

The

Journal



OF THE EMPIRE STATE SUPERVISORS AND ADMINISTRATORS ASSOCIATION

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VS.



ESSAA SUES PATERSON

President's Message:

ESSAA Continues To Lead The Way



John Sullivan

When ESSAA was started in 1996, Bob Saperstein Esq., Paul Derkasch Esq., and I spent many hours in court fighting for the right to disaffiliate with the New York State Federation of School Administrators and to organize under the name of the Empire State Supervisors and Administrators Association. Obviously we were successful, and fourteen years and 3300 hundred members later, we are a strong, united force to be reckoned with. **Thus, it is not surprising that one of my final acts as ESSAA President is to once again litigate; this time to challenge the recent decision of the Governor and State Legislature to blatantly exclude ESSAA from the ERI Bill.**

The details of why we are challenging this one-sided, prejudicial legislation can be found within the pages of this newsletter and on our website, and need not be particularized here. But what I must emphasize is the high level of support and encouragement I received from the new ESSAA leaders when it was determined that litigating was the most appropriate thing to do. Although the three year transition of new leadership in the presidency and vice presidencies will be completed this June, the spirit of ESSAA lives on and will continue to do so in the years to come. ESSAA has not missed a beat in defending and protecting its membership from attacks on all fronts. The new leadership is as strong, tough, and as committed to the principles upon which ESSAA was created, as were the founders. Bill Evans will be an outstanding president. ESSAA and its members are "in a very good place."

Public education is the most honorable of professions; and we are blessed with the opportunity to play a major role in molding the youth of this great nation. Although

our jobs have been expanded to fill the gap of failing parents, we continue to assume greater responsibilities, and make even greater sacrifices. True, at times we are criticized when we should be rewarded for our efforts. But, as long as we "focus on the doughnut not the hole (children not the critics)", we will find our rewards in their achievements. My forty-five years in public education has taken me from the classroom to the principal's office, and from the school house, to the court house and even to the White House; and the journey has been an incredible one. But my greatest source of pride is the role I played in founding ESSAA. I would do it all over again, without hesitation.

I worry about those who are entering our profession; yet I am envious of the wonderful path they are about to travel. In each of the thirty-eight high school graduation speeches I have delivered, I cautioned graduates to not live in the past, but to look to the future, and that "the years ahead should be cherished much more than the years behind." As I evolve into full retirement, I believe that this is true both for me and for ESSAA. As good as it is, it will continue to get better. Thank you for allowing me to share a part of your life, and for all the help, encouragement, and support I have received. I am deeply grateful.

Sincerely,

John F. Sullivan



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ESSAA Sues Paterson!

On April 16, ESSAA filed a lawsuit seeking a preliminary injunction and declaratory judgment against Governor Paterson in his official capacity as Governor of New York State, and Thomas P. DiNapoli, in his official capacity as the New York State Comptroller and Sole Trustee of the New York State and Local Retirement System, and against the New York State Teacher's Retirement System.

Plaintiffs are: John F. Sullivan, as President of ESSAA, and Lorraine Gegerson, filing individually and as President of the Baldwin Supervisor's Association.

ESSAA asserts that the Early Retirement Incentive (ERI) offered so far only to NYSUT members, violates the constitutional protections afforded to other school professionals on both state and federal levels. Winning this lawsuit will gain ESSAA retirees leaving under the 55/25 plan almost \$337,000 each – the same incentive the Governor wants to give only to NYSUT members.

Although the suit was filed by ESSAA and Baldwin, it is important to all administrators and supervisors in the State of New York – both those who belong to other organizations other than NYSUT, and those who are yet unaffiliated. What should be important to our members is that ESSAA is leading the way where other organizations are fearing to tread.

ESSAA's lawsuit makes the following arguments:

- 1) The ERI statutes violates Equal Protection and is therefore unconstitutional.
- 2) Failure to include all TRS/ERS members in the ERI also violates Equal Protection.
- 3) Failure to include non-NYSUT members in the retirement incentive violates Due Process guaranteed under the State constitution.
- 4) Freedom from compulsory association is a fundamental right and governmental infringements on this right are subject to strict scrutiny which requires the invalidation of the NYSUT eligibility requirements.
- 5) In the event of successful constitutional challenge, the legislature intended the remedy to be inclusion of all TRS and ERS 55/25 employees in the ERI.

The lawsuit concludes with the following statement:

The court must declare that the inclusion of representation by a NYSUT bargaining unit as a condition precedent to the ability of 55/25 public employees to retire ear-

ly without penalty, is unconstitutional. In accordance with the express intent of the legislature, the bill must be construed without that restrictive clause, and all members of the TRS and ERS who are at least 55 years of age and have 25 years in a retirement system must be deemed eligible for the benefits provided by the law.

Shortly after the lawsuit was filed April 16 by ESSAA Attorney Robert Saperstein, Esq., the judge refused to sign a temporary restraining order; instead, he made the matter returnable on May 14. ESSAA attorneys Mike Starvaggi and Joe Lamendola are examining the question of whether an appeal can be made against the judge's refusal to sign the TRO prior to the May return date.

All defendants have been served with papers.

ESSAA's lawsuit challenges the constitutionality of a law signed on April 14th by Governor Paterson. This law gives members of the New York State United Teachers union (NYSUT) a temporary opportunity to retire early without pension penalties. The lawsuit, filed in Albany County Supreme Court, maintains that limiting the incentive to NYSUT members is unconstitutional. It seeks a determination that the incentive must be made available to other public education employees, including school administrators, who participate in the same retirement system but are not members of NYSUT. The court will hear arguments on May 14th.

