

ECASB Update

Member Districts: Akron, Alden, Amherst, Erie 1 BOCES, Erie 2 Chautauqua Cattaraugus BOCES, Buffalo, Cheektowaga, Cheektowaga-Sloan, Clarence, Cleveland Hill, Depew, East Aurora, Eden, Frontier, Gowanda, Grand Island, Hamburg, Holland, Hopevale, Iroquois, Ken-Ton, Lackawanna, Lake Shore, Lancaster, Maryvale, North Collins, Orchard Park, Springville-Griffith Institute, Sweet Home, Tonawanda, West Seneca, Williamsville

April Update Edition Spring 2010 Vol. 5, Issue 6

"A crisis is an opportunity riding the dangerous wind." — Chinese Proverb



Above: Donald A. Ogilvie, Erie 1 BOCES District Superintendent, speaks to prospective school board members.

More than 30 prospective school board candidates attended this year's Prospective School Board Member Workshop on a recent Saturday. They were introduced to the roles of school board members, including the legal framework in which they would work; the relationships they would develop with other board members, administrators and the public, as well as institutions such as BOCES. They heard perspectives on school board service from both a veteran and a new school board member. They heard about the elections process. And, they were lauded.

It was pointed out that to step up to school board service during normal times is a great thing to do, but to be willing to step forward in this era of fiscal crisis and challenge is particularly to be admired.

The prospective candidates heard many perspectives on service and school districts' money woes and the time commitment ahead. Overall, it seemed a group ready to take on the challenge. When one speaker asked why they were running, the answers were quick: to give back, to serve, because I have kids ... sounds like they're off to a good start even before the elections. (more photos on page 2)

'... it doesn't matter how far the cliff is if you're dead before you fall over it...'

... A wry observation from Erie 1 BOCES District Superintendent Donald A. Ogilvie as he described the seriousness of the funding cliff for public education to prospective school board members.

Prospective Board Members Learn the Ropes ...



Ray Carr, right, from the Cheektowaga and Erie 1 BOCES boards of education, was one of the veteran school board members who spent a Saturday morning with residents of several area school districts contemplating candidacy for their local school boards. Mr. Carr has 30 years of school board experience.



David Zalenski, left, who is in his first year on the Lancaster School Board, shared his “new school board member perspective” on board service.

