

# WATCH US GROW!

**The Journal**  
Statewide Issue

EMPIRE STATE SUPERVISORS  
AND ADMINISTRATORS ASSOCIATION

VOLUME I ISSUE 3 • JUNE 2004

## ESSAA OFFICERS UNANIMOUSLY REELECTED

By a unanimous vote of the Executive Board on May 22, 2004, the following officers were reelected:

President - John Sullivan

Executive Vice President – Tony Laurino

Vice President – Ed Keeler

Vice President – Jerry Spicer

Vice President – Tom Vasiloff

Vice President – Janet Mulvey

Secretary – Bob D’Arcangelo

Treasurer – Chuck Smith

ESSAA’s always growing membership will be represented by a geographically balanced ticket that hails from out on Long Island up to the Capital Region, and from Central and Western New York down to the Southern Tier.

### President Sullivan Says Rapid Growth Expected

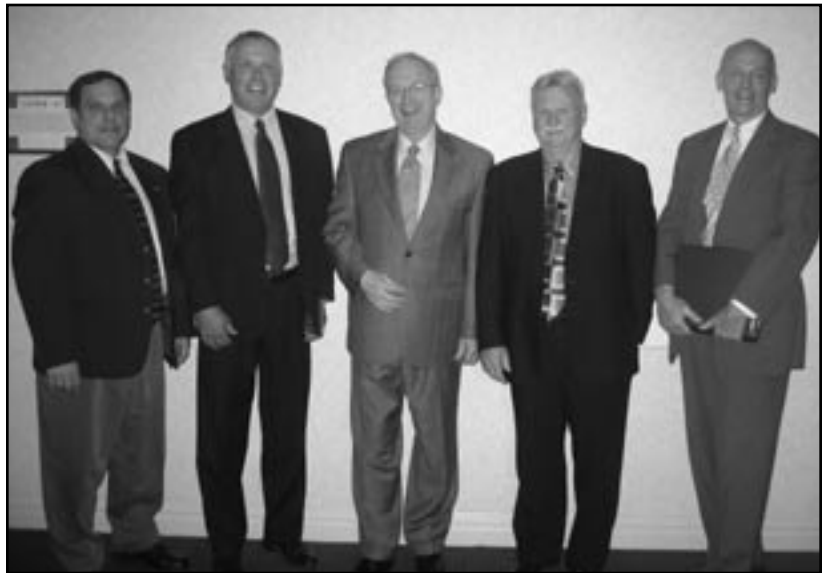
In his first address to the Executive Board after his reelection, President John Sullivan compared the rapid growth of ESSAA in recent years to a hiker on a path emerging out of a forest and into a field.

“After three or four years trying just to survive,” Sullivan said, “we can now go out anywhere. We’ve grown from a Mom and Pop operation into what will become a corporate structure.”

ESSAA will be celebrating its 10th anniversary in New York City in 2006; our membership list has grown from 1600 to its current 2800, with projections of 500 added members joining in the next three years. 140 members (77 more than projected) have joined us just since last September; and our organization may be on the verge of even more rapid growth as other administrator units across the state seem eager to join us.

President Sullivan cited a number of areas in our communications network that have been improved with impending membership growth in mind:

- **Publications** - The four Statewide Journal issues are currently being supplemented by one Regional publication for each of the four regions ESSAA serves. Next year, ESSAA will add four more regional issues.



L-R: Bob D’Arcangelo, Ed Keeler, John Sullivan, Chuck Smith, and Jerry Spicer  
Missing from photo, Janet Mulvey, Tony Laurino, Tom Vasiloff

- **Email** - By next year we should have an instant messaging service up and running that will allow the ESSAA legal department and our officers to communicate on an as-needed basis with every unit President and member across New York State.
- **Bulletin Boards** – Job postings, alerts, and special notices will be accessed through an ESSAA Bulletin Board. More on this in the “Welcome Back” Journal next September.
- **ESSAA website** - Thanks to Johanna Keeler, our publications are now accessible on our updated website; the articles we publish are now “meta-tagged” into major search engines such as GOOGLE, and our recruiting CD Power Point Presentation will soon be available.

President Sullivan also promised the Executive Board that ESSAA services will always expand to meet the needs of our membership: if we need more attorneys, we will get them; when we accept a new district into membership, we will try to personally greet them; and when the membership asks for an improved benefits package, we will seek it out.

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# President's Message

## COMPETITION IS AMERICAN, BUT NOT DECEPTION



Dear Colleagues,

One of the advantages of living in a free enterprise system is that it provides for companies who market similar products to compete for consumer business. Over the years, with the falling rates for cell phone usage, or the improved reception of Cable Television when Satellite TV entered the picture, or the massive improvements in the automobile industry, one can easily see the benefits of good, honest competition. It usually means better services at a cheaper price for all. In this regard, competition is good: it's **"American."**

Unfortunately, without proper monitoring, companies desperate to sell their products or to maintain a dwindling "consumer" list, stoop to dishonest and misleading tactics to convince the buyers to favor them over their competition. Sometimes companies and even organizations attempt to scare people into using their product; at other times they may even attempt to prevent them from trying something else by employing threats of legal action. When competition stoops to the level of deception such as this, it creates an environment that is contrary to the very world our Founding Fathers dreamed of creating; it's **"un-American."**

In educational organizations, public school supervisors and administrators have choices when it comes to professional affiliations. Unfortunately, the competition for membership has resulted in the proliferation of many falsehoods that, if left uncorrected, become truisms because they haven't been challenged. The purpose of this letter is to address and hopefully clarify some of those falsehoods.

**False** All administrators must belong to one organization if we are to survive. Abe Lincoln's famous quote about a "house divided against itself cannot stand" is often used in some form or another in this argument. The false premise here is that everyone must join one particular group if we are to endure

**True** Public School Administrators and Supervisors total a very small number (less than 15,000) when compared to the hundreds of thousands of NYSUT members and the various Civil Service Groups whose combined membership is in the millions. All together, public school supervisors and administrators wouldn't fill the seats of a large auditorium. Together or separate, our numbers are insignificant when it comes to having political power. Administrators and Supervisors are the Davids, not the Goliaths, of political muscle.

Our power is in our ability to influence the governmental and educational powers through the use of our intellect. In that arena, the words of one can outnumber the words of a thousand. To place our very survival on belonging to one organization is very misleading and insulting to the intelligence of any one who can count. For many years everyone did belong to one group; and look at the mess that we have been trying to correct for the last eight years as a result of that one membership affiliation!

Competition means that members cannot be taken for granted. Organizations must work harder to keep their rank and file; phones must be answered, calls must be returned; lawyers must be responsive; people must be respected and heard. One-group membership eliminates competition and all the good that comes with it.

**False** Only one organization had the power to save TENURE in the past and will save it again in the future.

**True** Tenure has been saved many times in the past by several groups working together to encourage legislators to support its continuation. When one organization, (a very small fish in a very big pond) claims victory for the work of many, it only hurts our chances of securing future support.

TENURE has been saved in the past with the help of many organizations including but not limited to NYSUT, NEA, SAANYS, ESSAA, the AFL-CIO, and numerous Civil Service groups, not to mention very strong support from legislators in both the Senate and the House. If tenure is to be saved, it will be through the continued efforts of those combined groups.

Saving TENURE is beneficial to many organizations; to imply that one organization can do it all, demonstrates a critical lack of understanding of the entire legislative process. When one group claims victory over all the others, this is a disservice to many friends of public education who work in many other fields of employment. And these groups wield much more political influence than we ever will

More important, it is wrong to continually frighten school administrators into thinking that minor threats to personal security are actually major ones. ESSAA believes it is especially wrong to use this issue to drum up or keep membership. We believe that the present threat to TENURE elimination is, in fact, very low and that hard working school employees should enjoy their summer vacation without any additional and unnecessary stress.

