

The

Journal

OF THE EMPIRE STATE SUPERVISORS AND ADMINISTRATORS ASSOCIATION

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"IT'S ALIVE!": ADMINS WAKE UP TO TECHNO-TERROR



ESSAA WELCOMES ROCKLAND REGION!

President's Message

Dear Colleagues,

In 1996, several public school line administrators and supervisors met to create an association that best addressed the professional needs of its membership. Having been disenchanted with prior affiliations, we began our quest by determining the true needs of line administrators and supervisors and designing an association that met those needs. The end result was ESSAA, **an organization designed by line administrators and supervisors for line administrators and supervisors**. I was one of those iconoclasts, and was elected ESSAA's first president.

The ESSAA founders believed that our first priority was to hire outstanding attorneys who were experts in educational labor law and who would be directly accessible to our members without a ritualistic screening process. In other organizations, having direct contact with an attorney had become a shell game. Revolving door representation in litigation and collective bargaining was the rule, not the exception. Requests to speak to an attorney meant running a gauntlet of red tape as callers with immediate problems were passed from secretary to regional reps, and then to local presidents. This bureaucracy had to change, and we changed it.

Our first accomplishment was to hire two excellent attorneys, Bob Saperstein Esq. and Paul Derkasch Esq. and they encouraged our members to call them directly for a confidential conversation *whenever* they had a need for legal counsel. These courageous gentlemen became the heart and soul of ESSAA. Without them, we would never have grown to the organization we are today. **Direct legal accessibility and representation remains the backbone of ESSAA.**

Our second priority was to give members meaningful control over their organization's decision making process. We established a State-wide Executive Board (EB) as the nuts and bolts of the organization. The authority in ESSAA lies with this Executive Board which is, as it was meant to be, broad-based and elected from the membership. Our EB establishes policies, hires and fires specialists, establishes the annual budget, and oversees the entire organization. It has real as opposed to *token* authority. It is the key to bottom up as opposed to top down management. It is a genuine, successful, collaborative model.

Our third priority was avoiding *kingship*. The founders believed that in other organizations, leadership positions were generally unchallenged and unchanging, sometimes for decades. We believed that an organization representing school leaders needs to have a broad base from which to select its officers, and that periodic change in leadership is healthy for that organization. Thus, term limit provisions became part of the ESSAA constitution.

Over the years, ESSAA has expanded in several directions: adding attorneys, lobbying services, publications, workshops, benefits, etc.; but we have remained true to our belief that line administrators and supervisors are the best judges of their own organizational needs.

Obviously, we have succeeded. ESSAA has grown from 761 members to 3300+ members in thirteen years, and will continue to expand in the foreseeable future. Last summer alone, more than 150 new members have joined our flourishing organization, and their voices must also be heard.

ESSAA's Executive Board is now about to move new leaders into important positions. As our current officers' terms expire, a new gen-

eration of leaders will be taking their places. This infusion of new leaders will be incredibly beneficial for ESSAA.

It is now time for me to *pass the torch of leadership to a new generation*. I am proud to announce that effective July 1, 2010, Bill Evans will replace me as ESSAA President. Bill is not just my selection, but also the unanimous choice of our Executive Board. Bill is an outstanding school leader who has the knowledge, sensitivity, commitment, and ability to lead ESSAA to even greater heights. As I phase into my retirement, I know that ESSAA will be in excellent hands.

Throughout this school year I will work with Bill to insure that this transition will be seamless. By the end of this school year, only a handful of the original EB members will remain active in ESSAA. Bob Darcangelo will continue as Secretary, and will provide new officers with important historical perspective. Gene Wolotsky will remain a member of the EB, and his counsel will continue to be appreciated. Chuck Smith will help to transition Tom Vasiloff in as Treasurer, and then will serve as ESSAA's first Director of Regional Development. Chuck's experience and advice has always been outstanding, and I know he will be instrumental in getting our newer ESSAA regions up and running.