The Governor's failure to include non-NYSUT members in the ERI was *not* an oversight. ESSAA attorneys, ESSAA's PAC and ESSAA's lobbyist, Bob Unger, made it very clear to those who matter that ESSAA and other non-NYSUT members were being treated unfairly, and that ESSAA would contest the exclusionary stand.

Bob Saperstein believes that "we will succeed in securing entitlement for 55/25, not just for our members but for all public employees in New York State."

Does Governor Paterson have the right to favor one labor organization over others? Is his selection of NYSUT a political "payoff" for its political and financial support? Have the Governor and the Albany "leges" violated the constitutional rights of non-NYSUT members? Do these actions reveal corruption at the highest levels of State government?

These are only some of the questions ESSAA's lawsuit hopes to answer.

For the complete text of the lawsuit and affidavits, please go to ESSAA.org.

Message From The President Elect:

Wanted: A Seat At The Table



In last few months, I have been functioning, for the most part, as the ESSAA President. With John Sullivan preparing for retirement, his main goal has been to provide a smooth transition with our new leadership team. While John has insisted that this occur prior to him officially stepping down, he has provided valuable insight and advice into many situations.

John will always remain a valuable resource to ESSAA and to me as your President.

Moving forward, I want to reassure everyone that we will stay true to our mission. Our number one priority will always be our members. We will keep your interests as our focal point. The professional challenges we face in public education continue to increase and our charge of educating each and every child to reach his or her true potential is at the heart of our country's promise. It is important that we provide support to our members to allow them to lead their schools and programs.

ESSAA believes in a collaborative leadership style that allows our Executive Board, which represents each region in New York State, to have input into our decisions. Our strength is in our ability and willingness to capitalize on the expertise our Executive Board brings to the table following discussions with their constituents in their region. Working together, we will succeed in helping and protecting public school administrators and supervisors throughout New York State.

ESSAA has always prided itself on our attorneys; their expertise, accessibility, and willingness to aggressively support our members and negotiate contracts is central to our mission. There are currently four attorneys representing our 3300 plus members across New York State. For the most part, each represents school district members in a specific region, and members have the ability to contact their ESSAA attorney at all times, regardless of the day or time. Our system works well and will remain in place.

We are also in the process of improving our ability to communicate with all of our members in a timely and

concise manner. We have produced a first-rate journal for several years and are now in the process of improving our ability to communicate with our members via email blasts as well as with additional links to our website. Communication is an area that can always improve, regardless of what we are doing. We are always looking for ways to make it better. Our Lobbyist, Bob Unger, also continues to work very hard to keep our members informed.

On May 11, 2010, I will be meeting with the Commissioner of Education and with a small group of ESSAA members from around the state to share with him our commitment to work on public education reform; but we will insist that we have a seat at the table. I hope to build a better relationship with the new commissioner and to see our leadership team represented when decisions are being made.

A quick look through schools whose line administrators are members of ESSAA clearly indicates that our members lead high achieving schools, programs, and departments. We offer our expertise to work with the Commissioner in providing the best environment for students to learn at the highest level possible. Our ESSAA members can provide valuable insight during the decision-making process.

I appreciate the confidence you have expressed in me as the new ESSAA President and I assure you that I will do my best to continue to lead our association in a manner that is in your best interests.

Sincerely,

Bill Evans



ESSAA Around The Regions

By Chuck Smith

ESSAA Regional Development Coordinator



At a recent meeting in western New York a constitution was approved and officers elected to represent ESSAA locals in the area. **Western New York Administrators Association (WNYAA) will become the newest ESSAA region effective July 1, 2010.**

Members of WNYAA include administrators from West Seneca, Niagara Falls,

Maryvale Cheektowaga, and Lockport.

Newly Elected Officers

Co-President- Lisa Epolito – Lockport and Mark Beehler – West Seneca

Treasurer- Renee Salvadore – Maryvale Cheektowaga

Secretary- TBA

ESSAA attorney Joseph Lamendola is working with the WNYAA leadership to conduct a “kick-off” legal workshop on May 6, 2010 focusing on topics of concern to school administrators.

WNYAA will join the seven other regions in the state: Long Island (CAS), Westchester (RASA), Mid-Hudson (MHSAA), Capital Region (CAPSA), Central New York (CNYSSA) and the Southern Tier (STSAA) and Rockland County (RCASA).

Congratulations all, and welcome to ESSAA’s newest region. We are excited about the growth opportunities in the WNYAA area and look forward to working with you.

Report From CNYSSAA

By Henry Frasca

CNYSSAA President



All across the CNYSSAA region, and all over New York State and probably the country, as school districts are crafting their budgets for the new school year, there are announcements of layoffs of administrators and teachers. Boards of Educations and Superintendents have gone public by asking unions to accept wage

and benefit freezes, givebacks, and to reopen negotiations. They are asking for the give backs because they want educators to help fund education. Locally, some administrative and teachers unions, and confidential employees, have reopened negotiations and have already made concessions. These concessions have been applauded and everyone else will be vilified.

In the January issue of The Journal, President-Elect Bill Evans expounded upon holding the line stating if a community chooses to reduce staff or programs because they do not want pay for it, then that is their decision.

HOLD THE LINE!

ESSAA Admins. Hold The Line In Westchester Settlements

EASTCHESTER – The administrators’ contract had one year to go 2010-11 at 3.55% plus a 1.55% adjustment. They modified the contract and extended it through June 2013 as follows:

2010/11: July 1, 2010 – 1.95%; January 1, 2011 – 1.65%

2011/12: July 1, 2011 – 1.8%

2012/13: July 1, 2012 – 2%

Plus increased longevity and increased sick leave payout at retirement and no change in health insurance.