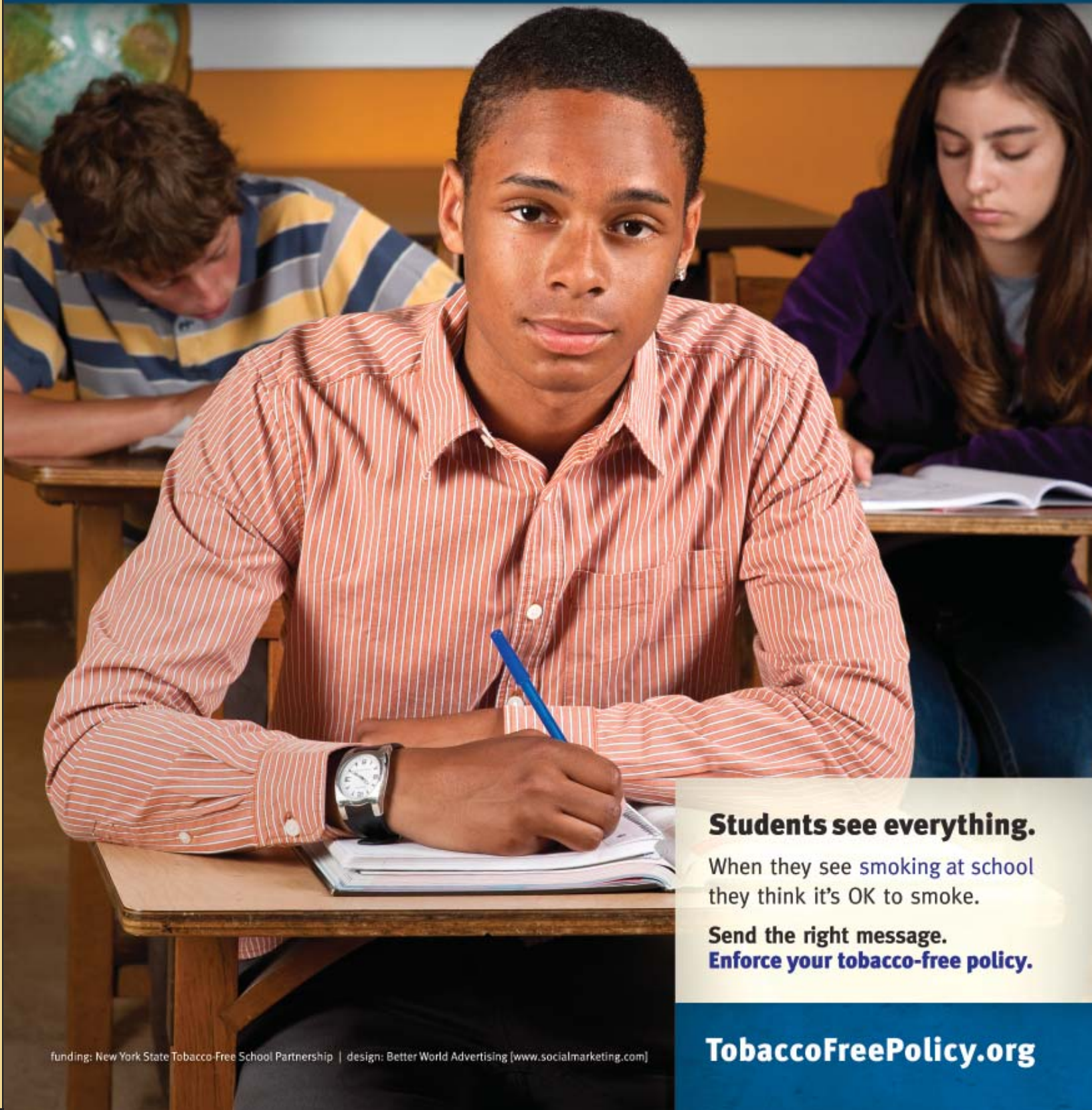


Al McClymonds, left, Orchard Park BOE, gave his perspectives, drawing from his experiences as a trustee and as a former school administrator. Jeff Swiatek, center, gave the legal perspective.

Candidates who are successful in their bid for election will be invited to the New School Board Member Workshop, 8:30 a.m.-12:30 p.m. on Saturday, June 5 at the Millennium. We encourage both superintendents and other board members to attend to welcome them to ECASB and school board service. Please register through your Superintendent's Office.

Newly-elected board members also will be invited to the NYS-mandated 6-hour Fiscal Oversight and Responsibility Training for school board members on Saturday, June 12 at Erie 1 BOCES. If you haven't “taken your FORT” yet, here's your chance! Member rate is just \$25. Please register through your Superintendent's Office.

We're Watching



Students see everything.

When they see smoking at school they think it's OK to smoke.

**Send the right message.
Enforce your tobacco-free policy.**

TobaccoFreePolicy.org

YES, THEY CAN Amend Triborough

... says NYSSBA General Counsel Jay Worona

At the ECASB Legislative Breakfast, and in follow-up discussions, some of our local legislative representatives noted that the NYS Legislature does not have the authority to secure amendments to the Triborough Amendment. NYSSBA General Counsel Jay Worona has provided for us the state of the Law in this area, and concludes that the Legislature is free to amend the Taylor Law to remove legislative Triborough if it so chooses. While the merits of doing so may be debated, below is the Memo prepared by a NYSSBA staff attorney:

Question:

Can New York State Civil Service Law § 209-a(1)(e) (known as the "Triborough Amendment") be amended by the State Legislature?

Short Answer:

Yes. The "Triborough Amendment" is purely a creature of state law and has no ties to any federal legislation or mandate. Thus, it can be amended by the Legislature.

Discussion:

New York Civil Service Law Article 14, entitled the Public Employees' Fair Employment Act, is more commonly known as the "Taylor Law." Enacted in 1967, it is intended to grant public employees the right to organize for collective bargaining purposes, and affords public employers and employees certain rights with respect to that process. NY Civ. S. Law §§200, 209-a(1); see also N.Y. Const. art. 1, § 17 (guaranteeing public employees the right to organize and bargain collectively).

In 1972, New York's Public Employment Relations Board (PERB) issued a decision entitled *Triborough Bridge and Tunnel Auth. v. District Council 37 and Local 1369, American Federation of State, County and Municipal Employees, AFL-CIO*, 5 PERB 3037 (1972) (hereinafter, *Matter of Triborough*). The parties in *Matter of Triborough* had historically negotiated two-year "memoranda of agreement" (MOA) that provided merit increments for employees' salary increases. For the 1969 MOA, the parties negotiated salary increases that would instead be based upon length of employment.

In 1971 the parties entered negotiations for a successor MOA. The 1969 MOA contained no language either extending or terminating the length of employment increments, nor did it provide the employer discretion to unilaterally change how salary increases were awarded. The employer agreed to continue to pay employees' salaries and fringe benefits, but refused to pay increases to salary under the increment system until a new agreement was settled. The union filed an improper practice charge,

alleging that this action constituted a refusal by the employer to bargain in good faith in violation of Civil Service Law § 209-a(1).

The hearing officer agreed with the union, reasoning that the Taylor Law imposed upon employees an obligation not to resort to self-help by engaging in strikes, and thus employers had a concomitant obligation to refraining from unilaterally altering the terms and conditions of employment during negotiations.

Following an appeal by the employer, PERB upheld the hearing officer's decision. The Board noted that "[i]t is of no consequence that the employee benefit withdrawn by the [employer] derived from an expired agreement. Our decision would be the same if during the course of negotiations an employer unilaterally withdrew such an employee benefit that had previously been enjoyed by the employees even if there had been no prior contractual duty to furnish the benefit." This principle, that employers may not unilaterally alter mandatory subjects of negotiation when a contract expired, became known as the "Triborough Doctrine."

However, the issue of whether public employers in New York could unilaterally alter the terms and conditions of employment (including paying step and other pay increases) during negotiations was far from settled. In 1977 the Court of Appeals ruled that notwithstanding PERB's decision in *Matter of Triborough*, a board of cooperative educational services (BOCES) did not violate its duty to bargain in good faith by discontinuing payment of automatic salary increments during negotiations for a new agreement. See *Matter of Bd. of Cooperative Educ. Services of Rockland County v. New York State Public Employment Relations Bd.*, 41 N.Y.2d 753, 363 N.E.2d 1174 (1977).

