process (that most member districts would not ultimately want to change) detracts from NYSSBA’s ability to effectively influence the most pressing issues facing public education.
DEADLINES FOR AMENDMENTS AND REBUTTALS

Proposed resolutions were submitted to NYSSBA by August 1 and reviewed by the Resolutions Committee on August 19. No additional bylaw amendments or resolutions can be proposed at this time (Association Bylaw Article 17). A member school board may, however, propose an amendment to any resolution printed in this report by mailing the proposed amendment to each member board at least 30 days prior to the Annual Business Meeting – this year, on or before September 20, 2013.

To facilitate the amendment process, NYSSBA publishes an Amendments and Rebuttals brochure which is electronically transmitted to every school board member and superintendent. Amendments and rebuttals to the proposed resolutions in this report must be received in NYSSBA’s offices by 5:00 p.m. on Friday, September 13, to be included in the booklet. This booklet will be electronically mailed following the September 13 deadline.

If a member board transmits a proposed amendment or rebuttal to NYSSBA by the September 13 deadline it does not need to be transmitted to other boards.

Amendments to resolutions printed in the Amendments and Rebuttals brochure and any other amendments mailed to all member boards before September 20 need not be submitted in writing at the rostrum of the Annual Business Meeting, but must be moved and seconded from the floor to be considered.

Any amendments not mailed to NYSSBA by September 13 or to the membership by September 20, either as part of the Amendments and Rebuttals brochure or by a member board, will have to be submitted in writing at the rostrum of the Annual Business Meeting. A “majority of those voting” is necessary to approve an amendment. Pursuant to Article 17 of the Association’s Bylaws, proposed amendments to the bylaws may not be amended on the floor.

Following adoption of the proposed Order of Business, the proposed resolutions will be considered in the order printed in this report. The resolutions have been categorized into three groups: Existing NYSSBA positions that are recommended for adoption on consent, recommended resolutions and not recommended resolutions. Those resolutions which the Resolutions Committee has recommended for adoption will be moved by the Committee Chair, no second being needed. Those resolutions not recommended for adoption will be considered only if they are moved and seconded by voting delegates from the floor.
PRECEDECE OF MOTIONS

Included here are those motions likely to be used in meetings of this Association.

While any motion on this list is under consideration, any other motion below it may be introduced.

1. Action on resolution
2. Postpone consideration of the resolution indefinitely
3. Amend resolution
   a. by striking out designated words, or
      b. by adding words at the end of the resolution, or
      c. by inserting words somewhere within the resolution (specify where), or
      d. by striking out certain words and **in the same place** inserting new words
   b. amend above amendment of resolution – by any of the four methods above

4. Refer that resolution to a committee
   a. amend above motion to refer
   b. amend above amendment of motion to refer

5. Postpone consideration of a resolution to a specified time later in this meeting
   a. amend time to which it is to be postponed
   b. amend above amendment of motion to limit or extend debate

6. Limit or extend debate on any debatable motion
   a. amend above motion to limit or extend debate

7. Close debate and vote immediately on any debatable motion

8. Lay the resolution on the table (in order to take it from the table later in the meeting)

9. Any “incidental” motion
   a. a motion to withdraw a motion previously introduced a request for information
   b. call for division (i.e., for a show of hands or standing count when the result of any “aye” and “no” vote is in doubt)
   c. a parliamentary inquiry
   d. a point of order (be sure that it designates a parliamentary error by the president)
   e. an appeal from any decision of the president
   f. a quorum call

10. A request to raise a question of privilege

11. Recess

12. Adjourn
PROPOSED RULES OF CONDUCT FOR THE
ANNUAL BUSINESS MEETING

The following rules are recommended for adoption by the delegates. Once adopted, all delegates will know the rules by which they will be bound. Following them will make for orderly progress.

1. CREDENTIALS. The credentials of all voting delegates shall be displayed where they may be easily recognized.

2. PARLIAMENTARIAN. There shall be an official parliamentarian to whom questions may be directed only through the chair.

3. SEATING. All voting delegates shall be seated on the convention floor, or in the case of the Resolution Committee Chair, on the platform. All nonvoting members in attendance shall be seated in other locations designated by the chair.

4. NOMINATIONS. Pursuant to Article 7 of the Association’s Bylaws, the chair shall announce the nominations from the Board of Directors for the offices of president, first vice president, second vice president, and treasurer. As set forth in Rule No. 8, once the nominee’s consent has been secured, that individual shall have the right to address the delegates for not more than two minutes, after nominations are closed and prior to debate by the delegates as set forth in Rule No. 8. The order in which such nominees are asked to address the delegates will be determined by the drawing of lots.

If there are no nominations from the floor, consistent with Article 7 of the Association’s Bylaws, such vote shall be by a show of hands. If more than two individuals are nominated for any office, the individual or individuals securing the greatest number of votes cast will be elected.

If the chair of the meeting is nominated for any office in which other individuals are also nominated, the chair will call upon a vice president who has not also been nominated for such office to chair the meeting during the time that the election for such office occurs. In the event that both vice presidents are also nominated for the same office for which the chair has been nominated, the chair will call upon another officer of the Association’s Board of Directors who has not been nominated for such office to chair the meeting during the time that the election for such office occurs.

