

# 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

## **ALMOST SPRING 2010 Vol. 5, Issue 3**

"We already know enough to begin to cope with all the major problems that are now threatening human life and much of the rest of life on earth. Our crisis is not a crisis of information; it is a crisis of decision, of policy and action." — George Wald



Photo by Kris Ward

## Freeze & Roll

Freeze any new unfunded mandates and rollback some of the current ones was the message to legislators at this year's 32nd annual ECASB Legislative Breakfast. Legislators were presented with a report on the top three unfunded and underfunded mandates that drive up local tax rates in Erie County School Districts. For more information, please see pages 2 and 3.

*Above: Attendees at the ECASB Legislative Breakfast speak with Senator Dale Volker and Assemblywoman Jane Corwin after the panel discussion.*

*Below: Senator Michael Ranzenhofer responds to a question.*



## Building A High Performance District

**BEST PRACTICES to stay  
on track and focused  
on academic performance.**  
Feb. 27 SATURDAY Academy  
@ 355 Harlem Road, West Seneca

**8:30-9 ... REGISTRATION**

**9-10 ... THE CLICKER INDICATOR**  
Robert Christmann,  
Superintendent, Grand Island Schools ...

Ever wonder how your Board measures up on key performance indicators? Find out in the "clicker test," an anonymous self-assessment where your responses help profile the effectiveness of your Board's performance and practices.

**10-11:00 ... SUPERINTENDENT EVALUATIONS**  
Michele V. Handzel, General  
Counsel, NYS Council of School  
Superintendents (NYSCOSS) ...

Examples and key factors to ensure effective administrative leadership focused on school district well-being and achievement.

**11-noon ... BOARD SELF EVALUATIONS**  
Karl Kristoff, Partner, Hodgson  
Russ ... Examples and key factors to  
ensure effective governance leadership  
focused on school district well-being and  
achievement.

**Please register by Friday, Feb. 19  
via your Superintendent's Office.**



Photo by Kris Ward

## Freeze New Unfunded Mandates & Rollback Others

“Freeze and Roll” was the theme of this year’s ECASB Legislative Breakfast, the 32nd annual conversation among area school boards and members of the WNY Delegation.

Part of the strategy to manage costs in difficult economic times is to freeze new mandates and rollback some of the existing unfunded and underfunded mandates, said ECASB Legislative Team leader Lorie Sabo, a member of the Erie 2 CC BOCES Board of Education. ECASB distributed a [booklet calling for an end to costly, redundant mandates\\*](#), such as the internal audit functions, and multiple, duplicative reporting requirements.

ECASB also shared with legislators their member districts’ “Top 3” unfunded and underfunded mandates (Special Education and No Child Left Behind, internal audits and reporting requirements are among the top

concerns). Other cost drivers also were discussed, including employee compensation obligations and multiple school districts with multiple services. Both school boards and the legislators in attendance acknowledged that this was the beginning of ongoing dialogue on these issues.

The Legislative Breakfast was sponsored by Robitaille Real Estate and held in partnership with the League of Women Voters, Western Region PTA, Erie-Niagara School Superintendents, WNY School Business Officials, WNY Association of School Personnel Administrators, WNY School Public Relations Association, Erie County Association of Educational Office Professionals, the Committee for Identifying and Developing Educational Leaders), the Instructional Development Advisory

Board, and Promoting Partnerships in Public Education, Inc. Many thanks to the League of Women Voters for serving as timekeepers and to Kris Ward, East Aurora Director of Public Relations, for photo services.

Attending the breakfast were Senators Dale Volker, William Stachowski and Michael Ranzenhofer, and Assembly representatives Jane Corwin, Dennis Gabryszak, Jack Quinn III, Mark Schroeder. Aides attended from the offices of U.S. Senator Chris Lee, NYS Sen. Antoine Thompson and Assemblymen Robin Schimminger and Sam Hoyt. There was no attendance from the offices of Congresswoman Louise Slaughter, Congressman Brian Higgins or Assemblyman James Hayes.