Triborough con't on page 12 ...

'GET A TRUCK!'

Collaboration Sweeps A Community - And An Award!

"Get a truck!" That was the urgent phone call made last spring when 100 student volunteers showed up for a spring community clean up - more than double the 40 students that were expected. When organizers realized they had a small army of enthusiastic hearts and hands, the modest project suddenly and delightfully became a force to be reckoned with.

That kind of success is behind the seven-year-old Cheektowaga Alliance for Healthy Communities/HealthyYouth initiative, which engages youth in service learning to help communities. Both its aspirations and its accomplishments helped make the Alliance this year's choice for the 2010 Hodgson Russ Excellence in Collaboration Award.

In making its decision, the ECASB Awards Review team noted the Alliance nomination scored high on broader involvement outside the school district. The partnership includes the school districts of Cleve-Hill, Maryvale, Cheektowaga, Cheektowaga-Sloan, and Depew, along with the Cheektowaga Police Department, Cheektowaga Senior Citizen Center, Cheektowaga Youth and Recreation Services, Catholic Charities of Buffalo, Erie County Council for the Prevention for Alcohol & Substance Abuse and Child and Family Services.

"The Alliance is a town-wide partnership, inclusive of all sectors, primarily guided by the 40 Developmental Assets framework, to promote meaningful and sustainable community change, so that our young people can thrive," said Maureen George, district coordinator at Cheektowaga.



Discussing awards nominations are members of the ECASB Awards Review Team (from left) Andrew Loeb (Erie 1 BOCES BOE), Ray Carr (Erie 1 BOCES BOE, Cheektowaga BOE), David Smaczniak (West Seneca BOE). Not pictured: Stan Fiegel (Frontier BOE).

Cheektowaga Alliance for Healthy Communities/Healthy Youth Named 2010 Hodgson Russ Excellence in Collaboration Award Winner

"It shows ongoing development of healthy youth and it affects everybody in five different school districts and communities," said ECASB Awards Review Team leader Andrew Loeb (Erie 1 BOCES BOE). "It's a seven-year program, based on survey assessments, and it shows growth of character and student supports that leaves them more ready to learn in school, as well as having impact on the greater good of the community."

Several outstanding collaborations were reviewed this year, and synopses of each follow. The

Collaboration Award will be presented at the ECASB Annual Dinner on June 10, along with the Diana Miller Award for Service to Education and the Laura Burns Award for Advocacy for Children, which will be announced later this spring.

Cheektowaga Alliance for Healthy Communities/ Healthy Youth

District: Cheektowaga Central
Info: mgeorge@ccsd-k12.org

Description: The Cheektowaga Alliance for Healthy Communities/

Healthy Youth is a town-wide partnership, inclusive of all sectors, primarily guided by the 40 Developmental Assets framework, to promote meaningful and sustainable community change, so that our young people can thrive.

The Alliance provides an opportunity for CCSD students to work collaboratively with their peers and community organizations in order to develop solutions and bring about change in the Cheektowaga Community.

Partners:

Cleve-Hill School District; Maryvale School District; Cheektowaga-Sloan School District; Depew School District; Cheektowaga Police Dept.; Cheektowaga Senior Center; Cheektowaga Youth and Recreation Services; Catholic Charities of Buffalo; Erie County Council for the Prevention for Alcohol & Substance Abuse; Child & Family Services

Cost/resources:

Cost of transportation to and from meetings and event; Refreshments for Alliance meeting held at CCSD; MS & HS Counselors attend meetings along with selected students.

How implemented:

Based on the results of the Search Institute 40 Developmental Assets survey and needs identified within the survey, the entities joined forces to create opportunities for positive change within the Cheektowaga community.

Outcomes:

· The Comprehensive District Plan (CDEP) focuses on community involvement and student development.

Participation in the Alliance for Healthy Communities/Healthy Youth engages students in service learning projects that impact our community in a positive way.

This program serves as an example to others because it demonstrates the power of collaboration.

All day career seminars for 100 high school students

District: Cheektowaga Central

Info: dkane@cheektowagacentral.org

Partners: Cheektowaga Central, Maryvale, Cleve-Hill, Depew, Cheektowaga Chamber of Commerce, Cheektowaga Police, Youth and Recreation, Erie 1, NYSEG

Need addressed: For youth to focus on local career choices

Cost/resources: Minimal (\$10) payment by students – costs covered by sponsors

How implemented: Minimal meetings by steering committee and coordination through the Chamber of Commerce.

Outcomes: Influences career choices to stay in the Buffalo area

This program serves as an example to others because it works and has taken place for three consecutive years.

Writing with Video (WWV)

District: Cheektowaga Central

Info: mgeorge@ccsd-k12.org

Description: The ultimate objective of Writing with Video is fostering student achievement by empowering them with digital video tools for visual/analytic thinking, understanding, writing & producing for an actual audience. Promotes writing through digital media. WWV is a new tool for teachers and extends teachers' knowledge and increases student achievement.

Partners: University of Buffalo

Cost/resources: Funded through the UB Learning Technology Grant and local funds

How implemented: We have several High School ELA teachers who have been using WWV, and other teachers wanted to become involved.

So, participating Middle and High School teachers attended 8 sessions

that were designed to introduce new technology, focus on content, and provide ample hands-on work with personalized assistance from a UB instructor and technical support person. Throughout each session, participants had opportunities to discuss/ask questions of the group about teaching strategies and explored approaches to teaching involving digital video projects that would include more group work and project-based learning.