5. RESOLUTIONS. All resolutions will be considered in the order printed in the 2013 Proposed Resolutions booklet. Resolutions recommended for adoption by the Resolutions Committee require no second (Robert’s Rules of Order, (4)).

5A. RESOLUTIONS ON CONSENT. Existing NYSSBA positions that have been resubmitted and recommended for adoption by the Resolutions Committee will be considered first, on consent. Any delegate wishing to remove a resolution from the consent agenda (and thus have it debated by the delegates) may do so by simply requesting that action when the consent agenda is called. If a resolution is removed from the consent agenda, it will be considered under “Recommended Resolutions” and needs no second.

6. PRESENTATION OF RESOLUTIONS. The Resolutions Committee chair or his or her designee shall move resolutions recommended by the committee and such motions shall not require a second.

7. RECOGNITION BY CHAIR. A voting delegate wishing to speak from the floor shall rise and secure recognition of the chair before speaking. The delegate shall give his or her name in full and the name of the board he or she represents.

8. DEBATE ON THE FLOOR. No voting delegate shall speak in debate more than twice on the same question or nomination, with the first presentation limited to two minutes and the second to one minute. No voting delegate shall speak a second time on the same question or nomination until all other voting delegates have had an opportunity to speak once.

Discussion on nominations for officers shall be limited to five minutes per nominee. If more than one individual is nominated for any office and
accepts, each such individual nominated will be permitted to address the delegates for no more than two minutes, which shall not be subtracted from the total time allotted for discussion of nominations described above.

In the event that there are two or more nominees for any office, the chair shall recognize delegates wishing to speak from the floor in support of particular nominees on a rotating basis at microphones designated for each candidate.

Discussion on a proposed amendment to the bylaws shall be limited to 15 minutes.

Discussion on a resolution shall be limited to 10 minutes.

Debate on any amendment to any resolution shall be limited to five minutes. Such time is not to be counted in that allotted to debate on the resolution itself. Amendments shall be considered and voted upon in the order presented. Amendments to a resolution should be voted upon prior to consideration of a second amendment. “Amendments to the amendment” should be avoided.

If continuation of a debate on a proposed amendment to the bylaws or on a resolution is desired, a motion may be passed by a majority vote to extend debate for no more than five minutes. A separate motion is required for each such extension of discussion time.

If continuation of debate on such an amendment to the bylaws or on a resolution is desired after time has already been extended once, a motion may be passed by a majority vote to extend debate time for no more than two minutes, with a separate motion required for each such extension of debate time.

9. WRITTEN SUBMISSION OF RESOLUTIONS. No late resolution may be introduced until it has been submitted in writing at the rostrum. A late resolution shall be considered under “Other Business.” Such resolution shall be submitted by a motion to suspend Article 9, Section 2, of the Association’s Bylaws. Such motion shall identify the subject matter and purpose of the resolution, shall require a second, be debatable, and shall require a two-thirds vote of the voting delegates present and voting.

10. WRITTEN SUBMISSION OF AMENDMENTS. No amendment to a resolution may be introduced until it has been submitted in writing at the rostrum.

11. PRIVILEGE OF THE CHAIR. The chair may call upon the Parliamentarian, Association staff members, members of the Board of Directors, and members of the Resolutions Committee to provide delegates with essential information regarding resolutions, bylaws and procedures. Time allotted for such requested explanations shall not be deducted from the total time allotted for discussion of the resolution.

12. RECORDING AND APPROVAL OF MINUTES. The Secretary shall be responsible for recording the minutes of the Annual Business Meeting. The Board of Directors is authorized to approve the minutes of the Annual Business Meeting at the first regular meeting of the board subsequent to the Annual Business Meeting.
The voting delegates at the Annual Business Meeting vote on a slate of officers for the Association, including a president, a first vice president, second vice president and a treasurer. They debate and vote on changes to the Association’s bylaws; and debate and vote on resolutions that will establish the Association’s position on various legislative and policy matters.

CHECK-IN PROCEDURE. NYSSBA’s bylaws require that a quorum of 200 voting delegates be present at the Annual Business Meeting in order for any business to be conducted. The 2013 meeting starts promptly at 12 noon, Saturday, October 26. There is a check-in/check-out procedure for Business Meeting delegates. Each delegate must wear a delegate button to be admitted to the delegate floor where he or she will be issued a voting paddle. To ensure a quorum is present throughout the meeting, each delegate will be issued a number. This number will be on the voting paddle. The voting paddle must be turned in each time a delegate leaves the floor. This procedure will allow NYSSBA to ensure only voting delegates are voting. If a delegate’s alternate takes over during any part of the meeting, the alternate must follow the same procedure.

ORDER OF BUSINESS. The Order of Business for the Annual Business Meeting (page 2) is the agenda for the meeting. It sets forth the items of business which are scheduled to be accomplished during the course of the meeting.

The meeting will begin promptly at 12 noon with several procedural items. First, the Association President, who presides throughout the meeting, will announce the presence of a quorum.