And I will join Herb Dickson's ESSAA Retirement Association.

Our four member legal team will be even stronger – if such is possible. Bob Saperstein, Esq. will continue as Head Counsel; a position in which he has served with great distinction. Ed Keeler will no longer serve as a vice-president but will remain with ESSAA as the Director of Recruiting. Ed is a major reason why ESSAA has grown so rapidly over the last few years.

Tony Laurino will continue in his role as Executive Vice President and in the critical position of Legislative Committee Chairperson. Newly elected vice presidents Joe Rajczak, Richard Kimble, Henry, and veteran VP Ray Palmer will continue to bring new energy to our entire organization. What a team it will be!

I can't find the words to accurately describe my sense of satisfaction at having been a part of this outstanding organization. It is a tremendous feeling to know that the work we did in founding ESSAA will long survive us. School administrators and supervisors have very difficult jobs, and it's rewarding to know that we have helped to ease their burden by creating an organization that meets their professional needs **better than any of the competition**.

I also can't think of any other profession that better cradles the promise of America than one in American public education. Like you, I am proud to have spent the better part of my life working within and for this unique career. Thank you for all your help and support over the past thirteen years.

Sincerely



John F. Sullivan



John Sullivan



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A Message From The President-Elect: In Negotiations - Hold The Line!



Dear Colleagues,

As public educators begin 2010, there is little doubt that the current fiscal crisis is only going to worsen. Once again, educators will be expected to do without as we collectively struggle to provide quality educational programs to children across New York State. Many school districts have already notified staff of significant financial cuts and we have been told to “tighten our proverbial belts” again. This comes as no surprise to us. It is an annual message that we have learned to expect.

I find it interesting that performance expectations (the standards), are not comparatively lowered with the reduction of resources available for us to work with. We all know that there is clearly a correlation between resources available and achievements attained. Higher class sizes, reduced workbooks, the elimination of textbooks and instructional aides, must logically result in reduced achievement scores. Otherwise, why not *do without* indefinitely?

For instance, if your goal is to use 50 gallons of gasoline to drive from New York to Florida, and you learn that your budget would only allow you to buy 25 gallons for the trip, would you not have to lessen your goal to a shorter, more achievable distance? With the gutting of financial resources to support public education, there must inevitably be a reexamination of academic achievement as measured by the standardized test scores that are used on a daily basis to hammer us over our heads. In short, if communities spend less, they must expect less, and the blame must not fall on the shoulders of administrators and teachers but on those who have chosen to consciously reduce resources. I understand that these are tough times, and that something has to go, but communities at large should understand that there are unhappy consequences to cost cutting decisions.

As educators, we need to understand that we must do everything we can to deliver a quality instructional program; but, it is not our job to finance the education of our communities' children; that is a community responsibility. Salary freezes and the like impact your family too, and your children are hit with a double barrel: first, by having reduced resources in the school they attend; second by having reduced resources at home.

If a community chooses to reduce staff or programs, that is its decision. Expecting educators who have fairly negotiated a contract to waive that salary so that a community can avoid the educational cuts it has chosen to make, is inappropriate. A salary freeze impacts an employee for a lifetime because it establishes a lower basis for future negotiations and reduces the final average salary at retirement.

Thus, when the pressure is on you - and it will be - hold the line. While each situation is unique, before you agree to anything, get the advice of your ESSAA attorney.

Sincerely,

Bill Evans
President-Elect
ESSAA

Regional News

ESSAA Regions

Report From The New Coordinator For Regional Development,
Chuck Smith



ESSAA, New York State, is currently divided into the following regions:

- CAS – Long Island
- RASA – Westchester Area
- MHSAA – Mid Hudson Region
- CAPSA – Capital Region
- STSAA – Southern Tier
- CNYSSA – Central New York
- RCASA – Rockland County

Each area has an Executive Board made up of a President, Vice-President, Secretary and Treasurer who are responsible for planning and conducting the business of the region. Additionally the Regional President also serves on the Executive Board of ESSAA as a Vice-President.