RYE – Teachers are in their third year without a contract. Administrators just settled a three year contract as follows:

2010/11 1.6%

2011/12 2.0%

2012/13 2.0%

Plus step movement. Administrators moved from 15% health contribution to 17.5% in last year of contract, but it was offset by increased payment to a benefit fund and increased annual payment for unused personal days beginning in year one.

SOMERS – Administrators negotiated new five year contract. 2010-15. 0%, 1.75%, 1.90%, 1.75%, & 1.75% plus increment, plus starting in 2013 another 0.75% based upon merit. Health contributions moved up 1% a year from 10% to 15%.

SOUTHERN WESTCHESTER BOCES – With help of mediator three year contract settled for period 2009-12. Public numbers 0%, 0.75% & 1.0%. Unit actually receives 2.1%, 2.75% & 2.95%. Health contribution increased from 4% to 8% over life of contract.

Feature: Firing Fever Sweeps The Nation!

The Lessons of Central Falls:

What ESSAA Members Should Know About What Happened In Rhode Island

By Michael A. Starvaggi, Esq.
ESSAA Counsel



On February 23rd, the school Board of Trustees of Central Falls, Rhode Island voted in favor of the recommendation of their Superintendent to fire every teacher and administrator at Central Falls High School.

In this historic action, a total of ninety-three teachers, administrators, and counselors, tenured and nontenured alike, lost their jobs.

1. How Was This Possible?

The protections of tenure vary from state to state. In New York, a tenured person may be removed only after adequate proof is made at an administrative proceeding. During the pendency of those proceedings, the teacher or administrator is entitled to retain his or her position. However, in Rhode Island a tenured educator may be dismissed by a "Notice of Dismissal," the primary requirement of which is a statement of "good and just cause" for the dismissal. Although the educator has a right to contest the decision at a formal hearing, the presumption is that the teacher is dismissed pursuant to the notice, and the purpose of the hearing is to reverse this decision, as opposed to New York, where the presumption is that the teacher is in place until removed. The Notice of Dismissal in Rhode Island must be given on or before March 1st preceding the year in which it is to become effective, which explains the timing of the Superintendent's actions in Central Falls.

2. What the National Feedback Tells Us

Perhaps as equally shocking and disconcerting as the actions of the Central Falls Board, is the national reaction to the massive firings.

President Obama lauded the action as an example of holding educators accountable for the performance of the students in their districts. U.S. Education Secretary Arne Duncan said that the Board showed courage in "doing the right thing for kids."

At the grassroots level, the public has weighed in via blogs, letters to newspaper editors, and coffee shop conversation – showing little sympathy for the "greedy, unionized teachers" who already make more than the average citizen of Central Falls, and who refused to work a few more hours per week "for the sake of the kids." The public seems pleased that tenure

protection couldn't stop the Superintendent from doing away with a bunch of "bad" public employees.

One example out of the literally thousands of reactions to the Central Falls firings is as follows: "The Obama Administration supports [Central Falls Superintendent Gallo's] decision. I believe Republicans would, too. Gallo's decision is consistent with the intentions of No Child Left Behind--if a school fails its students, it should be restructured or closed . . . People who work outside of teaching have been asked to do more for the same salary or less. The teachers will get no sympathy from the voting parents who work."

Professional educators throughout the country cannot afford to turn a deaf ear to these sentiments, as misguided as they may be, because they reveal what a growing segment of the public believes about the profession: namely, that unions and tenure laws create an unfair shelter around educators that prevent the usual rule of at-will employment from keeping teachers and administrators in check.

3. The Problem of Perception

As ESSAA members know well, that portrayal is unfair and misinformed. Union protection is not a sword that educators wield to hurt students, but rather a protection, without which the balance of power in most school districts would be completely one-sided. Similarly, tenure laws help ensure that experienced educators are not eliminated for the sake of budgetary convenience and that teachers and administrators can exercise sound professional judgment in their careers without needing to cater to the demands of outside forces that claim to know what's best for their schools. ESSAA members understand these dynamics. They are aware of the influence that politics and central office authority have on their jobs. Members of the public do not. Therefore, it is understandable that there is a vast difference in perspective between our members and the general public.

Educators must be prepared to be challenged by those who do not work in industries where labor laws and tenure rights exist, particularly in this economy, in which unemployment is high and underemployment higher. Our members need to understand the objections to our system and have rational, empathetic, but unapologetic responses to them.

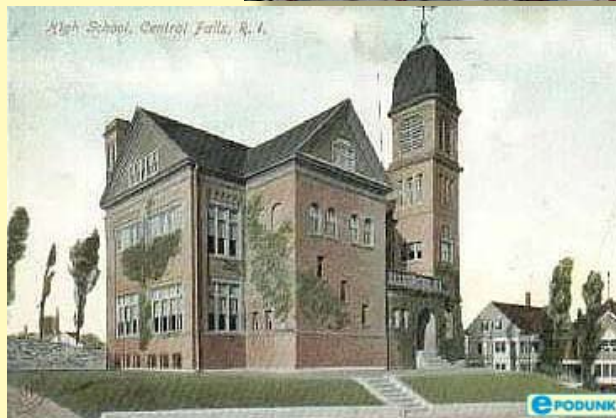
4. Reconciling Perceptions with Reality

How do we respond to the accusation that unionization has gone too far and now fosters a culture of greed? Primarily by

Central Falls By The Numbers

Central Falls is a city in Providence County, Rhode Island, located between Valley Falls and Pawtucket Falls. Pop. 19,287. The website ePodunk.com, which usually gives reliable statistics, offers the following ethnic and racial breakdown of its multi- multi-cultural population – which, as The Journal calculates, adds up to an astonishing 108%:

- Puerto Rican - 12%
- Other Hispanic or Latino - 11%
- South American - 11%
- Colombian - 10%
- Portuguese - 9%
- Central American: - 8%
- French (except Basque) - 7%
- French Canadian - 7%
- Guatemalan - 6%
- Black or African American - 6%
- Sub-Saharan African - 6%
- Irish – 6%
- Cape Verdean - 5%
- Mexican - 4%
- Dominican Republic - 3%
- Polish - 3%
- Italian - 3%
- English - 3%
- Arab - 1%
- Spanish - 1%
- Salvadoran - 1%
- Syrian - 1%



Here are some other statistics that help define the residents of Central Falls.