*\*If you did not receive a copy at the Breakfast, you can see this report at [ecasb.org](http://ecasb.org), on the home page.*

# Triborough: A History

*An ongoing concern of ECASB and other school board organizations is the Triborough Amendment, under which contract conditions continue in perpetuity until a different contract is approved. As one observer noted, this automatically pushes compensation ever upward: "Why would anyone agree to anything that gives them less than what they already have?" Can anything be done about it? The Triborough Amendment is State (not federal) law and, therefore can be modified by the Legislature with approval of the Governor. A brief history of Triborough and its impact on salary increments can be found below:*

In 1977, public employers scored a major victory in the state's highest court on the applicability of the Triborough doctrine to step increments. In the case of *BOCES v. PERB*, the Court of Appeals found that the doctrine "should not apply where the employer maintains the salaries in effect at the expiration of the contract but does not pay

increments." The unanimous court explained:

The concept of continual successive annual increments is tied into either constantly burgeoning growth and prosperity on the part of the public employer, or the territory served by it, or a continuing general inflationary spiral, without measurement either of the growth or inflation and without consideration of several other relevant good faith factors such as comparative compensation, the condition of the public fiscally and a myriad of localized strengths and difficulties. *In thriving periods the increment of the past may not squeeze the public purse, nor may it on the other hand be even fair to employees, but in times of escalating costs and diminishing tax bases, many public employers simply may not be able in good faith to continue to pay automatic increments to their employees.*[33] [emphasis added]

The *BOCES* ruling meant all pay increases were truly negotiable-and the employer was not required to implement the approximately 2.5 percent to 6 percent increases

applicable to individuals who had not yet reached top step.[34] This leveled the playing field for both employers and taxpayers, putting more pressure on unions to settle without prolonged negotiations because no member of the unit was assured of a raise until a settlement was reached.

However, this pro-taxpayer precedent lasted less than five years. In 1982, then-Governor Hugh Carey and the Legislature amended the Taylor Law to make it an "improper practice" for an employer to refuse to continue all of the terms of an expired agreement until a new agreement was negotiated. The Triborough doctrine thus gave way to what became known as the Triborough Amendment.[35] Within a year, PERB had interpreted the amendment to require employers to continue paying for both steps and lane movements in the absence of a new contract.[36] ([www.empirecenter.org](http://www.empirecenter.org))

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Photo by Kris Ward

# Nuts & Bolts of \$ and Cents

More than 50 people turned out on a cold Saturday in January as ECASB opened the new calendar year with its annual school finance workshop.

The “Nuts & Bolts of \$ and Cents” is a standing January program that gives an overview of the current state of school finance, as well as perspectives and approaches for the budget season ahead.

This year’s speakers outlined the sober reality of ever-diminishing funding for schools, while offering both long-term and short-term strategies to address the challenges ahead.

John Montesanti, Senior Manager from Erie 1 BOCES presented a “State of School Finance” overview, followed by strategies to building a budget in a zero growth environment, presented by Ken-Ton Superintendent Mark Mondanaro and business official Gerald J. Stuitje.

John Schiavone, from Lumsden and McCormick’s Governmental Services/Auditing and Accounting division, detailed budget management issues, including ways to find savings and use of reserve funds and fund balance management.

Finally, school communications members from the WNY School Public Relations Associations spoke on communicating budget issues to staff and community. Presenting on this topic were Candace Reimer and Theresa LeClerc from Erie 1 BOCES, and Kristine Ward from East Aurora Schools.

ECASB thanks all of our presenters and also the Ferrara Firm for sponsoring this year’s School Finance Academy.



## REMINDER:

If you are attending the State Issues Conference in Albany on March 14 and 15, please contact the ECASB Office so we can include you in our assigned teams visiting Legislative Offices. Please contact Shirley at 821-7297 or [snowak@e1b.org](mailto:snowak@e1b.org). Thank you!

# The FRN Agenda

Several ECASB members who serve as FRN appointees spent three days in Washington, D.C., advocating on behalf of public education.

## Key issues that FRN members brought to our Congressional representatives this year were:

- Reauthorize the Elementary and Secondary Education Act to remove the policy and operational flaws of No Child Left Behind ... replace narrow, high stakes testing with support of state and local efforts toward higher-order, critical thinking and problem-solving skills
- Adequately fund federally mandated programs, including full funding for IDEA and Title 1 ... provide for policy changes in IDEA to address emerging issues associated with students with disabilities
- Permanently protect the e-rate program
- Stop federal funding for school vouchers
- Advance Pre-K education, teacher effectiveness and education innovation.