Outcomes: WWV promotes hands-on student learning to develop student writing skills.

WWV has been instrumental in getting reluctant writers involved in the writing process. Real world applications create the need for students to edit and perfect their work.

This program serves as an example to others because students are actively engaged in learning; students and teachers are collaborating.

NYS Liquid Asset Fund

District: Cheektowaga Central

Info: dkane@cheektowagacentral.org

Also see: www.nylaf.org

Description: \$400 million fund – Local Government Investment Fund (LGIF). Provides higher yields, better collateral and liquidity than offered by bonds

Partners: Thirty school districts and municipalities in NY

Cost/resources used: No banking fees – no compensating balance - FREE

How implemented: Cheektowaga Central is lead agent. Board takes on major fiscal management responsibility.

Outcomes: Save significant amounts over banks, sophisticated investment advisory and the district is paid \$60,000 per yr. to be the lead agent.

This program serves as an example to others because we can scale through what would not be offered to us as a single entity.

WNY 'SHARE' Groups

District: Cheektowaga

InfoMnuchere@cheektowagacentral.org

Description: The Teacher Center of Cheektowaga sponsors five (5) WNY share groups – FACS (Family and Consumer Science), FLAPPERS (Foreign Language), Speech, Biology and Chemistry. *There are members of each group that teach at Cheektowaga Central.* Teachers from the WNY area meet on a monthly basis to share curriculum, lessons, resources, public relations, etc. Speakers are brought in to enhance the use of technology in the classroom and to share current educational philosophies. This program provides an understanding of curriculum requirements, shared resources such as lessons, suppliers and speakers, and helps new teachers adjust.

Partners: WNY school districts: Cheektowaga, West Seneca, Maryvale, Cleveland Hill, Lake Shore, Alden, Kenmore, North Tonawanda, Niagara Falls, Starpoint, Pembroke, Lackawanna, and Buffalo. Speakers also include professors from local colleges such as Niagara University, ECC and Villa Maria.

Cost/resources: Due to the stimulus money this year, there is no fee. Registration is through the teacher center and is facilitated by local teachers. Four of the groups have all their meetings at Cheektowaga Central. The FACS group rotates each month to a different school district.

How implemented: We worked through Cheektowaga Teacher Center to advertise the groups. They send out information through teacher center newsletters. The FACS group sent letters to the individual school districts.

Outcomes:

Since a wide variety of school districts participate, we are able to share and create a variety of resources for our districts. We learn to personalize what we share and then blog about it

(FACS) to share further. We use the interlibrary loan system to share DVD's, books, etc.

This is the best use of our teacher center. They have helped coordinate it and organize things. The teacher center provides the support but has taught us to function on our own as needed. Each teacher walks away with materials after each meeting.

This program serves as an example to others because this does not cost the teachers or district anything. Even when we are not "on task" the networking we have set up is fabulous.

School Board-Town Board Partnership

District: Grand Island

Info: robertchristmann@k12.ginet.org

Description:

For over three years the Grand Island Board of Education and the Grand Island Town Board have met quarterly to discuss and resolve issues of mutual concern.

There is a need to create a vision for how both boards can better serve youth and community in a collaborative and mutually supportive manner.

Partners:

Grand Island Board of Education and the Grand Island Town Board

Costs/Resources:

Minimal costs associated with the meetings which have led to the awarding of state grants and some minor additional local support.

How implemented:

The Grand Island BOE and the Grand Island Town Board recognized that in a time of declining resources and with both boards serving the needs of the same residents, every effort should be made to collaboratively plan for mutual services and programs, with a common vision for the future. Quarterly meetings began three years ago. Agendas are based on input given to the Town Supervisor and Superintendent by individual members.

High School students are invited to observe how well the two boards work together.

Outcomes:

- The creation of a signed agreement detailing the services each board will provide to the other at no additional cost. The Town Recreation Department heavily uses both indoor and outdoor school venues. The Town provides an extensive number of services such as plowing, grass cutting, outdoor lighting and parking lot and water line repairs. This mutual Intermunicipal Agreement saves residents many dollars and can assist the residents in a positive manner should a school district contingent budget ever be necessary.
- Many committees have members from each group. The Board of Education needed a Facility Advisory Committee to study what to include in its proposed capital project. The Town Board members were represented.
- The Town Board has an Economic Development Advisory Board which includes the school superintendent and school board members. Both boards are working closely to promote a higher level of private sector growth to benefit our residents.
- Other committees which include both Board of Education and Town Board members are a Communications Committee designed to negotiate a new Time Warner contract and to determine how the two boards can use technology services in the schools and in community to benefit students and residents. Both boards have committed funding to explore internet and cell options within Grand Island.
- The school district's transportation facility is inadequate to meet bus service demands for maintenance of the fleet and other major pieces of equipment. The Town Board applied for and was successful in receiving a \$35,000 state grant to explore the feasibility of a shared Board of Education/Town Board

Grand Island School Board-Town Board Partnership con't ...

maintenance facility. The Town suggested the School Board might wish to consider one of its sites which the School Board deems highly desirable as a location for both. Staff from both the Town and School District are on this planning committee.