Males: 9,282 (49.7%)
 Females: 9,401 (50.3%)

Median resident age: 30.2 years
 Rhode Island median age: 36.7 years

Estimated median household income in 2008: \$28,983 (it was \$22,628 in 2000)

Central Falls: \$28,983
 Rhode Island: \$55,701

Estimated per capita income in 2008: \$14,254

Central Falls city income, earnings, and wages data

Estimated median house or condo value in 2008: \$203,956 (it was \$93,200 in 2000)

Central Falls: \$203,956
 Rhode Island: \$286,000

Mean prices in 2008: All housing units: \$197,798; Detached houses: \$187,798; Townhouses or other attached units: \$206,983; In 2-unit structures: \$210,117; In 3-to-4-unit structures: \$227,663; In 5-or-more-unit structures: \$190,192

<http://www.city-data.com/city/Central-Falls-Rhode-Island.html#ixzz0jWW48nna>

Central Falls...continued from previous page

reminding our critics that union representation provides the forum, but not the substance, of employment negotiations. Educators compromise, and indeed sacrifice, very frequently in negotiations.

Unfortunately, those sacrifices never find their way into the press. It is only when educators “push back” that districts point to the “recalcitrance” of the unions, and the public takes notice. Without the counterbalance of union bargaining against the power of our districts, there would be little autonomy for building level employees. Does the public really want the professionals who have the day-to-day job of educating their children to be powerless in the face of central office authority? If the critics are reasonable, they will reconsider.

Similarly, what do we say to critics of the tenure system who claim that educators should be subject to termination for any reason, just like every other employee? Here, teachers and administrators need to point out that tenure laws did not evolve in our field by accident. History has proven that, without a degree of professional freedom, the task of educating students is subject to interference and even sabotage by outside influences that severely compromise the integrity of the profession.

The answer to our critics is that the protections afforded to teachers and administrators are ultimately good for the educational process, and, therefore, are good for the students. Public opinion cannot be allowed to turn educators into victims of the very laws that were carefully developed to protect them.

As leaders in education, administrators have a responsibility to seek out our critics and engage them in meaningful debates. This is not to suggest that we will easily silence every opposition. However, the challenge must be joined with patience and diligence.

5. What's At Stake

The events in Central Falls highlight what can happen when tenure laws are too weak to serve their intended purposes. More importantly, the public response to those events indicates that there could be significant support for sweeping changes to the tenure system that is currently in place in New York.

Initiatives such as the Race to the Top program already have taken aim at the structure of our educational system. And we should not be surprised to see more on the horizon. That is why school administrators must meet the challenges of today and add their voices to the debate.

The mass firings also highlight the importance of approaching the federal government's attempts to change education law with extreme caution. Consider again the fact that the Obama administration has supported the Central Falls District's actions. Also consider the commentary quoted above about how the firings are linked with the No Child Left Behind Act.

Federal policy makers want to change the rules. They want to weaken educational job security. They couch their argu-

ments on a premise that has tremendous public appeal: if the children in a school are not learning, the educators must be responsible, and should be replaced. This oversimplification should not be allowed to be used as a rallying cry to undermine long-standing tenure laws that retain a valid purpose.

Even so, educators feel they have been backed into a corner by the federal government's approach to education. How can an educator argue that he or she should keep his or her job even when students are failing? The premise itself is skewed. Test scores alone do not tell the whole story. We know that, but does the rest of the country?

There is a subtlety to the reality of measuring school performance and the causes of failure that requires patient discourse. Educators should not be lured into arguments based on a flawed and manipulative premise. They must take the time to engage and educate laypersons about the realities and challenges of educating our children. They must get beyond the oversimplifications and explain the realities.

These are the same precepts behind our position on the Race to the Top initiative. Vast changes cannot be implemented on a short time table. We must avoid the temptation to sacrifice our autonomy simply to grab a share of federal prize money. No matter how dire the economic climate may be, we need to retain self-respect, respect for the sometimes heroic efforts of our colleagues, and respect for our profession.

ESSAA is committed to assisting our members in this important task.

Michael A. Starvaggi is an attorney admitted to practice in the state of New York. He is counsel for forty-three ESSAA units consisting of over four hundred fifty members in the Capital, Mid-Hudson and Rockland County regions. Mr. Starvaggi specializes in Education Law and Public Sector Labor Law.

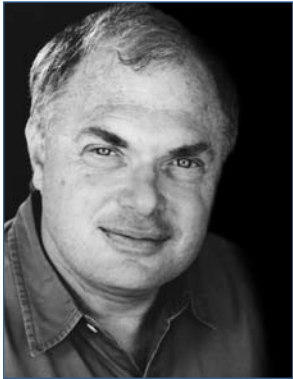
Mr. Starvaggi's professional career has also been highlighted by negotiation, litigation and transactional work at large and small New York City based firms, as well as work as the the legal Editor of some of the nation's leading legal treatises.

Mr. Starvaggi graduated with Magna Cum Laude and Phi Beta Kappa honors from Fordham University, and holds his Juris Doctor degree from Fordham Law School. He has been a member of the bar for fifteen years.