Following the announcement of a quorum, the president will call for a motion to adopt the Order of Business. The president will also call for a motion to adopt the Proposed Rules of Conduct for the meeting. These rules were prepared to be consistent with the Association’s bylaws. The rules describe how delegates must conduct themselves during the meeting, such as setting out the time allotted for discussion of certain items. Delegates can find a summary and clarification of the Proposed Rules of Conduct on pages 33 and 34.

THE BUSINESS MEETING. Next, the president will announce the winners of this year’s Area Director election, which was conducted locally in each of the designated areas. According to NYSSBA’s bylaws, area directors serve for two-year terms. Election of area directors in Areas 1, 3, 5, 7, 9 and 11 occur in odd-numbered years. Election of Area Directors in Areas 2, 4, 6, 8, 10 and 12 occur in even-numbered years. This year, election results will be announced for Areas 1, 3, 5, 7, 9 and 11.

ELECTION OF THE NYSSBA OFFICERS is the next item on the Order of Business. Each June the Board of Directors, which acts as the nominating committee for the delegates to the Annual Business Meeting, nominates a slate of officers who stand for election at the Annual Business Meeting. These individuals are automatically placed in nomination.

Once this occurs, the president calls for other nominations from the floor. If there are no such nominations, the vote is taken by hand at the time. If there is a nomination from the floor, the vote is also taken by hand after such individual accepts the nomination. The president when announces the winner.

PRESENTATIONS. A series of reports from the following individuals and committees will be given next:
- President-elect
- Executive Director
- Treasurer

ADOPITON OF RESOLUTIONS. The next Order of Business is the Report of the Resolutions Committee. The Resolutions Committee is a standing committee of the Association created by Article 9 of the Association’s bylaws. The committee chair reports directly to the delegates rather than the Board of Directors. The Resolutions Committee is appointed by the president upon recommendation of the Area Directors. The committee has one member from each Association area and one representative from the Conference of Big 5 School Districts.
The chair is designated by the President from among those appointed to the committee. In accordance with Robert’s Rules of Order, once the chair moves adoption of a bylaw amendment or resolution recommended for adoption by the Resolutions Committee, no second is required.

Each recommended bylaw amendment will be debated and voted on separately. Any amendment to the bylaws must have the approval of a two-thirds majority of those present and voting. In accordance with Article 17 (2) of the bylaws, bylaw amendments may not be proposed or amended from the floor of the business meeting. Thus, all proposed bylaw amendments must be submitted by August 1 and all amendments to bylaw amendments must be mailed to each member board at least 30 days prior to the day of the Annual Business Meeting.

Following consideration of the recommended bylaw amendments, voting delegates are given the opportunity to move any of the “not recommended” bylaw amendments since the Resolutions Committee Chair will not move bylaw amendments that were not recommended. Each motion requires a second by a voting delegate from another school board.

After the bylaws are completed, the delegates turn to the proposed resolutions. The Resolutions Committee Chair first moves those existing NYSSBA positions that have been recommended for adoption. These previously approved resolutions are established NYSSBA positions that are scheduled to sunset if they are not renewed. Because these resolutions have been previously approved by voting delegates these resolutions are moved on consent (where several resolutions may be voted on en masse). Delegates may remove any resolution from the consent agenda simply by making a request at the time the resolution is called for consideration. No second or vote is required. Resolutions removed from the consent agenda are considered under the “Resolutions Recommended for Adoption” portion of the meeting.

After the consent agenda has been considered, delegates address newly recommended resolutions individually.

The Resolutions Committee Chair moves each resolution recommended for adoption by the committee. Each recommended resolution is presented and voted upon separately. The Resolutions Committee Chair will move those resolutions recommended by the committee for adoption; a second is not needed. Resolutions require approval of a simple majority of those present and voting for passage. Any resolution submitted to the Resolutions Committee may be amended from the floor. All information on how to offer amendments from the floor, as well as the length of debate, can be found in the Proposed Rules of Conduct on pages 33 and 34.

Following consideration of all of the resolutions recommended for adoption, the delegates may choose to consider any of the resolutions not recommended by the Resolutions Committee. To be considered by the delegates, a resolution that was not recommended must be moved by a voting delegate and seconded by a delegate from another school board. If a delegate plans to move a resolution that was not recommended, he or she should arrange for a delegate from another board to second the motion. This will ensure that the resolution is considered. If the resolution fails to receive a second, it will not be considered by the delegates.

OTHER BUSINESS. At the end of the Annual Business Meeting, the President will open the floor to Other Business. Other business may include a motion to suspend the rules for the purpose of considering a particular resolution submitted from the floor. This motion requires a second and a two-thirds majority vote of the delegates before the resolution may be considered. A two-thirds majority is required because this type of motion calls for suspending the bylaws. A motion to suspend the bylaws is required to be moved, seconded and adopted for each and every resolution submitted from the floor. Once the motion to suspend the bylaws is adopted, the new resolution can be moved and seconded, and a simple majority of those present and voting is all that is required to adopt a resolution proposed under Other Business. If the motion to suspend the bylaws fails, the resolution cannot be considered.