**False** Being on the inside of the Albany organizational structure keeps us all safe.

**True** Give me a Break! For the past 10 years, public school administrators and supervisors have been under attack from those very same groups that are supposedly on the "inside". TENURE threats, Charter Schools, Voucher Systems, NCLB, Re-licensing of administrators, the New Standards, etc. have all emerged from those "inside" groups. With friends like these, who needs enemies? And why sleep with the enemy?

An organization must be loyal to its constituents, not to outsiders who are committed to putting us out of business. Divided loyalties are a disservice to all parties. Isn't this really what Abe Lincoln was talking about?

I could fill many pages refuting all the misleading information that has been circulated in recent months. But to the consumer, it all boils down to one thing: what organization better serves your needs? In the end, who will do a better job for you? This is a personal choice and a very important one to make. It requires research, dialogue with colleagues, and an objective analysis of the facts. I believe that truth seekers will not have any difficulty in making the right choice.

Best wishes for a restful summer. Do not be overly concerned about the TENURE threat as of this writing. If circumstances change, we have a system in place to contact you.

Very truly yours,

A handwritten signature in blue ink that reads "John F. Sullivan".

John F. Sullivan

# ESSAA AROUND THE STATE

## ESSAA STATEWIDE CONFERENCE SET FOR SYRACUSE U.



*Vice President Tom Vasiloff  
Coordinator of the  
Syracuse Conference*

Tom Vasiloff reports that planning for a Statewide ESSAA Conference is progressing rapidly, and that members should save the first week in October for ESSAA's first all day workshop, co-sponsored by Syracuse University.

Tom is working with Syracuse University's Scott Shablack to plan a full day workshop that will include a keynote speaker, lunch, and working sessions in the afternoon. Registration will be open to all interested administrators. Lodging recommendations will be available.

The theme for ESSAA's first conference – which many see as a prototype for a State Convention – will be “practical subjects of interest to line administrators” with a concentration on legal assistance, legislation, and lobbying.

Syracuse University is convenient to all ESSAA members, and is often used for workshops and conferences. ESSAA will use either a facility at the University itself, or one nearby off campus. Administrators can expect a first mailing about the conference this summer, with a follow up mailing in the fall. Our ESSAA attorneys, our lobbyist Bob Ungar, and Research Director Jan Yablow, will be among those who will be participating.

## NEWS FROM OTHER REGIONS

**RASA** - Bill Evans reports that his Leadership Workshops on education and negotiations are forming for the fall, and that his group is in the process of finalizing dates. Recruitment prospects are promising in Putnam County.

**CAS** – Ralph Borzello and Tony Laurino report that Long Island may have 100 new ESSAA members by the end of the summer!

**CAPSA** - Jerry Spicer reports that his Leadership Workshop was a great success, and that he is looking forward to planning similar workshops for next year; his group is already setting dates.

## STRATEGIC PLANNING GROUP TO MEET IN NEWBURGH JUNE 29

With the reelection of ESSAA officers, long range strategic planning will begin at a meeting in Newburgh at the end of June, and with two years still to go until its 10th birthday, ESSAA finds its influence felt from Western New York to the tip of Long Island.

There will be a host of topics to be taken up in Newburgh and at following meetings, including:

- A Structural Reevaluation of the Executive Board – As so many of the articles in this issue of The Journal make clear, ESSAA is growing more rapidly than many – even our most optimistic optimists – thought it would. How can the Executive Board best represent the interests of its growing membership in every corner of the State?
- A Streamlined System of Communication To Unit Presidents – With so many units signing on, quick and interactive communication with unit presidents becomes more and more important. How can we develop a communications “package” that will ensure that the decisions of the Executive Board get out to the membership in the quickest and most efficient way?
- A Powerful Pro-Active Political Action Plan – Our lobbyist and our Executive Board members have access to some of the most important legislators in the State, and our publications are regularly read in The Chambers of the Assembly in Albany. Our PAC fund needs to grow to meet political needs, and the full weight of a coordinated effort may be necessary in the future to maintain the benefits of our employment. It is up to the Strategic Planning Group to create a political action plan at the June meeting.

## Editor's Message: When The Fly On The Wall Starts Talking



This month marks the end of my first year as ESSAA's Director of Communications, so it's time for a summing up, even though there are even odds that what I say here may very well go half-read, or tossed into a suitcase with all the best intentions to be read "at the beach" or "up at the lake" – and eventually be shredded into kitty litter.

A Director of Communication- the PR Guy - the Press Secretary – or whatever – is traditionally a "fly on the wall"; I get to

attend some great meetings and hang out in all the best shadows and observe, observe, observe; and then, every so often, get to buzz around the room, and write an editorial in the ESSAA Journal.

I came to ESSAA after holding offices in other educational organizations, and the ESSAA Executive Board has made it easy to be the "new kid on the block." I've been very fortunate. I took the job knowing only a few ESSAA officers, and I've now had more contact with ESSAA Executive Board members than most of the membership.

And so I thought the membership might want to hear some of my impressions after a year as the "fly on the wall."

- **The Executive Board Is Focused.** I have been amazed that a few weeks after one Executive Board Meeting when a suggestion was made – that ESSAA develop a Retiree Chapter, for example – a polished proposal is presented at the next meeting a few weeks later. Committees seem to form on their own to develop these proposals: there is no searching for volunteers, no long silences where people look down and shuffle their feet and try to keep themselves under the radar.

- **The Executive Board Is Smart.** It has been exhausting to take notes at a galloping pace at ESSAA meetings in order to follow the substantive reports of the Officers and special committees of the Executive Board. There is no stupid side chatter; no grasping for meaning about what a new acronym out of Washington means; The Executive Board is informed, intelligent, and in touch.
- **The Executive Board is Energized.** There's a one for all and all for one spirit that would be the envy of any organization – and especially one that is growing taller into its youth, like ESSAA. Recruiting reports are upbeat and positive. New ideas for conferences and legal outreach materialize with little prompting. And there is always the sense that the organization is growing, growing, and growing.

This last year has been a great pleasure for me. The Journal has expanded to about the right size; copies can be found in most every principal's office across the State and in the halls of the Assembly. Our Regionals have taken off, and next year will increase to two issues apiece in each of our four regions. And the articles are pouring in from all of our sources: from ESSAA committees and officers, and the various news services from which The Journal staff draws its information.

Thanks always for your support and excellent submissions.

*Bob Liftig*

Editor

*The Journal*, and Regionals

### ESSAA CHARTERS RETIREMENT ASSOCIATION

By Herb Dickson

Retired educators remain informed about and interested in supporting excellence in education for all New York State students. ESSAA is pleased to announce the formation of an organization for the retired administrator. The Retired Empire State Supervisors and Administrators Association will devote 100% of its time and resources to serve the interests of retired administrators as they work to improve the lives of all retired educators, and to use their long experience in school administration to insure excellence in education for all children in New York State.

A prime objective of the organization will be to promote legislation that includes:

- Permanent health protection for all retired educational professionals
- Improvements in the current COLA legislation
- Tier I Reinstatement
- Veterans Service Credit

We need both active and retired ESSAA members' help in contacting retired administrators across the State. Please contact your unit president or Herb Dickson at dicksonghs@aol.com with the names and addresses of retirees.

Editor's Note: *Herb Dickson serves on ESSAA's Board of Directors and on the Executive Board as Director of Organization and Planning*

# SPOTLIGHT ON: NEGOTIATIONS

## NEGOTIATIONS FOR ADMINISTRATORS NOW REQUIRE MORE “CREATIVE WAYS”

by Bob Liftig



*Bob Saperstein ESSAA Attorney,  
our expert in negotiations*

ESSAA attorney and negotiations specialist Bob Saperstein reported to the Executive Board on ESSAA's success in seeking more "creative ways" to improve the outcome of negotiations for administrators. Though the demand for administrators has recently resulted in districts raising administrators' salaries by as much as 42% over the length of their contracts, the need for districts to maintain a "reasonable public number" often makes them more receptive to providing "hidden" benefits.