Editor's Message

Opening Pandora's Box: Perspective In This Time Of Trouble!

By Bob Liftig



The formula is always the same, only the dates change: Dad gets fired, comes home and kicks the dog. Then he vows revenge – on somebody. The next week he shows up at the Board of Education meeting, and demands that the Superintendent fire all the teachers, principals, and custodians.

Go figure.

Those of us who recall the Dirty 70's remember that during those hard and awful years, lots of evil demons came out to play— especially with the school systems. Late to arrive, late to leave, the demons flapped around for a while, despoiling ladies' coats and childrens' bonnets, until Dad finally got a job again and the demons went back where they came from.

The end.

And so, to bed, my children.

Back then we were threatened with voucher schemes that would fatten the pockets of private schools as they took the bread off our own tables. Now, we're threatened with Charter schools and Race To The Top money awarded for...well, who really knows what reasons. Back in the 70's we had strikes throughout New York, and the revocation of tenure under the Taylor Law provisions - so that we could be fired more easily after doing little more than refusing to work for slave wages. Now, the Feds are calling the shots, or at least encouraging destruction and mayhem by applauding the firing of the principals and teachers at Central Falls High School in Rhode Island.

"Change you can believe in"?

The "scary" word 30 years ago was "accountability" – mostly individual and highly selective (ask John Sullivan). Back then the operational phrase was (according to a NYSUT rep I knew): "First they decide to get you, and then they work on why and how." So Superintendents ordered up toxic files on a targeted teacher or principal, then pressed forward with the threat of 30-20A hearings (John Sullivan wrote a book about it). Thirty years later, "they" don't bother with individual assassinations very much; instead, they prefer mass murder. This avoids the inconvenience of due process for individuals as well as individual 30-20A hearings. "Guilt By Association" gives them more "bang" for their bullets. Dumb kids come from dumb teachers.

Was one decade worse than the other? It depends if you're the victim.

The game remains the same: elected government officials use their power to (as Newsweek puts it) "weaken the grip of the teachers' unions." In the 70's the states took up the charge; now, the Feds have it: both want to substitute "private" for "public" before the word "schools," and then move the pea under the thimble around – which isn't how to "improve education," but rather how to get rid of the labor unions.

So...it's "Big Time Wrestling" again (the 1970's ancestor of WWE), with the Central Falls teachers and administrators as the sacrificial 98 pound weaklings who have to face off with the tag team 'heroes': the political hacks from Rhode Island, and some Washington bureaucrats.

But that's Little Rhodie, you say. We work in the State of New York. Why do we really need to care? The best answer is that – at least as far as government involvement in Education is concerned – bad ideas spread more rapidly than good ones, and, when this Greatest Of All Recessions is done with, we don't want to find ourselves working in schools that are run by the U.S. Government and General Motors.

We can and should do something about it.

- 1) We should never accept "salami tactics." "They" will try to nibble away at "our" edges if "they" can't swallow the public system whole while the economy's in the trash basket. Don't let "them" do it! What is going on in Rhode Island is not a fluke; it's part of a national movement. As of this writing, Central Falls Superintendent Dr. Frances Gallo (listed #1 on the "U.S. Superintendents' Wall of Shame" – *thelastamerican-newspaper.com*) has called the union's bluff, and the union has folded. But there are still collective bargaining rights in the State of New York. Don't let "them" make *you* afraid to use them!
- 2) Use the legal system. This is why you pay your dues to ESSAA and not to the "other" organization. You've made the first step by reading this Journal. Next, call one of our expert ESSAA lawyers. As politically sensitive (and even corrupt) as our courts are criticized as being, sometimes *their* judgments are nowhere near as idiotic as what comes out of your Superintendent's Office.

So send your grievances to court wherever possible. A win for you is a win for everyone, and you'll buy time and protection against future onslaughts. Yes. Litigation is expensive – unless ESSAA handles it – but it costs the district too. And the taxpayers are in

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Editor's Message...continued from previous page

no mood now to foot the extra bills – even if the “prize” the Superintendent wants them to win is you.

- 3) Drive hard bargains. You may be worn down and played out by all the sob stories broadcast daily on the morning news, and you may even be sympathetic toward your cash strapped district; but you're not the Bill Gates Foundation, and it's not your place in life to subsidize your school district. They hired you to do a job, and you're probably showing up regularly to do it. So, let the taxpayers worry for a change: funding the schools is *their* problem.

And just because you might not get the same raise that your Superintendent is given, doesn't mean you can't win other concessions. One district I know negotiated mandatory continuing education years ago, but now it doesn't have the money to pay for it. The union would be doing the district and itself a favor by doing away with it.

Our public schools have survived two centuries for some very important reasons. First, despite what all the critics seem to be saying about us, most schools work quite well, thank you, and most of the public we serve are happy with what we are doing for their children. Even the Central Falls parents and students came out to support their teachers and principals.

OK. Not all of our students rank high in scholarly potential – but they never did. And why is it so important to graduate “scholars” anyway? So they'll be educated enough to work for the U.S. Department of Education?

Life can be dismal enough!

And why should we judge *our* schools by what the government is telling us? Shouldn't the district itself get the kind of education it wants for its children?

The faculty in Central Falls was probably doing the best it could. And you know and I know that – millions of dollars down the line, after all the brand new school buildings have been built, after firing **all of them** and conducting The Intergalactic Search, and after hiring **brand new teachers and administrators** – all of them graduates of the U.S. Department of Education University, High School Teacher Heaven, and the Starfleet Academy Student Teaching Program - you know as well as I do that, after ruining the career of lots of decent people and after disrupting the already disrupted lives of hundreds of “at risk” students– nothing much of anything will be different.