*Pictured from left: Linda Hoffman, ECASB Treasurer and NYSSBA Area 1 Director; ECASB Executive Board Member Melissa Brinson; ECASB Legislative Team Leader Lorie Sabo.*



*FRN members from school boards in Erie, Monroe and Niagara counties met with Congresswoman Louise Slaughter in Washington, D.C.*

## What is FRN?

The Federal Relations Network is an information and advocacy program of the National School Boards Association.

FRN members are a group of school board members from across the U.S. who work to assure that proper consideration is given to school board positions when Congress addresses legislation affecting education. Each State School Boards Association selects up to three school board members from each of their State's U.S. Congressional Districts to serve as FRN members. FRN members are responsible for 1) making sure their representative in Congress knows the school boards' position on important Federal bills and issues and 2) making an effort to inform local school boards on key Federal bills and issues.

FRN members convene in Washington for three days each winter where they receive current detail on federal programs and issues. They then meet with their members of Congress to advocate for school boards' positions on key issues. FRN Members also are expected to meet with their Congressional Representatives back in their home districts, and maintain an ongoing relationship.



## Snippets ...

In remarks at FRN: 1) Sen. Schumer expressed hope that an additional, smaller federal stimulus fund might be forthcoming for schools; Sen. Gillibrand urged school leaders to contact her office for information about grant dollars that may be available outside regular funding streams, and Secretary of Education Arne Duncan spoke on "reform" based on innovation and competition.

## Fall Dessert Forum on Teacher Contracts

With employee compensation comprising the largest portion of a school district's budget, ECASB's Fall Dessert Forum on Teacher Contracts was a timely one as the state's budget crisis continues to unfold.

Educating students is both labor intensive and highly regulated. Compensation for employees includes salaries and benefits such as health insurance, retirement, social security taxes, workers compensation and unemployment benefits.

Superintendents and board members from throughout ECASB attended the session presented by John J. Christopher, from Hodgson Russ, to learn more about what's in teacher contracts and what's not there but should be.



Carm Garozzo, Lake Shore, and Melissa Brinson, Ken-Ten, were among the evening's attendees.



John J. Christopher, Hodgson Russ, speaks with ECASB President Rick Vogan, Lake Shore, after the presentation.



Nickole Garrison, Iroquois, listens to the program.

**The ECASB Library  
has both the  
facilitator's guide and dvd for  
using the PBS program**

**Your Life, Your Money**

**This program helps young adults learn more  
about financial literacy.**

**To borrow the guide and dvd,  
please contact Sue at [ssummers@e1b.org](mailto:ssummers@e1b.org)  
or 821-7167.**

**March 10 is the deadline  
for ECASB Award Nominations ...  
- the Diana Miller Award  
- the Laura Burns Award  
- Hodgson Russ Excellence in  
Collaboration Award**

**Nomination forms are at [ecasb.org](http://ecasb.org)!**

## Getting ready for election season ...



*Erie County Board of Elections commissioners Ralph Mohr and Dennis Ward speak with school district clerks at the Annual District Clerk Luncheon organized by ECASB.*

Whether school districts will be required to use the new optical scanner voting machines in May is still in question, but Erie County elections commissioners see the recent certification of the machines by the NYS Board of Elections a step closer in that direction.

Meanwhile, school districts are advised to consult with legal counsel, and, just in case, school district clerks were introduced to the new machines at their Annual Luncheon Meeting in December.

Erie County Elections commissioners Ralph Mohr and Dennis Ward were on hand, along with three trainers from the Board of Elections.

They demonstrated use of the equipment and participated in a lively discussion with many questions, including:

**Q:** Where will the ballots come from?

**A:** They can be purchased from Erie

County Board of Elections for 4 cents each.

**Q:** Can districts still pick up and transport the equipment?

**A:** No, the new equipment is more delicate, so it will be transported by the Board of Elections.

**Q:** Where can we get more training?

**A:** Contact the Board of Elections

For more info, see: [www.erieboe.com/](http://www.erieboe.com/)



*Jackie Wopperer, East Aurora School District Clerk, tries out the new voting machine equipment.*

## **FORT and Refresher FORT**



Congratulations to our most recent “graduates” of both the NYS-required Fiscal Oversight and Responsibility Training and the new FORT “refresher” training. The refresher is a 3-hour program in which board members can revisit key FORT topics in greater depth once they have gained board experience.