While salary increases for administrators often seem to mirror the percentage increases districts give their teachers, "add ons" such as reimbursement for unused sick leave, fewer steps to longevity, larger longevity benefits, and paid leave for ESSAA business, help fill out contracts with administrators in today's competitive market.

Bob reported that ESSAA is seeing its reputation as the best bargaining team in New York State being spread by "word of mouth," and that many new districts are considering joining us. ESSAA-based administrative "interims" have also been successful in urging their new colleagues to gain better contracts by using ESSAA attorneys.

Attorney Saperstein said that districts which insist on merit pay for administrators are now trying to blunt the effect by offering impressive increases for "satisfactory" ratings. Of course, with ESSAA attorneys monitoring evaluations, it is very difficult for any district to prove that one of its administrators is "less than satisfactory." The district and its administrators in effect reach a compromise in which the appearance of a merit pay scheme may be maintained, while the necessity of providing better pay to find and retain administrators is recognized.

To some experienced administrators, however, the statewide shortage has been viewed with some apprehension. New administrators are often hired by districts on higher steps than administrators who have been with districts for a long time. This leads to friction

between newcomers and old hands, and between old hands and their districts.

But, according to attorney Saperstein, administrators should look at the situation differently. Raising the pay of any one member of a bargaining unit will eventually help the other members gain higher increases and, as boards of education come to see the frictions caused by these inequities, they attempt to correct them. This usually results in better settlements for everybody.

LATE BREAKING:  
ESSAA WELCOMES THE  
CARMEL AND HALDANE  
ADMINISTRATORS FROM  
PUTNAM COUNTY  
AND  
GUILDERLAND  
ASSISTANT PRINCIPALS IN  
ALBANY COUNTY.

**Join ESSAA's Century Club!**  
**Send your \$100 PAC donations to**



**Janet Mulvey**  
*Vice President and PAC Chairperson*

Empire State Supervisors  
And Administrators Association  
Box 187  
Eastchester, NY 10709

# AVOIDING LAW SUITS 101

## STUDENT DEPRESSION, MEDS, AND THE RESPONSIBILITY OF SCHOOL ADMINISTRATORS

By Bob Liftig



*Jan Yablow*

Jan Yablow, ESSAA's Director of Research and Development, presented the Executive Board with compelling evidence that psychotropic medications such as Ritalin and certain anti-depressants, may not be the best medications for our students.

Yablow pointed to the ban on Ritalin in Great Britain as a caution to students, parents, and administrators. In April, 2004, the UK banned antidepressant use for children, except in certain very specific cases. The United States, on the other hand, has responded to the epidemic of student depression only with FDA warnings that antidepressants may worsen depressive conditions.

Some anti-depressant use has even been tied to an increase in student suicides. Studies have also shown that depression is too often quickly addressed by general practitioners with a prescription for anti-depressants, when counseling and monitoring student behavior may be just as – if not even more– effective. Together, this means that many of our students have been too quickly prescribed medications rather than the counseling they need.

Perhaps the most important issue for school administrators is the possibility of lawsuits against them if they or any unqualified employee make any recommendation of medication to a parent or pupil – or if the school fails to identify students at risk of suicide and provide the necessary counseling.

Recent studies have shown that one in six children with severe depression eventually commit suicide, and anti-depressant medication may take up to three or more weeks to work. There is new medication available that works faster, but tragically its use often backfires by giving the depressed student the additional energy he or she needs to actually go through with the suicide he or she had planned.

Jan also reported that depression among today's student body is common: perhaps as many as 50 students in a typical school population of 2,000 (2.5%) make suicide attempts. Administrators should be aware of suicide prevention programs and should be encouraged to establish joint partnerships with local psychiatric hospitals. School districts should also hire psychiatrists both for individual counseling and as system wide consultants.

**Jan recommends that administrators respond to student psychiatric issues by improving their districts' services:**

- Organize and initiate joint services with area psychiatric hospitals.
- Train psychologists and counselors to respond to student crises and offer crisis intervention.
- Develop a written psychiatric crisis plan and provide training.
- Hire a school or district consulting psychiatrist who will meet monthly with students and staff.
- Train your teachers to NEVER tell parents that a child needs medication!
- ALL students with IEP's or with any emotional and behavioral problems must complete both a Functional Behavior Assessment (FBA) and Behavioral Intervention Plan (BIP).
- Avoid contracting out or hiring outside psychologists.
- District psychologists should not only test students, they should also evaluate, counsel, provide crisis intervention, treat students, and be part of a PPS/ Guidance team.
- Document all efforts, meetings, calls, and counseling sessions for all students with mental health issues (both disabled and non-disabled).
- When students will be or have been removed or suspended for psychiatric needs, be sure to:
  - Develop a plan upon the return to school
  - Possibly require a psychiatric exam
  - Prepare a "back to school" contract
  - Have "consent forms" before releasing confidential information.

# FEATURE: NEWS FROM ALBANY

## JUNE 30 DEADLINE FOR SCHOOL FUNDING LOOMS IN ALBANY

by Bob Liftig

The Campaign of Fiscal Equity (CFE) has petitioned the courts to force a solution on the State of New York if the Governor and legislators cannot come up with an answer to the funding quagmire by June 30.

On May 20, the CFE asked Supreme Court Judge Leland DeGrass to appoint a special “master” to solve the problem of school funding. Meanwhile, the State is without a budget, and ESSAA’s lobbyist Bob Ungar predicts that we will not see one any time soon.

Ungar said that the “gridlock” is a result of Upstate and suburban districts holding off attempts to fund education in New York City with funds that otherwise would be distributed throughout the State – an act even the Governor refers to as “robbing Peter to pay Paul.”

CFE has responded to this gridlock by filing papers that it hopes will ensure that action is taken before the beginning of the next school year.

As Tony Laurino reported in our Winter issue, solutions to the legal and legislative puzzle could cost the taxpayers from 2.5 to 10 billion dollars MORE per year in education spending. The CFE itself calls for spending \$9.5 billion more per year.

Though the Governor has encouraged the Assembly to come up with a solution, Bob Ungar reports that most observers expect the funding logjam will be settled in the courts.

As we know, CFE won a landmark ruling last year which ordered the State to change the way it funds schooling. CFE, according to the courts, proved that the State has failed to provide a sound education to students in New York City.

Gamblers in the state, however, are ecstatic, because the Governor has proposed that a \$325 million fund be set up, and that it be supported by profits from eight new video lottery casinos – one of them slated to be opened soon at Yonkers Raceway, just to the north of the New York City – presumably so that the money NYC needs will only be a slot pull away from consumption by the New York City Public Schools.

In a “curiouser” development, former Governor Mario Cuomo is reported by the AP in Albany to be on the “short list” of candidates who might be recommended as the “master” who would overhaul state funding if legislators can’t come to an agreement. And Michael Gormley reports in the *Albany Times Union* that, in addition to Cuomo, former state Education Commissioner Thomas Sobol, and former New York City candidate for Mayor Mark Green, are being considered by CFE.

*The Times Union* also reports that the Governor is currently in “protracted negotiations” with Assembly Speaker Sheldon Silver and Senate Majority Leader Joseph Bruno about how best to respond to the Court of Appeals order.

### Lobbying Efforts Stymied

While Albany legislators are trying to figure out how to fund the schools next year, legislative initiatives – both the good ones and the bad – remain stymied.

ESSAA lobbyist Bob Ungar reports that pro-education interests are gearing up to fight the Governor’s proposal to eliminate administrator tenure. Right now, says Ungar, that plan, and the plan to tie licensing to contracts, are “bottled up.” At the same time, the “Right To Know” bill has also been stalled; that bill would allow or even require that parents be made aware of any complaints against an administrator, even if that complaint is later determined to be unfounded.