- The Grand Island Board of Education is represented on a committee called the Grand Island School and Business Alliance. Members of the School District and Chamber of Commerce join with School and Town Board members to plan numerous programs designed to benefit students. This group conceived a "Corporate Bowl" format in which teams of students compete in answering questions on a wide range of topics. Three winning teams receive scholarships totaling \$6,000 from funds raised.

- Another outgrowth of these meetings was the formation of a School Board-Town Board committee called "One Island-One Team" which plans activities to eliminate drug and alcohol abuse among students and adults. Members of both boards are active participants in this group including the Town Supervisor, Town Council members, School Board members and the school Superintendent. School programs and community-based activities are initiated at these monthly sessions.

Many, many efforts have created a much higher level of awareness of the problems on Grand Island which no one wanted to keep hidden.

- Town Board and School Board members serve on a major Island fundraiser called the "Relay For Life." Last year more than \$125,000 was raised by school staff, students and community members for the American Cancer Society. A late night candlelit walk of cancer survivors on the High School track highlights this

collaborative Town-School program.

This program serves as an example to others because it stresses the importance of collaboration with municipalities to meet the needs of both students and community.

Every school board should meet on a regular basis with their town/village boards as there can be a great mutual benefit.

We have agendas showing the topics we talk about and a copy of our school board-town board intermunicipal agreement which defines what services each board provides to save taxpayer dollars.

Career Exploration Internship Program

District: Cheektowaga Central
Info: dpreston@cheektowagacentral.org

Description: Students are placed at a worksite that best matches their career interest.

They complete 54 hours of onsite work experience and 27 hours of classroom curriculum that involves work/career readiness.

This allows students to network, exhibit good work habits and produce a portfolio for future work opportunities.

How Implemented: I have the opportunity to work with students during two periods on my schedule and make contacts within the community.

The time allows for job preparation for the student. Students are placed in either fall or spring semester and may seek out the coordinator for needed communication with worksite mentor and co-workers.

Outcomes:

- Students are able to utilize their experiences to define career choices and college majors. They also are given evaluations from the worksite mentor and coordinator to enhance job portfolio which is started during this program.

This program serves as an example to others because it shows the ability for school and communities to work together. Both partners in this situation can help give the student the best experience possible to observe the career or work involved in a specific career to help them move successfully to the next part of the journey.

Developing a High School Health Care Academy

District: Cheektowaga Central
scain@ccds-k12.org

Description: The primary objective of the Health Care Academy is to expose students to courses that are relevant to the health care professions. We believe education is more meaningful when students can make the connection between high school programs and the skills potential health care employers are demanding. There is a tremendous growth projected for the health care profession within the next 10 years. Students who pursue careers in these professions will most likely gain employment opportunities upon graduation from an accredited collegiate program. This program will provide students with health care-oriented courses.

Partners: Erie Community College, Trocaire College, Bryant & Stratton, Villa Maria College, University at Buffalo, Catholic Health System, Roswell Park, Kaleida Health, UNYTS.

Cost/resources: Grant from ECC for purchasing of materials in year 1 – no additional costs incurred.

How implemented: This initiative was developed in stages. It was at least three years of research and development and one year of fine tuning courses and developing partnerships.

Outcomes:

- This is the first year of the Health Care Academy so it is too early to tell. However, by the numbers of students enrolled in our Anatomy and Physiology, Medical Ethics and Medical Terminology classes, we are off to an excellent start. This initiative is

Developing A Health Care Academy can't ...

coming to fruition at a time in WNY when the Health Corridor, Bioinformatics Center, and SUNY Buffalo are moving their medical opportunity right here in WNY.

This program serves as an example to others because by CCHS pursuing this project we were able to get the junior colleges to work together about their respective curriculum and come to consensus about what they would like to see in our Anatomy and Physiology, Medical Ethics, and Medical Terminology classes to enable them to grant articulation credit.

Please contact scain@ccds-k12.org for supporting materials. There are textbooks, lab manuals, materials, health care brochures, and application for admissions to the academy.

REMS Grant – Readiness & Emergency Management for Schools

District: Cheektowaga Central
cbugs@ccds-k12.org

Description: Helps us to plan for emergencies – to better deal with them when they happen, minimizing the consequences.

Partners: Town of Cheektowaga Officials, Town of Cheektowaga Emergency Services, Mary Queen of Angels of School, Mid-Erie Counseling, Cheektowaga Police, Forks Fire Co.

Cost/resources: REMS Grant

How implemented: Various meetings and workshops/training.

We had a commitment from our partners before submitting the grant proposal.

Outcomes:

- Updating the safety plans; NIMS (National Incident management system) training for over 40 staff; Better prepared for emergencies

This program serves as an example

to others because the safety of students and staff is of utmost importance in our educational community.

College Affiliation with ECC for 'College Success' Class

District: Cheektowaga Central
Info: Mnuchere@cheektowagacentral.org

Description: College Success is a class offered to our High School students for 3 units of college credit. It addresses the need for the development of study skills and organization for students entering college. We are able to "enhance" the courses with extras (financial aid, field trip to a college/s, cooking health snacks, money management, laundering, personal safety, student panels of former students presently in college) because we have more time with the students than the usual college semester. The students enjoy the class and believe it is a great help with the transition from high school to college. The program helps provide a smooth transition to college life – understanding requirements, reduced cost for college credit, encourages students to attend college.