Except maybe some of the kids will know how to spell chrysanthemum.

I'll bet some the government guys know that too. They just want to keep their salaries coming in.

Don't let these diversions distract you – as they're intended to. Make no mistake about it: What's really going on here is a “Slamdown Championship” between the state and the federal government. Local control was dead and buried long ago by Supreme Court decisions and state and federal regulations. This New Civil War will determine whether the state or federal government runs the public schools – or what is left of them.

But first, the “unions” have to be destroyed, or at least co-opted (Did you read the ESSAA lawsuit closely?).

Central Falls is just an excuse for union busting. Don't buy into this craziness.

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Newsweek Applauds Central Falls Firing

By Bob Liftig

The Journal isn't the only major publication trying to understand the blitzkrieg directed against the public schools. In its March 15 issue, Newsweek tried to outdo us. A feature article by Evan Thomas and Pat Wingert ("F: Why We Can't Get Rid Of Failing Teachers") attempts to explain the "decline of American education" that Newsweek says, has put our students on the achievement level of the Lithuanians (Whoa! My great-great grandfather was from Vilna!)

Newsweek takes the passive-aggressive stance most educators are now familiar with. It is a tone of exasperation which says, "We've spent years listening to you educators. We've looked at every excuse you've given us – and nothing worked out. So, maybe now it's time to take a look at *you*."

Educators first told the public, according to Thomas and Wingert, that "professional educators believed that if they could only find the right pedagogy...all would be well." And so the public believed them (trusting sorts as they are), and went along with New Math, Open Classrooms, and Whole Language, and – says Newsweek – "nothing seemed to achieve significant or lasting improvements."

Never mind that these "movements" came out of the teachers' colleges and their faculties of professors and philosophers who have rarely spent time teaching in public school classrooms.

Next, the education "professionals" blamed the lack of importance placed on education by America's parents and by American culture; and then – not too long ago – they actually blamed the kids! (I thought they were 'stakeholders') Which was another stalling effort, Newsweek says, because finally, in the 21 Century the conspiracies have been unmasked (I'm paraphrasing here) and the answer has been revealed to both the federal government and to these journalists. **The reason for the failure of American education has always been right there in front of us, if only the unions had allowed the honest folks out there to see it: it's the poor quality of our teachers and administrators!**

"Many principals don't even try to weed out the poor performers or transfer them to other schools in what's been dubbed the "dance of the lemons," say Thomas and Wingert. (Thomas should know. He teaches Journalism at Princeton University. And Wingert – well, poor thing, as a Newsweek Staff writer, she doesn't even rate a two line citation in Wikipedia).

But, not to worry. Our attackers always provide an Exit Door for those in our own profession who would rather suffer from "Stockholm Syndrome" than rush to defend their own: in this case, it's – Surprise! – "Blame The Unions!" – and blame their stubborn stand in defense of tenure (HSSSS from the Peanut Gallery).

BUT there is HOPE after all, say Thomas and Wingert, because: "The teachers' unions ...are major players in the Dem-

ocratic Party at the national and local levels. So it is extremely significant – a sign of the changing times – that the Obama administration has taken them on."*

In other words, we're so BAD, even our FRIENDS are deserting us!

Newsweek terms the mass firing in Central Falls a "notable breakthrough, but there is a long way to go," and says that Dr. Gallo took a "brave and astonishing step." Other districts, with less courageous leaders, the writers imply, must have to depend upon Divine Intervention because, "It is difficult to dislodge the educational establishment. In New Orleans, a hurricane was required," and "...since Katrina, New Orleans has made more educational progress than any other city, largely because the public school system was wiped out. Using non-union charter schools, New Orleans has been able to measure teacher performance in ways that the teachers' unions have long and bitterly resisted."

Hurray for Katrina!

Still, concede Thomas and Wingert, out of the 4.6 million members of the NEA and AFT, there are "many" loyal and hardworking teachers.

That's nice. I'm glad they know. Maybe it's me they're thinking about...not you, of course.

~RAL

Editor's Note: If you repeat Big Lies long enough, people are bound to believe them. I think Goebbels said that. The so called "facts" about the failure of American education that Thomas and Wingert and other publications quote voraciously, are still in dispute -among them:

- Other countries are out performing America, endangering its place in the global economy
- The jobs of the future require a highly skilled workforce
- NCLB is working

Before we buy all the baloney that's being offered for public feeding, it would be helpful to us if we reviewed the basics. We're not as bad as they make us out to be. In fact, things are going quite well, really. For eye-popping debate on these subjects, go to: <http://educationpolicyblog.blogspot.com/2008/05/trust.html> See: "The Death And Life Of The Great American School System".

New York's Ravitch Sees Trouble From Central Falls

In her commentary posted on schoolsmatter.info, nationally recognized education consultant Dr. Diane Ravitch (Yes. She is the wife of New York's Lieutenant Governor) gives another perspective on the Central Falls fiasco. If you don't think what happened in Central Falls could have an impact on your own career, **READ ON:**

“President Obama says that Central Falls must close because only 7% of the students are proficient in math, and the graduation rate is only 48%. Sounds bad, right?”

But the President has saluted a high school in Providence, Rhode Island, called “The Met” whose scores are no different from the scores at Central Falls High School. At Central Falls, 55 % of the kids are classified as “proficient readers,” just like 55% at The Met. In math, only 7% of students at Central Falls are proficient in math, but at The Met--which the President lauds--only 4% are proficient in math. Ah, but The Met has one big advantage over Central Falls High Schools: Its graduation rate is 75.6%.