This is the twentieth year in a row that the State of New York will enter a new fiscal year without a budget!

## SHELLY SILVER PUSHES MAJORITY PLAN FOR SCHOOL FUNDING

Speaker Sheldon Silver was joined on the podium in Albany on June 2 by Assemblyman Steve Sanders to push the Majority’s plan to remedy the funding logjam that has resulted from the Court of Appeals findings in the case of the Campaign for Fiscal Equity.

Silver maintained that the position of the Majority has been “clear and consistent,” and listed four positions to which it strongly adheres:

- 1) The State of New York has “a constitutional as well as a moral obligation to provide each and every child with a sound, basic education ...”
- 2) “The Governor’s rhetoric has not and does not match the reality of his actions.”
- 3) “It is unacceptable for this State to gamble any further with our children’s education.”
- 4) “REFORM + RESOURCES = RESULTS.”

### Cites Schools That Have Already “Turned Around”

After laying out the premises of his plan, Silver listed four schools for whom the formula he cited has worked:

- Arbor Hill Elementary in Albany
- Audubon School in Rochester
- Hughes School in Syracuse
- PS 20 in Lower Manhattan.

Speaker Silver said he has visited each of these schools and that he “saw first hand the success that is taking place in those classrooms. Math scores are up. English Language Arts scores are up.” He credits this improvement to reforms “such as smaller class sizes, and to resources, such as highly trained teachers working in teams in those classrooms.”

The Speaker went on to detail the plan he is backing, which, he says:

- Establishes the cost of a sound, basic education.
- Reforms the funding formula.
- Ensures that every school has sufficient resources.
- Enhances accountability.

Of all the plans put forward, Silver says, the Assembly Majority’s is the only one “that actually addresses the Court’s recommendations.”

The Majority plan claims to “establish a school-aid formula that takes into account regional costs, student need, and the fiscal capacity of the local community.” In addition, it will “provide ongoing support for the following programs and resources”:

- Universal pre-K, full-day kindergarten.
- Enhanced facilities and smaller class sizes.
- Library materials, textbooks, and instructional technology.
- Professional development programs for teachers.
- Aid for programs tailored to disabled children.
- Restored funding of BOCES aid cut by the Governor.

## The Impact of the Program on New York’s Cities

Silver’s plan targets 86.47 % of the funding increase (\$5245 Billion) to high needs school districts. New York City will receive 63.86% of the new funding. The total increase in statewide school aid will amount to \$6.1 Billion over five years, the money coming from “the natural growth in revenues.”

Buffalo will receive nearly \$126 million more; Rochester nearly \$182 million; Syracuse, \$88 million more, and Albany, will get a \$35 million increase.

For the current year the proposed plan – the “foundation formula approach” – increases school aid by \$1.2 Billion. Another benefit of the plan will be the establishment of “a statewide capital grant program (funded with) revenues from currently authorized VLT revenues.”

Speaker Silver concluded his remarks by saying: “Every day that this State waits to address CFE, is a day our school children lose and can never get back,” and called for an “open public process to resolve CFE before the Court’s deadline” of June 30, 2004.

## REGENTS DISCUSS MIDDLE LEVEL EDUCATION AT MAY MEETING

The Board of Regents discussed a revised strategy for implementing its Policy Statement on Middle Level Education at its meeting in May. The Regent’s proposal includes the following elements:

- Developing a model grade-by-grade curriculum for English and Math
- Revising instructional time required in Technology Education and Home and Career Skills, and allowing these skills and others to be taught in grades 6-8.
- Adding 180 minutes of study per week for academic intervention and extra help for students who fall below State learning standards, and for other categories of assistance.
- Requiring all schools to use State guidelines to evaluate whether their school operates under conditions that support student learning.
- Redesigning a school improvement planning process.
- Inviting a small group of 25 middle schools to participate in a “Next Generation Schools Program.”

The Regents discussion of strategies for implementing its Policy Statement will continue at its June meeting, though no specific date has been set for a final decision. Those who would like to read the full report are encouraged to download it at <http://www.emsc.nysed.gov/>

## DATA ON STUDENTS WITH DISABILITIES AVAILABLE ON LINE

The Regents reports that they have begun discussions on special education funding, and that they will sponsor public forums in September in an attempt to seek public commentary on a series of questions; the dates for the forums are included in the Regents item at <http://www.regents.nysed.gov/> under Materials for the Subcommittee on State Aid.

Data on students with disabilities were distributed at the Board of Regents meeting on May 18, 2004, and included the following:

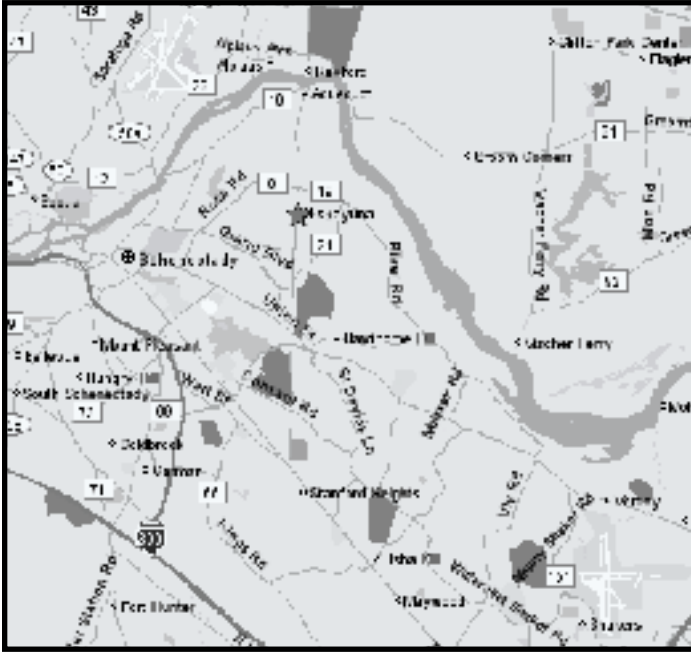
- New York continues to exceed the national average in the number of special education students placed in general education classes for 80 percent or more of the school day.
- Minority students are over-represented in special education classes.
- More students than ever are being declassified out of special education in preschool, but school-age declassification continues to be low.
- Achievement among students with disabilities is improving, significantly in elementary school math, and somewhat in middle school math. Performance in elementary and middle school English declined, possibly as a result of the elimination of some testing modifications.
- More students with disabilities are taking and passing Regents exams each year since higher standards were put into effect.
- More students with disabilities are graduating and more are getting Regents diplomas requiring eight Regents exams.

*A Regents press release and power point presentation is available at [www.oms.nysed.gov/press/](http://www.oms.nysed.gov/press/).*

# NEW MEMBER PROFILE

## SCHENECTADY COUNTY TOWN, NISKAYUNA, JOINS ESSAA

ESSAA is happy to welcome Niskayuna, New York into the our administrative family. As part of our continuing focus on districts joining ESSAA, we offer the following snapshot of Niskayuna taken from the town's impressive website.



Map courtesy of Map Quest, [www.mapquest.com](http://www.mapquest.com)

## TOWN PROFILE

Niskayuna is one of the five towns and one city, Schenectady, that comprise the County of Schenectady. Niskayuna lies in the northeast corner of the County, bounded on the west by the City, on the south by the Town of Colonie, and, separated by the Mohawk River, by Clifton Park on the north and east. The Town is about 15 miles northwest of Albany, its principal points of entry being from Route 7, the Troy-Schenectady Road, and Route 5, the Albany-Schenectady Road, continuing north along Route 146, Balltown Road, at Mohawk Commons.