Partners: Erie Community College

Cost/resources: Students pay 1/3 of the usual tuition for the course. Textbooks are paid for by the local district.

How implemented: Two teachers from the FACS (Family and Consumer Science dept.) were interviewed and prepared by the ECC staff. ECC provides a "mentor" teacher to oversee the teacher that is teaching the course.

Outcomes:

- We offer a great "comfortable" opportunity for our students to earn college credit while learning things they can be using to successfully graduate from Cheektowaga Central. We expose the students to a variety of colleges to help

them select a college that suits their needs.

This program serves as an example to others because this is a "hands-on" down-to-earth course that encourages the students to further their education beyond high school. They learn about different programs from certificate level and beyond. The emphasis is on thinking about their future learning.

We presently are sharing our information with 54 other teachers in our WNY FACS share group which meets monthly through the Cheektowaga Teacher Center.

University of Buffalo/ Cheektowaga Central High School Partnership

District: Cheektowaga Central
Info: scain@ccds-k12.org

Description: University of Buffalo students take an Intro to Education class taught by University Professor Dr. David Cantaffa at Cheektowaga Central. The same class is taught by an adjunct UB professor on staff at CCHS to our high school students. They will earn college credit upon completion of this class. Collaboration between both teachers and students in both classes occurs.

This partnership allows our students to study college material in high school and determine if they are interested in pursuing education as a major in college. The UB students are studying education in a setting that allows them to interact with high school teachers and students.

Partners: University at Buffalo

Cost/resources: There is a tuition cost for our students taking this class.

How implemented: This collaboration was a result of an established partnership between UB and CCHS. We have teachers on staff who have studied at UB. We have a student teacher program here at school that has been in place for many years. It grew out of a need to provide more meaningful courses for both high school and college students.

UB/Cheektowaga HS Partnership con't ...

Outcomes:

The outcomes are ongoing. Our advanced studies education class was implemented this past fall and the UB students will be at CCHS for the Spring semester. This partnership is unique and enriching to both CCHS and UB and my expectation is that it will strengthen our relationship with the University and benefit the students at CCHS.

This program serves as an example to others because it is an example of finding new ways to enrich classroom experiences. It also demonstrates that when there is the right leadership in place and people are willing to work together, programs can be born.

Board Linkage Meetings to Foster School Improvement

District: Grand Island

Info: robertchristmann@k12ginet.org

Description: In order for the Grand Island Board of Education to be a more effective decision-making body, it must seek input from those individuals and organizations it serves. The concept of a Linkage Meeting was proposed and developed during the 2008-09 school year. Board members schedule a third meeting each month to meet informally with two groups per evening. This innovative process was selected as the American School Board's 2007 Magna Award as a National Grand Prize Winner for school districts up to a 5,000 student enrollment.

Clearly it is important for a board of education to be in touch with its own staff and community organizations. Strong communications are critically important to the success of school districts. There is a need for board members to be good listeners to be able to maximize student success. Grand Island Board members have created a climate of trust based on their willingness to listen and to make decisions related to the content of Linkage sessions.

Partners: All school and community organizations.

Costs/Resources: One plate of cookies, coffee and tea.

Cost Management Initiatives which Reflect the Needs of the WNY Region

District: Erie 1 BOCES

Info: creimer@e1b.org

Description: Management of property tax increases as state and federal revenues decrease

Cost/resources: 11 divisions and two standalone initiatives: School Municipal Energy Cooperative (SMEC) and Erie 1 BOCES Health Benefits Plan Trust.

How implemented: The BOCES model is based on collaboration. Our successes rely upon: bringing all partners to the table for honest and reality-driven conversations; and, planning ahead.

Outcomes:

- Collaboration through Erie 1 BOCES generates more than \$25 million in state aid annually to component school districts.
- SMEC has grown to 75 school districts/municipalities and saved them over \$10 million since its inception in 1997.
- The Health Benefits Trust, now comprised of 24 member school districts, has avoided more than \$27 million dollars in health benefits cost increases over the last six years.
- The WNY Regional Information Center (WNYRIC) has facilitated the subsidization of technology purchases through a successful joint-application for E-Rate funding by 100 WNY school districts, including the Buffalo Public Schools, which now totals more than \$115 million.

These programs serve as an example to others because they model how bringing all partners to the table for honest and reality-driven conversations, result in long-term and impactful results. The following examples celebrate some recent collaborative successes:

Positive Behavioral Interventions and Supports (PBIS)

The division of Community Youth Development and Student Support Services provides an important solution to the needs of local and component school districts through its Positive Behavioral Interventions and Supports (PBIS) Program.

PBIS is a proactive systems approach to managing and motivating positive student behavior in order to build a firm foundation for academic success. It focuses on enhancing the capacity of schools to educate all students, especially those with challenging social behaviors.

PBIS is important to districts because it enables them to adopt and sustain effective behavioral practices that result in increased attendance, as well as reduced disciplinary referrals/suspensions and inappropriate referrals to special education.

This results in increased instructional "seat time" and contributes to academic achievement. PBIS is a process, not a curriculum; therefore, each program is tailored to meet the unique needs of each district.

Currently, 17 school buildings from 8 school districts within three BOCES have purchased this service for 2009-10 school year.

This solution has impacted the local taxpayer by decreasing budgetary costs for special education services as a result of fewer special education placements and has increased state aid for districts through increased attendance; it has impacted students by increasing instructional time resulting in improved academic outcomes for students and provided appropriate interventions and services to students who need them.