But figure this one out: How can a high school where only 4% of the students are proficient in math and only 55% are proficient readers produce a graduation rate of 75.6%? To this distant observer, it appears that the school with lower graduation standards rates higher in President Obama's eyes.

President Obama has said on several occasions that he wants to see 5,000 low-performing schools closed. So, yes, there will be plenty of teachers and principals looking for new jobs.”

And In Connecticut: “Reform” Bills Voted Out Of Committee

March 24, 2010.

The Education Committee passed two bills on to the legislature, H.B. #5491 ‘An Act Concerning Certain School District Reforms to Reduce the Achievement Gap in Connecticut’ and S.B. #440 ‘An Act Concerning School Districts and Teacher Performance Programs that will now go to various committees for action.

H.B. #5491 ‘An Act Concerning Certain School District Reforms to Reduce the Achievement Gap in Connecticut has eleven sections, the most egregious being the ability for parents to take over a Title I school that is in the second year of corrective action.

180 schools would be affected in 31 school districts. The Connecticut Education Association says: “We **oppose** sections which would do the following:

- By signing a petition, parents can form councils and assume school governance roles now performed by you, administrators and boards of education – the so called “parent trigger.”
- Schools are then forced into reform models which eliminate teachers and principals, close schools and/or privatize them.
- Ties 50% of your evaluation directly to high stakes student test scores.

S.B. #440 ‘An Act Concerning School Districts and Teacher Performance Programs

This bill also creates a teacher evaluation system based on “student academic growth as a significant factor in rating teacher performance,” among other things.

The CEA **opposes** both bills and **supports** true models for real parent involvement and multiple measures of student growth to be a factor in teacher evaluation.

Kansas City, St. Louis, and D.C. Shutter School Buildings, Cut Staff

In early March, the Kansas City Missouri School Board voted to shut down half (28 out of 63) of its schools and get rid of 300 teachers. They offered a buyout to the 500 employees who qualify under a “75 point” plan, but so far, only one teacher has taken “advantage” of it. They still hope to retire 200 employees with a retirement “incentive” of \$20,000 each, and caution that it will be offered on a “first come, first serve” basis that won't be available after the \$4 million allotted has been spent.

The District of Columbia closed 23 schools two years ago. Chicago slated 15 for closure over two years. Detroit wants to close 42 this year. St. Louis has closed 37 over the last seven years with more expected to close this summer.

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| 30 | \$ 304.00 | \$ 324.00 | \$ 444.00 | \$ 564.00 | \$ 764.00 | 30 | \$ 264.00 | \$ 294.00 | \$ 384.00 | \$ 544.00 | \$ 674.00 |
| 35 | \$ 324.00 | \$ 394.00 | \$ 484.00 | \$ 724.00 | \$ 884.00 | 35 | \$ 284.00 | \$ 334.00 | \$ 454.00 | \$ 644.00 | \$ 754.00 |
| 40 | \$ 434.00 | \$ 484.00 | \$ 724.00 | \$ 1,024.00 | \$ 1,224.00 | 40 | \$ 374.00 | \$ 444.00 | \$ 614.00 | \$ 824.00 | \$ 1,024.00 |
| 45 | \$ 664.00 | \$ 904.00 | \$ 1,164.00 | \$ 1,664.00 | \$ 1,934.00 | 45 | \$ 584.00 | \$ 684.00 | \$ 914.00 | \$ 1,334.00 | \$ 1,564.00 |
| 50 | \$ 974.00 | \$ 1,424.00 | \$ 1,824.00 | \$ 2,524.00 | \$ 3,224.00 | 50 | \$ 824.00 | \$ 1,104.00 | \$ 1,444.00 | \$ 2,094.00 | \$ 2,524.00 |
| 55 | \$ 1,694.00 | \$ 2,274.00 | \$ 2,974.00 | \$ 4,654.00 | \$ 6,204.00 | 55 | \$ 1,274.00 | \$ 1,644.00 | \$ 2,294.00 | \$ 3,494.00 | \$ 4,474.00 |
| 60 | \$ 2,844.00 | \$ 3,684.00 | \$ 5,054.00 | \$ 7,904.00 | NA | 60 | \$ 1,894.00 | \$ 2,814.00 | \$ 4,114.00 | \$ 5,514.00 | NA |
| 65 | \$ 4,844.00 | \$ 6,694.00 | \$ 9,964.00 | NA | NA | 65 | \$ 3,544.00 | \$ 4,614.00 | \$ 7,304.00 | NA | NA |
| 70 | \$ 8,784.00 | \$ 13,174.00 | \$ 19,814.00 | NA | NA | 70 | \$ 5,384.00 | \$ 8,014.00 | \$ 12,294.00 | NA | NA |

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New York Times Magazine: Step Right Up! Have We Got A Deal For You!

By Bob Liftig

In a widely quoted feature article in its March 7 issue of The New York Times Magazine, author and education freelancer Elizabeth Green praised her newly christened Lord of Classroom Management consultant, Doug Lemov, and passed the ammunition of the latest “Principals and Teachers Are The Problem: Give Us A Crack At It” movement.

With its enticing magazine cover featuring a caricature of a foxy young female armed with “Smark Chalk,” and the banner, “Building A Better Teacher,” The Times follows up with the second in a flurry of punches at our profession by entitling its article, “Can Good Teaching Be Learned?; There Are More Than Three Million Teachers In The United States, And Doug Lemov Is Trying To Prove That He Can Teach Them To Be Better.”

Who is Elizabeth Green? She’s a Spencer Fellow in Education. What’s that? It’s someone who is funded by the Spencer Foundation. Who are they? I tried to figure them out by their website, but then gave up on it. Well, anyway, Green is cited by Spencer as “reporting at the Columbia University Graduate School of Journalism” – whatever that means - and also that she is the editor of GothamSchools.org. This is the first article she has ever written for The Times, and I’m sure her grandmother is proud of her.