Niskayuna is predominantly a residential community consisting of 6,372 single-family homes, 1,415 apartments, and a small number of town houses and condominiums. Although much green space has been preserved, there are few large tracts of land left for future development. About 80% of the Town's 1.2 billion assessed valuation is residential. Only a small part of its 20% commercial development is devoted to retail use, most being general office and medical or health care facilities. A strong zoning ordinance regulates both residential and commercial development.

By population, estimated to be 20,295 as of 2000, Niskayuna is only the third largest of the five Schenectady County towns, Rotterdam and Glenville each being about 50% larger. But Niskayuna, having only the relatively small land area of 14.1 square miles, is the most densely populated of the five towns.

Niskayuna ranks 72nd of the 932 towns in the State. Of the 46 towns in the nearby Capital District - those in Albany, Rensselaer, Saratoga, and Schenectady counties - Niskayuna ranks seventh. Only Colonie, Clifton Park, Rotterdam, Glenville, Guilderland, and Bethlehem, in that order, are more populous. If Niskayuna were a city, it would rank at just about the midpoint of the State's 61 cities. Some cities in this area that are smaller than Niskayuna are Cohoes, Rensselaer, and Watervliet.

Niskayuna is home to the General Electric Corporate Research and Development Center, the Lockheed-Martin Knolls Atomic Power Laboratory, Environment One, the Schenectady International research laboratory, Bellevue Woman's Hospital, and the Hilltop Manor Head Injury Hospital & Nursing Home.

The average family income in Niskayuna is the highest in the Capital District. Its full-value assessment per capita is the largest in Schenectady County and allows Town taxes to be the lowest in Schenectady County and among the lowest in the Capital District. The Town is home to many doctors, lawyers, business owners and managers, and college professors. Approximately 94% of the 2003 graduates of Niskayuna High School entered college; 75% to a four-year university, 19% to a two-year college.

A screenshot of the Niskayuna, New York town website homepage. The page features the town's logo, a "Welcome to the Town of NISKAYUNA New York" banner, and a "Town Links" sidebar with items like Meeting Calendar, Town Departments, and Service Directory. A central image shows the Niskayuna Town Hall. Below this is a "NEWS &amp; ANNOUNCEMENTS" section with a table of recent posts, including "Resolutions for Municipal Election" and "Economic Management Exam". The page also includes a search bar, a "Virtual Town Hall" link, and a "Town Officer" contact section.

# LEGAL BRIEFS FROM THE NASBE

*These articles are taken from the NASBE website. More valuable information and the complete articles can be found on the National Association of State Boards of Education website; [www.nasbe.org](http://www.nasbe.org)*

## NEC GUILTY OF FRAUD

By Matt Richtel and Gary Rivlin, *New York Times*

NEC Business Network Solutions has agreed to plead guilty in federal district court in San Francisco (CA) to federal wire fraud and antitrust violations and to pay fines and restitution in the amount of \$20.7 million in connection with a federal investigation into waste and corruption in the E-Rate program. E-Rate provides funding to bring Internet access to poor schools and libraries. San Francisco Unified School District (SFUSD) tipped off federal prosecutors to the fraud and will receive \$3.3 million as the whistleblower. According to Eric R. Havian, an attorney representing SFUSD, "This is just one piece of a nationwide scheme that is all coming to light. There are many school districts that were victimized." Prosecutors charged NEC with persuading SFUSD to stock individual classrooms with powerful computer servers, when the district needed just a handful of servers to manage the entire system. Mr. Havian said NEC then billed the Universal Services Administrative Company (USAC), the quasi-governmental agency that administers E-Rate, for tens of millions of dollars more than the actual cost of the equipment. He said that in addition to SFUSD, the scheme affected two districts in Michigan and one each in South Carolina, Arkansas, and Wisconsin. The settlement calls for NEC to pay a \$4.7 million criminal fine and \$16 million, including \$5.6 million in equipment and services, to settle the civil suit brought by SFUSD. "Congress established the E-Rate program to help educate the underprivileged," said U.S. Attorney Kevin V. Ryan, who prosecuted the case. "This criminal attempt to steal funds from the program comes at the expense of children across the country, and is totally unacceptable."

## SCHOOL FITNESS BANKRUPT

By Paul Foy (Associated Press), *Salt Lake Tribune*

The National School Fitness Foundation (NSFF) has filed for Chapter 11 bankruptcy. The filing was made on the same day NSFF appeared in U.S. district court over an order to stop doing business. The Minnesota Attorney General's office and Commerce Department had been scrutinizing the business practices of the Utah foundation, which sold Minnesota schools \$7 million of fitness equipment with the promise that the schools would recoup the cost of the equipment from NSFF donations. Attorney General Mike Hatch accuses NSFF of running an illegal "Ponzi" pyramid scheme, while the Commerce Department alleges NSFF is engaging in unregistered securities sales. On May 21, 2004, the U.S. Attorney for Minnesota obtained a federal court order freezing \$7 million in NSFF assets and requiring NSFF to stop selling equipment in the state. The court found probable cause to believe that NSFF committed federal mail and wire fraud. NSFF's bankruptcy petition lists assets and liabilities of \$10 million each and 995 creditors to which the company owes money. While no criminal charges have been brought, the U.S. Attorney's office has filed documents alleging that NSFF charged schools "highly inflated prices" for sports gear and kicked back 60 percent of their proceeds to the charity as a "royalty." The U.S. Attorney said that the 16 Minnesota schools that purchased equipment stand little chance of being reimbursed because they are on the bottom of the reimbursement pyramid, and the money has run out. However, of the 131 schools in Utah that were among the first to purchase equipment, none has complained of being shortchanged. Mr. Hatch says that is typical of any Ponzi scheme. "The early investors are always very satisfied."

## INDIANA ELIMINATES CORPORAL PUNISHMENT

By Theodore Kim, *Indianapolis Star*

The Indianapolis Public School Board (IN) has voted 6 to 1 to eliminate corporal punishment as form of discipline in its schools. Although most schools in the district already had abandoned its use, the issue resurfaced when two teachers were suspended for five weeks for paddling students. Both teachers were cleared of wrongdoing and have been reinstated. While Superintendent Duncan Pat Pritchett applauds the board's action, some in the community oppose the decision as depriving teachers and school administrators of a legitimate disciplinary tool. Michael D. Brown, the lone dissenting board member, argues that corporal punishment is much more effective as a deterrent to misbehavior than detention or suspension. "For those who believe corporal punishment is not a deterrent, they are not being honest," he said. "It is a deterrent. And if they take that away, they are taking an option away from teachers and parents." But Peggy Hattix-Penn, president of the Indianapolis Education Association, believes the practice is fading. While acknowledging that there is no research supporting her assertion, she argues that the threat of lawsuits against educators and the lack of familiarity on the part of younger teachers with how and when to use corporal punishment are important factors discouraging its use.

## OHIO RESTRICTS PARENTS RIGHT TO SUE

By Julie Carr Smyth, *Cleveland Plain Dealer*

A bill has been introduced in the Ohio state legislature that would restrict the rights of parents to sue school officials over disciplinary measures taken against their children. Representative Keith Faber defends his bill on the grounds that it does not provide added protection for teachers and administrators who injure students but "closes a bunch of loopholes" that allow parents to sue for everything from putting a child in the corner to making children write sentences on the board. However, child advocates opposed to corporal punishment believe the bill would lead to greater use of physical punishment, because the threat of a lawsuit would be largely removed. They argue that the threat of lawsuits is the main reason why most Ohio school districts have banned corporal punishment. While Representative Faber acknowledges that the bill could shield school officials from legal action in some instances of physical abuse, he points

## LEGAL BRIEFS CONTINUED

out that "just because I can't be sued by a parent doesn't mean I'm not subject to disciplinary action by my school district." The National Education Association (NEA) threw its support behind the bill after Representative Faber removed all references to corporal punishment. Nadine Block, director of the Center for Effective Discipline, remains concerned that the bill extends legal immunity in all but the most egregious cases of punishment, where child endangerment or abuse has occurred. She also notes that the bill protects not only educators but also applies to school staff, such as custodians and food service workers. "What if a custodian saw a kid throw a sandwich, slammed a kid against a table, and the kid has stitches," she says. "Is that OK?"