Cost Management Initiatives which Reflect the Needs of the WNY Region can't ...

Internet Safety

It is important for teachers to utilize internet sites and web 2.0 tools in an appropriate manner and help students understand the functionality of the Internet as an educational device and how to do it safely.

Because student safety is of utmost importance, the CSLO/Model Schools staff (CoSer 6360/6368) has worked with several national organizations to develop a three-day Internet safety course for teachers.

In collaboration with the FBI and the National Center for Missing and Exploited Children, teachers attending the course are able to understand the dangers of the Internet and how to keep their students safe. This workshop allows teachers to develop lessons that integrate appropriate Internet tools into their curriculum. Because Internet safety is a requirement, all students should be impacted by this initiative.

Identity/Access Management

Identity/Access Management system provides self-service password management and automation user access. Self-service password management and automation user access enhances district's ability to use our site access at any time, without contacting our help desk. It also lays the foundation to expand the offering to more users, possibly students. Self-service password management and automation reduces the cost of user management, and increases access and ease of use.

GASB 45

The GASB 45 service allows school districts to contract with an actuarial service for the analysis of employee benefits after retirement. We currently have about 75 districts participating in this service. With the deadlines for compliance depending on the size of the district, this new requirement for school districts includes production of reports which list and evaluate the financial burden to the district of each retiree.



<http://liu.english.ucsb.edu/wiki1/images/4/4c/Collaboration.gif>

Let's Collaborate!

Send your collaboration info to

jburzynski@e1b.org for posting at ecsb.org

and consideration for next year's

Collaboration Award.

Info form is at ecsb.org/collaboration

(or just e-mail and request the form!)

Long-Term Suspension Program

The Long Term Suspension program provides a full day of structured, supervised classes for students that are suspended.

There is an increase in students at the middle and high school levels who are suspended from school, and the Long Term Suspension service provides an educational environment which increases their potential for success

while they are out of their home school buildings.

Taxpayers get more for their dollar with this service compared with home instruction, which typically offers only two hours of instruction each day for students. The average student in the Long Term Suspension program gets a full day of quality instruction in a structured, supervised environment, which increases the potential for success.

Triborough con't from page 4 ...

Although in the proceeding below PERB endorsed the "Triborough Doctrine," on appeal the Court noted that employers must continue to pay salaries, but will not be deemed to be in violation of the Taylor Law if, prior to entering into negotiations following an expired contract, the employer unilaterally refuses to continue paying increments until a new agreement is reached. In support of its decision, the Court cited the severe financial pressure and other responsibilities a public employer bears, such as diminishing tax bases and escalating costs during hard financial times. See *Matter of Bd. of Cooperative Educ. Services*, 41 N.Y.2d at 757.

In its decision, and as applicable herein, the Court highlighted the fact that the Taylor Law is unique to this state and only this law controls public employer-employee relations in New York. It stated that "the Federal cases involving the private sector relied upon by [the union and PERB] are not dispositive. That there are problems peculiar to public employers is manifested by the number of cases before this court concerning the financial difficulties of these employers...Perhaps for this reason, the Legislature provided with respect to improper labor practices that 'fundamental distinctions between private and public employment shall be recognized, and no body of federal or state law applicable wholly or in part to private employment, shall be regarded as binding or controlling precedent' (*Civil Service Law*, s 209-a, subd. 3). (*emphasis added*)" *Id.* See also, *Matter of the Arbitration between Maplewood-Colonie Common Sch. Dist. v. Maplewood Teachers' Assoc.*, 85 A.D.2d 764 (3d Dep't 1981) (employer's obligation to pay contractual salary increments does not survive expiration of the contract); *Matter of Board of Educ. v. Wyandanch Teachers Assoc.*, 58 A.D.2d 474, N.Y.S.2d 702 (2d Dep't 1977) (despite contract language continuing salary and benefits

during negotiations, "Triborough Doctrine" could not compel board to continue paying salary increments). Thus, despite PERB's endorsement of the "Triborough Doctrine," court decisions made it unclear whether this principle actually compelled employers to act in accordance therewith.

And end to the confusion was forthcoming: in 1982 the state Legislature acted to codify the "Triborough Doctrine." 1982 N.Y. Laws chs. 868, 921. Commonly called the "Triborough Amendment," the statute makes it an improper practice for an employer to refuse to continue all the terms of an expired agreement until a new one is negotiated. NY Civ. S. Law § 209-a(1)(e). Notably, Governor Carey signed the bill into law even though the law would now require employers to continue all terms of an expired agreement, even if employees engaged in a strike, undermining the original rationale for the "Triborough Doctrine" itself. See Governor's Memorandum of Approval, July 29, 1982. Thus, the amendment broadened the scope of the "Triborough Doctrine" to not only mandatory subjects of negotiation but all contractual provisions.

In the private sector, labor-management issues are governed by the federal National Labor Relations Act (NLRA). But the purpose of the state Civil Service Law is not to be a state companion to the NLRA or any federal employment law, and it has no source or derivation from federal mandate. See NY Civ. S. Law § 200 (the state legislature has declared harmonious relationships between the state government and its employees to be an important public policy in New York).