Some comments from attendees:  
“Things make more sense to me now than when I took FORT by an internet course. Thanks for answering all my questions.”

“I learned a lot of information particularly on audit committees. We could use a workshop exclusively on audits.”

“Every board member needs this session!”

Well said! Many thanks to our volunteer trainers: school business officials Dan Pacos from Lake Shore, Doug Scofield from Iroquois, and Paul Blowers from East Aurora.

The next ECASB FORT program will be on Saturday, June 12 at Erie 1 BOCES.



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

### **Thanks and a Tip of the Hat to Erie 1 BOCES, Cheektowaga and Grand Island for Sharing Their Collaborations ...**

Erie 1 BOCES, and the Cheektowaga and Grand Island school districts have shared collaborations in the Sharing Our Best initiative to collect the best in collaborative efforts among ECASB districts. The collaborations can be found on the home page of [ecasb.org](http://ecasb.org), as well as on the collaboration page of the site.

### **Take a look at [ecasb.org/ collaboration](http://ecasb.org/collaboration)**

# STAY CURRENT-- on *the Past!*



## WNY HERITAGE MAGAZINE

has extended its offer for reduced price subscriptions  
for new subscribers  
(\$20/year, reduced from \$24/year).

To subscribe, please contact the WNY Heritage Office  
at 893-4011 and MENTION THIS ANNOUNCEMENT!

WNY Heritage Magazine is the region's only illustrated  
history periodical. Several local educators are working  
with ECASB, PPPE and Heritage Magazine to  
incorporate content from the magazine and other local  
resources into the classroom.

Watch for announcements later this spring about the  
WNY Heritage Summer Social Studies Seminar to be  
held at Erie 1 BOCES on Aug. 16 and 17.

Meanwhile, browse photos of our region's history at  
[wnyheritagepress.org/](http://wnyheritagepress.org/)

## ECASB Calendar

*March 10 is the deadline for ECASB Award Nominations ...  
nomination forms are at [ecasb.org](http://ecasb.org)!*

### February 2010

- 23-24 BOCES Lobby Days  
27 **Building A High Performance District**, 8:30 a.m. registration and continental breakfast; Program from 9 a.m. – 12:30 p.m., Rm. B1

### March 2010

- 10 ECASB Awards Nomination Deadline ... nomination forms are at [ecasb.org](http://ecasb.org)!  
14-15 NYSSBA State Issues Conference (formerly known as SLN) – Albany, N.Y.  
18 **Technology: the 4<sup>th</sup> R ... Redefining Literacy**, speaker: David Warlick. Buffet dinner from 6-7, speaker from 7-8-ish, Q&A/audience discussion open till 8:30, at Michael's, 4885 Southwestern Blvd., Hamburg. Sponsored by the WNY Joint Management Team (Erie 1 BOCES, Erie 2 CC BOCES, Cattaraugus Allegany BOCES, Orleans Niagara BOCES) in cooperation with ECASB, Niagara Orleans School Boards, Chautauqua County School Boards, Cattaraugus Allegany School Boards, and the Erie-Niagara School Superintendents Association.  
25 Executive Board, 5-6:30 p.m., Cheektowaga High School, 3600 Union, Cheektowaga  
25 Legislative Team, 7-8:30 p.m., Cheektowaga High School, 3600 Union, Cheektowaga  
27 **Prospective School Board Member Workshop, 8:30-noon, Rm. B1**

### April 2010

- 2 ***Good Friday (Office Closed)***  
10-13 NSBA Conference, Chicago  
19-23 Spring Recess, E1B & E2CCB  
29 Delegate Assembly, 7-8:30 p.m., Rm. B1

### May 2010

- 18 Budget Votes/Elections in School Districts  
20 Scholastic Achievement Recognition Dinner (SARD), 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



## 'End Quote'

“Quality education is the best thing New York State has going for it. K-12 education upstate is the best in the country after Iowa and Minnesota ... The quality of the workforce is the only reason some are beginning to come ... all these new companies depend on education. Education is our future.”

- Sen. Charles Schumer, Congressional Breakfast, Feb. 2, 2010, Washington, D.C. The annual Congressional Breakfast for New York State FRN attendees is arranged every year by NYSSBA - thank you, Dave Little!