### UTAH STUDENT SUSPENDED FOR SHARING MEDS WITH COUSIN

By Mike Cronin, *Salt Lake Tribune*

A Salt Lake City (UT) middle school student has received a 45-day suspension for sharing his prescription cold medication with his cousin. Tyson Burningham, a student at West Jordan Middle School, brought his medication to school without permission. He shared it with his cousin in violation of the school's policy prohibiting students from distributing prescription drugs of any kind in school. Several other parents joined Tyson's mother in criticizing the zero tolerance policy, which more than 50 people have signed a petition asking the Jordan School Board to amend. Although school district officials refuse to comment directly on the case, district spokesman Mike Kelley defends the drug policy as the product of "a lot of input and consideration by the board" and community residents. While some school districts employ a zero tolerance approach to drug and alcohol policies, others prohibit self-medication but leave the disciplinary decisions to the principal. According to Sacramento City Unified School District (CA) spokeswoman Maria Lopez, "Students aren't allowed to self-medicate—whether it's aspirin or a prescription drug. But principals decide what the consequences will be on a case-by-case basis."

### COURT NIXES STUDENT ACTIVITY FEE

By Kevin Corcoran, *Indianapolis Star*

The Indiana Court of Appeals has ruled that imposing a student activity fee on all students violates the Indiana constitution's guarantee of a free public education. At the beginning of the 2002-03 school year, Evansville-Vanderburgh School Corporation (EVSC) imposed a \$20 activity fee to make up a projected budget deficit without raising taxes. All K-12 students were charged, without regard to whether they receive free or reduced price lunch. A group of parents filed a class action challenging the decision as unconstitutional under Article 8, § 1 of the Indiana Constitution. A subclass of those parents, made up of parents whose children receive free or reduced lunch, also claimed that the fee violates their Fourteenth Amendment due process rights. The trial court dismissed the Article 8, § 1 claim but granted the subclass summary judgment on its due process claim. The appellate court reversed the trial court on the state claim, holding that imposition of the fee constituted the charging of tuition for K-12 public education in direct violation of Article 8, § 1's guarantee of a free public education. The court declined to address the due process claim, holding that such discussion would be mere dicta, as the state claim applies to all students. The appellate court's analysis focused on the Article 8, § 1 language that requires the state to provide public education "wherein tuition shall be without charge." Although the fee was not "tuition" as construed by previous case law, the court held, it could be increased to the point where it would price many families out of public education and, thus, have the same effect as tuition. The court also stated that if parents were charged for everything that falls outside the narrowest definition of tuition, i.e., tuition covering only the costs of the services of teachers, the poorest families would find themselves unable to afford public schools, in contravention of Article 8, § 1's mandate that education be "equally open to all." The ruling will be appealed to the state supreme court. If upheld, it could strike a budget blow to Indiana's cash-strapped schools, most of which charge some kind of student fees. Book rental fees, for example, can run as high as \$400. "The message here is directed at the General Assembly: Either start funding schools adequately or change the Constitution," says Kevin McDowell, chief counsel for the state Department of Education.

### FLORIDA PRAYER SUIT SETTLED

By Richard Dymond, *Bradenton Hearold*

The Manatee School Board (FL) has voted 4 to 1 to settle a lawsuit filed by Jewish parents who objected to the board's opening its meetings with sectarian invocations. Steven and Carol Rosenauer sued the board for allowing local clergy to offer Christian prayers at the opening of board meetings. The settlement permits the board to open meetings with nonsectarian invocations but requires the board to set up new guidelines to make sure those who deliver the invocation don't "preach, proselytize or advance particular religious beliefs." The board must provide a copy of the settlement decree to anyone prior to their delivery of an invocation. The board also agreed to pay the Rosenauers' attorneys' fees if the board violates the decree in the future. The board's attorney, Mark Barnebey, emphasizes that only an intentional violation would trigger this provision. "The suit actually pulled things to the wrong side," said Superintendent Roger Dearing, noting that clergy became more emphatic in invoking Jesus after it was filed. "This will bring us back into balance." He and Mr. Barnebey will form a committee to generate lists of people who might be called on to deliver invocations. The suit cost the board over \$21,000 in legal fees.

### MUSLIM GIRL CAN WEAR HEAD SCARF

By Religion News Service, *Kansas City Star*

Muskogee Public School District (OK) has agreed to allow a Muslim female student to wear her hijab, or headscarf, in school. The agreement signals the end to a lawsuit brought in October 2003 after school officials twice suspended the student for wearing

her hijab to school in violation of a school dress code prohibiting headgear. The six-year settlement agreement will allow the student to wear the hijab through completion of high school and requires the school district to revise its dress code to provide religious exceptions. Paul Miller, president of the American Jewish Congress, who had filed an amicus brief in support of the student, said the settlement will help prevent such issues from interfering with religious practices in the schools or in public or civic employment settings.

## NCLB LEFT OFF US LIST

The U.S. Office of Management and Budget (OMB) has released a report on federal unfunded mandates that does not include the No Child Left Behind Act on the list. U.S. Secretary of Education Rod Paige indicated in a press release that the report exposes concerns over unfunded NCLB costs as a "red herring" by "those who are opposed to accountability and education reform." The OMB report is a mandatory review of federal programs that relies on the legal definition of "unfunded mandate" set forth in the Unfunded Mandates Reform Act of 1995. Under that definition, no federal funding program that is "optional" is considered an unfunded mandate. Requirements that are a condition of receiving federal funds are not mandates. "If states do not want federal support," says Secretary Paige, "they are not required to take the funds. It's that simple."

## SHOT RECORDS UNDER FEDERAL PRIVACY ACT

On February 25, 2004, the Family Policy Compliance Office (FPCO) of the U.S. Department of Education issued a letter, below, indicating that the release by school districts of student immunization records to public health entities is governed not by the federal Health Insurance Portability and Accountability Act (HIPAA) but by the federal Family Educational Rights and Privacy Act (FERPA). The letter responded to inquiries arising from the assertion by an Alabama Department of Public Health official that HIPAA's Privacy Rule applies to student immunization records but that HIPAA permits disclosure to public health entities without patient authorization. FPCO indicated that, contrary to this assertion, student immunization records generally are "education records" covered by FERPA and not by HIPAA, which exempts FERPA education records from its privacy regulations. Disclosure to public health entities therefore would require parental consent, redaction of personally identifiable information, or a determination by school officials that disclosure is necessitated by a health or safety emergency presenting imminent danger to students or other members of the community. The interplay between HIPAA and FERPA continues to cause uncertainty among school officials. Uncertainty over HIPAA's applicability to schools has resulted in reluctance by physicians and other HIPAA covered entities to provide necessary student health information, including immunization records, to schools. It also may cause school districts to incur regulatory burdens they might avoid were federal guidance clearer. NSBA's Council of School Attorneys (COSA) will host an audio conference on June 17, from 1:00 - 2:15 EST, on "The Nexus Between HIPAA and FERPA." Panelists include key federal officials, as well as COSA members. For more background on HIPAA and FERPA, and for details and registration information on the audio conference, see the sidebar ad, above.