To the contrary, for example, as required by the federal Individuals with Disabilities Act (IDEA), New York's Education Law Article 89 gives force and effect to the IDEA, and certain rights afforded to students under New York's

implementing statutes and regulations cannot be curtailed by the state Legislature without running afoul of the IDEA. See NY Educ. Law Art. 89; 20 USC §§ 1400-1414 et seq. That is simply not the case with the Civil Service Law; the rights and obligations set forth therein can be expanded or curtailed at the will of the Legislature. The state Court of Appeals noted in *Goodman v. Barnard College*, 95 N.Y.2d 15, 22, 731 N.E.2d 600, 604 (2000), that the Triborough Amendment's purpose is to preserve the status quo in collective bargaining only between public employers and employees, and the Civil Service Law "has never been applied in the private employment context because the doctrine is grounded in the limitations imposed on public employee organizations by the Civil Service Law."

The statement of purpose and definitions contained in the Civil Service Law make clear that its provisions apply only to public employers and employees of this state. See NY Civ. S. Law §§ 200, 201(5), (6)(a), (7).

In its "Summary of Recommendations," the Taylor Committee (which drafted the Taylor Law) noted that the Taylor Law was intended to "empower the State, local governments and other political subdivisions to recognize, negotiate with, and enter into written agreements with employee organizations..."

There is no mention in the Taylor Committee's memoranda to suggest that the creation of the Taylor Law was by federal mandate or statute. Indeed, the Taylor Committee took pains to identify why it was recommending that public employees in New York State be prohibited from striking. While private sector strikes were common (and the federal Taft-Hartley Act and

Triborough con't on page 13 ...

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Presidential intercession could be invoked in the event of public emergency), in New York, special state constitutional and practical considerations (such as the Governments' obligation to work within a balanced budget) would not permit such activity by public employees.

Further, the deterrents in the law to public employee strikes are not based on a federal prohibition, but rather on the threat of injunction from state courts and/or discipline under Sec. 75 of the Civil Service Law. A handful of federal and state cases have commented upon the interplay between Civil Service Law 209-a(1)(e) and the rights public employers and employees may have under the federal constitution.

Those cases, however, do not state or suggest that if a public employment relationship happens to be subject to federal constitutional or statutory parameters (such as the Takings Clause or the contracts Clause of the U.S. Constitution), state legislators' hands are tied by such interplay, rendering the Civil Service Law untouchable by the state Legislature.

See, e.g., *Buffalo Teachers' Federation v. Tobe*, 446 F.Supp.2nd 134 (W.D.N.Y. 2005) (teachers' union alleged that wage freeze enacted by Buffalo Control Board was unconstitutional under takings and impairment of contract clauses of U.S. Constitution; court noted in footnote that collective bargaining agreement between teachers and board of education had expired but under Sec. 209-a(1)(e), all terms and conditions of employment remained in place until new agreement was reached); *Assoc. of Surrogates and Supreme Court Reporters v. New York State*, 79 N.Y.2d 39, 580 N.Y.S.2d 153 (1992) (court held that state could not abrogate its contractual obligations/duties under § 209-a(1)(3), and discussed role of U.S. Constitution's obligations-of-contracts clause, by unilaterally imposing a lay payroll after contract expired in effort to save money for state).

Conclusion:

It is evident from the foregoing that the Taylor Law and the "Triborough Amendment" are purely creatures of state law. Following the enactment of the Taylor Law, due to legislative action codifying the "Triborough Doctrine," the law was amended to ensure that, absent negotiated sunset clauses, the terms and conditions of a public sector collective bargaining agreement (CBA) continue when the agreement expires and the parties enter into negotiations for a successor agreement.

There are those who argue that even without the "Triborough Amendment," the language of the Taylor Law requires employers to afford an automatic Triborough-like protection during negotiations and the PERB's decision in *Matter of Triborough* merely reinforced that notion.

Certainly, parties may negotiate sunset clauses into CBAs to eliminate specific provisions at the conclusion of the agreement, or include within the agreement that other provisions that they have negotiated to continue until a new agreement is reached.

Ultimately, however, nothing in *Matter of Triborough* or subsequent cases and decisions interpreting that decision stands for the proposition that the Legislature cannot at any time amend the Taylor Law.

This information was provided as a service from NYSSBA and will also be shared with members of the WNY Legislative Delegation.

ECASB Calendar

If you would like to participate in ECASB Spring Lobby Days visitations to New York State legislators in their local offices, please contact Shirley at snowak@e1b.org. We will add you to our e-mail updates and itinerary planning.

April 2010

- 2 **Good Friday (Office Closed)**
- 10-13 NSBA Conference, Chicago
- 19-23 Spring Recess, E1B & E2CCB
- 29 Budget & Finance Team Program Discussion from 6-7 p.m., followed by Delegate Assembly, 7-8:30 p.m., Rm. B1

May 2010

- 18 Budget Votes/Elections in School Districts
- 20 Scholastic Achievement Recognition Dinner, Marriott
- 31 **Memorial Day (Office Closed)**

June 2010

- 5 **ECASB New School Board Member Academy, 8:30-12:30, @ Millennium**
- 10 ECASB Annual Dinner @ Salvatore's
- 12 **FORT: Registration ... 8:45-9 a.m.; Program ... 9-3:30 p.m., Rm. B1**
- 17 Executive Board Planning Meeting

SAVE the DATES:

- Aug. 4 ... WNY Education Law Conference
- Aug. 16 & 17 ... Social Studies Summer Seminar