And who’s Doug Lemov? He’s the guru adored by Elizabeth Green. According to Green, he is one of the founders of Uncommon Schools, “a network of 16 charter schools...that he helped found and continues to help fund daily.” There’s a promo on YouTube full of happy little faces.

Back in Mythical Times, Lemov decided to study the “mechanics of teaching” because of two Aha! Moments in his life: the first, when he realized he couldn’t control his classes at “a private day school in Princeton, N.J.”; the second, after a “disappointing” visit to a public school classroom in Syracuse. Nuff said.

Oh, and by the way: Lemov’s book “Teach Like A Champion: The 49 Techniques That Put Students on the Path to College” is scheduled for publication this month. And...uh...you won’t believe this, but Green attended his series of workshops in Boston, and so can you!

The Times is so desperate for advertising these days, it’s giving it away. In fact, it had to pay Green for her thinly disguised snake oil presentation; but that’s unfair. Lemov has a ton of new and great ideas to peddle, including such previously secret and sacred teaching techniques, as:

- *Stand in one place when you give directions.*
- *Establish norms and techniques for classroom discourse.*
- *Never allow students to avoid answering a question.*

There is more – much more – 46 more tips like this - but you’ll have to dip into the Petty Cash Fund — and GUESS WHAT? You can raise your students’ scores! That’s right! It *can* be done!

Green seems to agree with Joel Klein, the New York City schools Chancellor. She quotes him as saying: **“If we don’t change the personnel, all we’re doing is changing the chairs.”** Klein, who has been hiring and firing City teachers since 2002, obviously didn’t notice the first signs of a serious case of Foot In Mouth Disease when he said that.

Green doesn’t disagree with him, but recognizes that the “deselection” process would be difficult at best – especially when, as the article suggests – the necessary ingredient should be tying teacher and principal evaluations to student performance on standardized tests.*

There are the usual tips of the hat to the usual recent “heroes” who – as we know so well - are working night and day (whenever they aren’t applying for TARP money) to “save” American public education: the NCLB folks, the Charter Schools Founders Of Our Nation, and the visionaries who came up Race To The Stop. But there really is no competition, according to Elizabeth: *Nobody* can bend it like Lemov!

After all that romantic stuff, Green gets down to the *real* problem – which isn’t whether all the “bad” personnel should be fired (that would be a given under perfect circumstances). It’s the labor laws’ picky-picky due process requirements, and the stubborn unions – from whose ranks one million teachers and principals will be retiring *anyway* in the next five years – and the sheer number of incompetents who make the task a daunting one, so that if “we” fire all the “bad” ones, no one will be left in the classroom.

What can “we” do about it? Why, hire Lemov, of course, because even the worst of “them” can be trained to do better – a little - but it will cost you: Big Time.

Editor’s Note: I find the use of the word “deselection” especially odious, as it is just too similar to “selection” - the term used at Auschwitz to separate the “Kill Them After Awhile” folks from the “Kill Them Now.”

Obama Wants To Close 5,000 “Failing” Schools

As long ago as May, 2009, the President was on record as saying that his administration expected to close 5,000 failing schools and reopen them with *new principals* and teachers – all within five years. According to the Associated Press, the administration’s goal was for the lowest performing 1,000 schools to close and reopen each year for the next five years.

Federal stimulus monies have been increased from \$350 million to \$5 billion – with an additional \$1.5 billion taken from other programs - and made available as part of a “turn around fund” to offer incentives to states to “help failing schools improve” – evidently by closing them.

To borrow a phrase from the War In Vietnam: “Sometimes you have to burn a village to save it.”

No wonder the Congress has just extended unemployment benefits.

Read more at the Washington Examiner: <http://www.washingtonexaminer.com/politics/Obama-wants-to-close-5000-failing-schools-44715802.html#ixzz0jWZZtF50>

“Ban Ban” Bloomberg Tries To Follow, But N.Y. Courts Say No To Him

Smoking? Forget it! Trans Fat? Thing of the past! Close “failing schools”? Wait a minute, Yerhonner. Not so fast!

Joel Klein and Mayor Bloomberg are trying to close 19 schools in New York City, but a State Supreme Court judge recently ruled that they can’t.

Most saw the ruling as a victory for the United Federation of Teachers and the NAACP, both of which sued to stop the school closures on the basis that the Board of Ed had failed to follow

Education Law by not providing hard copies of education impact statements, which would have detailed which schools would be closed and give reasons for it.

The schools were located all boroughs except Staten Island.

Proposed for closing were:

- W.H. Maxwell CTE HS
- Frederick Douglass Academy III Secondary School
- Academy of Environmental Science
- School for Community Research and Learning
- Global Enterprise High School
- Beach Channel HS
- Christopher Columbus HS
- Robeson HS Bus & Tech
- Jamaica HS
- Choir Academy of Harlem
- Norman Thomas HS
- Kappa IPPA
- Metropolitan Corporate Academy
- Middle School For Academic and Social Excellence
- PS 332 Charles H Houston
- New Day Academy
- Academy of Collaborative Education
- Business, Computer Applications and Entrepreneurial
- Monroe Academy for Business/Law

Justice Joan Lobis concluded that the panel committed “significant violations of Education Law.”

Since 2003, 91 schools have been phased out and 335 new schools were created, many of them Charter schools.

Late Breaking News:

Just before press time NYC Schools Chancellor Joel Klein announced his desire to do away with seniority for tenured school employees! If you can’t eliminate tenure, try to eliminate the benefits of tenure!

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Tear Off Form to be sent to:

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