## FEDS CHANGE DEFINITION OF AUDIOLOGIST

The U.S. Centers for Medicare & Medicaid Services (CMS) has adopted a final rule that revises the Medicaid definition of "qualified audiologist" to make it more similar to that under Medicare. The Medicaid definition focused on American Speech-Language-Hearing Association certification, while the Medicare definition focuses on meeting state licensure requirements. School districts frequently offer audiology services to students under Medicaid as part of the Early and Periodic Screening, Diagnostic and Treatment (EPSDT) program. Districts typically provide these services "under the direction of" a qualified audiologist, whereby the audiologist directs the services in a school rather than performing the work himself or herself. Although the Medicare statute does not provide for services "under the direction of" an audiologist, the Medicaid regulations do so, and this is unchanged under the new rule. In addition, the new guidance addresses two issues regarding adequate direction and supervision of services "under the direction" of a qualified audiologist. First, the contractual terms of employment of the audiologist should ensure that supervisory ratios are reasonable and ethical. Second, individuals working under an audiologist should have the audiologist's contact information. The new rule is effective June 28, 2004. CMS also signaled its intent to provide further guidance on speech-language and hearing services to Medicaid-eligible children in schools through various means, including State Medicaid Manual guidelines, letters to State Medicaid Directors, educational documents, and direct technical assistance to State Medicaid agencies.

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# CURRICULUM SPOTLIGHT ON: MIDDLE LEVEL SCIENCE

by Inez Liftig

Professional organizations for the different curriculum areas offer valuable resources for administrators who need to keep pace with the new developments, trends, and ideas in each discipline. Periodically The Journal will select a particular curriculum organization and highlight some of the information offered on its website. This first segment features the National Science Teachers Association.

The National Science Teachers Association (NSTA) was founded in 1944. Today it has over 55,000 members and is the largest organization in the world “committed to promoting excellence and innovation in science teaching and learning for all.”

NSTA offers 34 position statements on all facets of science education: Assessment, Evolution, K-16 Coordination, Use of Computers, Gender Equity, and Safety, are a few examples. One of the recently adopted position statements centers on middle level science education and contains specific recommendations for administrators. It is printed in its entirety below. The full text of all 34 position statements and many other valuable resources for science education can be accessed by visiting [www.nsta.org](http://www.nsta.org).

## The following is from the National Science Teachers Association, Arlington, VA.:

NSTA recommends a strong emphasis on middle level science education, which can be achieved by staffing middle schools with teachers who are qualified to teach science and are trained and dedicated to working with students at this important period in their lives. Science concepts must be presented in an age-appropriate, engaging way so that students can build on their prior knowledge and attain the necessary background to participate successfully and responsibly in our highly scientific and technological society.

The middle school years, grades 5 through 9, are a time of tremendous physical, emotional, and cognitive changes for students. It also is a pivotal time in their understanding of and enthusiasm for science. Research has shown that if educators don't capture students' interest and enthusiasm in science by grade 7, students may never find their way back to science.

## Declarations

NSTA recommends that teachers of middle level science

- Be fully qualified to teach science in their state and have a strong knowledge of science content.
- Attain a high level of knowledge about educational research on how middle level students learn, best practices, and effective instructional strategies for middle level students, and be able to use this knowledge in the classroom.
- Deal positively with the variability of behavior patterns of emerging adolescents.
- Support diverse learners effectively, deal with gender/equity issues, model a multidisciplinary approach to learning, and exhibit a desire to be a lifelong learner.
- Create a safe environment in which students can engage in inquiry-based science instruction in the classroom, in the laboratory, and in field settings described in the NSTA position statement, Safety and School Science Instruction.

NSTA recommends that the curriculum of middle level science programs

- Be aligned with the science content and process skills outlined in the National Science Education Standards.
- Nurture curiosity about the natural world and include “hands-on, minds-on” inquiry-based science instruction.
- Engage students in laboratory investigations a minimum of 80 percent of the science instruction time as specified in the NSTA position statement Laboratory Science.
- Incorporate independent and cooperative group learning experiences during the study of science, and encourage informal learning experiences to support the curriculum.
- Integrate science with other curriculum subjects in a multidisciplinary approach, such as through theme-based learning.

NSTA recommends that the curriculum offer links to the real world by

- Applying content and skills learned in science class to students' own experiences.
- Connecting the classroom to the community through field trips, speakers, and local partnerships.
- Providing students with real-life experiences, such as mentoring and apprenticeships that enable them to develop an awareness of science-based careers and an understanding of how science is relevant to their lives.
- Providing opportunities for decision-making activities (e.g., debate or research papers) and for involvement in community-based problems.
- Promoting societal goals for scientific and technological literacy.

NSTA recommends that the assessment strategies used in middle level science programs

- Include a variety of assessment methods that can be used to evaluate overall student achievement and guide decisions about instruction and practices.
- Be continuous and embedded in the instructional materials.
- Capture the interest of students to better engage them in the assessment process.
- Occur frequently to allow for modification, enrichment, and remediation.
- Include questions that are sensitive to gender and varied cultures.

NSTA recommends that middle level administrators support the science program by

- Providing numerous opportunities for professional development experiences to bolster teachers' knowledge of science content and enhance their skills in working with the middle level age group.
- Setting aside time for teachers to plan and strategize with colleagues in their own school as well as with those at the elementary and high school levels.
- Cultivating a dedicated team of teachers with a demonstrated expertise and interest in students in this age group, placing these teachers in the school system's middle schools, and permitting them to remain in their assignments so that they can develop their expertise.
- Supporting the recommended time allotted for middle level laboratory investigations.
- Providing necessary funding for laboratory investigations and science materials and resources.

## EDITORIAL SPOTLIGHT:

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### SHOULD AN ORGANIZATION SERVE ITS MEMBERS, OR TAKE ADVANTAGE OF THEM?

Does a membership organization serve the needs of its members, or do the members serve the needs of the organization? ESSAA was formed by school administrators who believed that the other organizations were not meeting their needs for top quality legal and negotiating services. ESSAA is committed to providing its members with quality legal and negotiating services on a par with those of the school districts by whom they are employed. That commitment to excellence has kept ESSAA growing, as demonstrated by all the new units joining ESSAA that are regularly introduced to the wider membership in this ESSAA Journal .

ESSAA's philosophy is that anytime we fail to serve the needs of a group of administrators, they are free to leave, because ESSAA exists to serve their interests, not vice versa.

Recent facts, however, have demonstrated that another State organization has a different philosophy. Their members seem to exist to serve the organization's interests, and they are apparently not free to leave when they want to. This is not hyperbole: it's a fact.

Recently ESSAA was contacted by an unnamed Orange County administrators association. A majority of their members were dissatisfied with the services they were receiving from their Statewide organization and wanted to join ESSAA. The organization told them they could not leave! The reason for this was that when they formed their organization they asked the organizations' attorneys for assistance. The attorneys provided them with a constitution and advised them to adopt it, but the constitution they were told to adopt served the organization's interests not those of the Orange County administrators!

Not only did this constitution make this administrators association subservient to the State organization, it undemocratically provided that a majority of the association's members could NOT vote to leave that Statewide organization! Incredibly, the constitution drafted by the State organizations' attorneys and pawned off on their new members, thwarted the will of the majority by requiring a two-thirds vote of the association for them to leave the parent organization! Thus, while a simple majority was all that was required to join the organization, the Orange County administrators learned that a majority vote was not sufficient to leave it

Then the Statewide organization misled the Orange County administrators by telling them that they could not legally leave because - according to that organization's attorneys - the same ones who drew up the membership "contract in the first place - the Taylor Law precluded them from doing so! That of course, could not be true; but that was the advice the unnamed Orange County administrators received for all the dues they had paid!

Other units who have left that same organization over the years have told of similar untruths fed to them in the organization's attempts to keep the dues monies flooding into their treasury.

Of course, when the Orange County administrators learned how they had been taken advantage of and deceived by the organization to which they had looked for assistance, they were so angry that they easily found the two-thirds vote to leave it.

"This is not the first time our ESSAA attorneys have had to deal with this problem," ESSAA President John Sullivan says. "But for the sake of professionalism, I hope it's the last."

The way that other Statewide organization does business is NOT how ESSAA supports its membership. When a group comes to ESSAA for assistance, their needs are paramount. ESSAA does not trick or take advantage of its members. ESSAA frequently is asked for sample constitutions or by-laws, but no unit has ever been sent a document like the constitution that was snuck through under the radar to the Orange County administrators.

Another trick employed by the other organization is to have their negotiators insert its name next to the local organization's name in the contract, (e.g., the XYZ Administrators Association/Statewide Organization.) They do not tell their members that this is designed only to benefit the Statewide and offers no benefit to the local. The Statewide organization then tells their new members that the contract is with its organization AND the school district, and that therefore the unit cannot leave the State organization!

If ESSAA can't satisfy the majority of the members of a unit, that unit is free to leave without threats or coercion. No unit is asked to sign "contracts" binding them to ESSAA - an act which is reprehensible - as the other organization has apparently done under the guise of providing legal assistance!

ESSAA believes that if an organization makes it too difficult to quit, then it is obviously not worth joining. Perhaps this is why so many locals around our state have recently joined ESSAA.

What kind of organization first traps its members and then, when the majority of the local are dissatisfied with the services they have been offered, informs the local that they cannot leave? Would an organization that is secure and sure about its effectiveness set up such elaborate schemes to prevent a dissatisfied membership from jumping ship?

No ESSAA affiliate is bound to ESSAA by trickery or subterfuge. Any unit that is dissatisfied, can at any time, upon a majority vote, leave ESSAA. That is the way it should be. ESSAA believes we exist to serve our members, and that if we fail them, and they want to leave us, they can go with our blessings.

# A SUMMER READING LIST FOR ADMINISTRATORS

There is no shortage of books for the aspiring or experienced administrator to read this summer; you can take a few with you to “the lake” or on your cruise to Bora Bora. Here are some current offerings compiled from Amazon.com:

## Of General Interest To Educators:

- 150 Ways to Increase Intrinsic Motivation in the Classroom.* James Raffini  
*Improved Test Scores, Attitudes, and Behaviors in America's Schools: Supervisors' Success Stories.* Rita Stafford.  
*Successful Intelligence: How Practical and Creative Intelligence Determine Success in Life.* Robert Sternberg.  
*What Is It About Me You Can't Teach: An Instructional Guide for the Urban Educator.* Eleanor Rodriguez.  
*Brain Compatible Classrooms.* Robin Fogarty.  
*The Moral Intelligence of Children.* Robert Coles.  
*Multiple Intelligences.* Howard Gardner.  
*Teaching and Counseling Gifted and Talented Adolescents: An International Learning Style Perspective.* Roberta Milgram.  
*Nurturing Intelligence.* Brian Haggerty  
*Active Learning Handbook for the Multiple Intelligences.* James Bellanca  
*Pupil-Centered Leadership.* Stephen Covey

## On Educational Leadership

- Smart School Leaders: Leading With Emotional Intelligence.* Patti and Tobin (2003)  
*The Jossey-Bass Reader on Educational Leadership.* M. Fullan, Editor (2000)  
*Launching Your First Principalsip.* Barbara Brock.  
*Beginning the Principalsip: A Practical Guide for New School Leaders.* John Daresh  
*The Principal's Companion.* Pam Robbins  
*What Great Principals Do Differently.* Todd Whitaker  
*The 21 Indispensable Qualities of a Leader.* John Maxwell  
*The Principal's Book of Lists.* Robert Ransley  
*Administrator's Complete Letter Book.* Gerald Tomlinson  
*Working on the Work: An Action Plan for Teachers, Principals, and Superintendents.* Phillip Schlechty  
*Ten Traits of Highly Effective Principals: From Good to Great Performance.* Elaine McEwan  
*The Principal's Quick Reference Guide to School Law.* Robert Shoop.  
*Making Sense As a School Leader.* Richard Ackerman.  
*What It Means to Be a Principal.* John Daresh.  
*School Administrator's Public Speaking Portfolio.* P. Susan Mamchak  
*On Becoming A Leader.* Warren Bennis  
*Educator's Lifetime Encyclopedia of Letters.* P. Susan Mamchak  
*If I Only Knew...: Success Strategies for Navigating the Principalsip.* Pam Robbins

## ... And Two Of Special Interest:

*Dealing with Difficult Teachers* Todd Whitaker.

**Excerpted Reviews:** “Non-confrontational and guilt-free strategies.” “This book very beneficial not only for principals but also for teachers to change their negative behavior and improve their quality of teaching.” According to the author: “This book is designed for the most frustrating, resistant, and negative staff in the school.”

*Practical School Security: Basic Guidelines for Safe and Secure Schools.* Kenneth Trump.

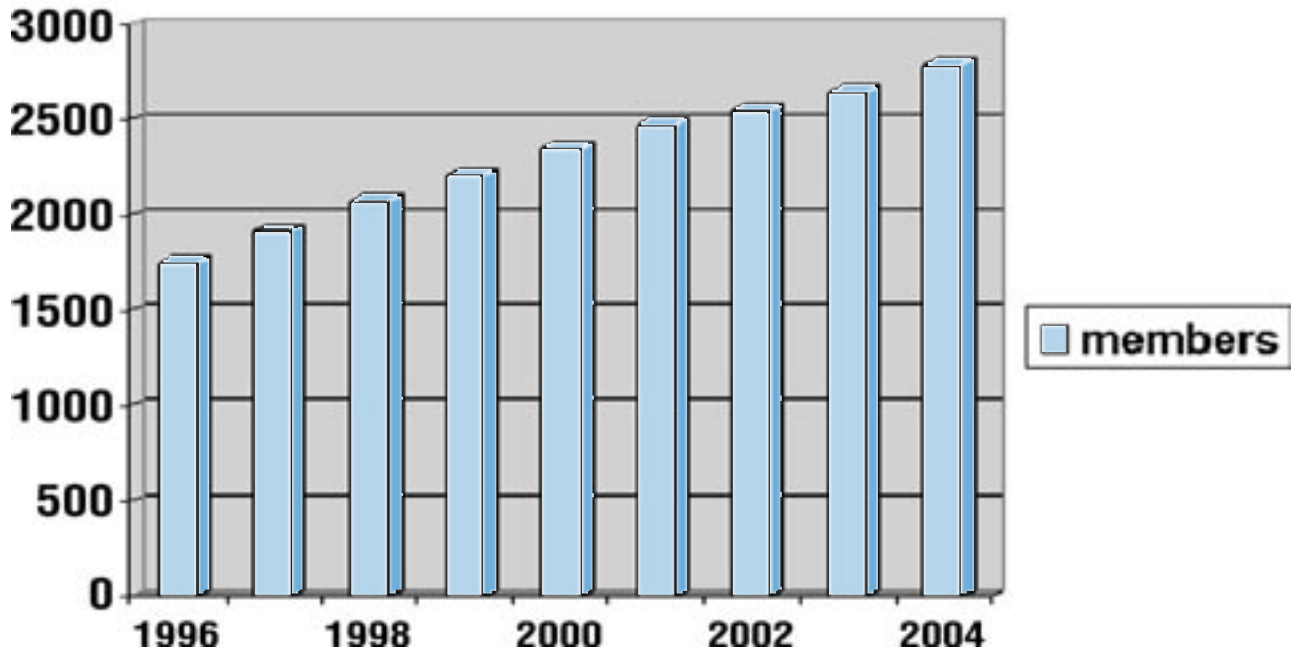
**Excerpted Reviews:** “What educators, law enforcement officers, and community members have been asking for in one book.” “Trump’s book is an outstanding guide to school security.” “Covers every possible security issue.” “It showed me there is no need for rock walls, or ten foot fences.” “In a field that is filled with pseudo experts and charlatans, Ken Trump’s book ... is the real deal.”

*See you in September!*

## WATCH US GROW!

ESSAA has experienced a strong and steady growth for the last 8 years.

*Numbers on chart are approximations rounded to 5 members*



*Would you like more information about  
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