Maintaining ongoing communication and contact with each local district within a region is a major responsibility for our Regional Presidents. To that end, local presidents can expect to be contacted by their Regional President for the purpose of measuring ESSAA's level of service and member satisfaction. ESSAA is committed to providing high quality service to every member of our association and is constantly looking for ways to fulfill on our mission.

Please share any ideas you have for improving ESSAA with your respective Regional President.

STSAA

By Rick Kimble
STSAA President



Region 6 is up and running and I am pleased to announce our officers

President	Richard Kimble	(Corning)
Vice-President	Mike Holly	(Binghamton)
Treasurer	Tim Gracy	(Oneonta)
Secretary	Nancy Foreman	(Hornell)

We look forward to working to enhance ESSAA's representation in the region as well as providing all of our members with the high quality of legal assistance that is the cornerstone of ESSAA's mission. Region 6 currently represents 13 units and approximately 127 members.

We will be hosting two social gatherings in the 2009-2010 school year. The first is a Unit Presidents meeting that will be held on October 29 from 5:30-7:00 at Lampy's Mediterranean Grill in Endicott, New York. This is an attempt to pull together the 13 units represented throughout Region 6.

We look forward to having a successful year and appreciate all of the help received in becoming an organized area at the State Level of ESSAA.

CNYSSA

By Henry Frasca, CNYSSA President



This has been an extremely busy and exciting year for the Central New York Supervisors and Administrators Association. Our membership has grown with the addition of Waterville, Oriskany, Fayetteville-Manlius, Palmyra-Macedon and most recently, Chittenango, which brings our total membership to 23 units.

CNYSSA also welcomed new counsel in seasoned litigator Joe Lamendola. Attorney Lamendola handles the central and western region of New York State. Joe has

been making the rounds to meet and familiarize himself with all of our units. He and ESSAA Recruitment Coordinator Ed Keeler continue to aggressively recruit in the central and western areas of the State.

On Monday, December 7th the tremendously successful 2nd Annual Holiday Party was held at the Doubletree Hotel, Carrier Circle, in Syracuse. CNYSSA covers an extremely large geographic area and the 70 members who were in attendance had a chance to network and socialize. A highlight to the evening was an opportunity to meet and talk with ESSAA President John Sullivan as well with as President-Elect Bill Evans. Also in attendance were ESSAA officers Chuck Smith, Ed Keeler, Tom Vasiloff and Rick Kimble.

Unions and related PACs have been the target lately of blame for our economic crisis and for our government gridlock. If someone could blame them for our lousy weather they probably would have, just as if your school district could make you work for a dollar an hour with no benefits, it too would.

That's the price and the beauty, of living in these great United States where the law of the land allows all of us to work for our own interests *and* to ACT on our own behalf. In this country, we support the people who represent our beliefs with our votes, our money, or both. Union PACs are founded in fundamental American rights.

We as educators, through our union, must STATE our interests and then ACT. As licensed professional practitioners, we must be prepared to explain, expound, and enlighten others about our services. We must arrange to be heard, INSIST on being seen, and REFUSE to be attacked without redress.

And it's not always about getting more. As the old saying goes... *Imagine losing everything you have and then how happy you would be to get it back.*

Your PAC needs you!

RASA

By Bill Evans, RASA President, ESSAA President Elect



RASA members enjoyed the annual holiday party at the Kittle House in Chappaqua NY on December 3. More than 200 administrators from Westchester & Putnam counties enjoyed an evening with colleagues. Good food and collegiality were also on the menu. RASA officers and Executive Board members extend "Happy New Year Greetings" to all. When planning your school calendar for next year, keep in mind that the first Thursday in December is always designated for the RASA Holiday Celebration Party.

So, Mark your calendars for next year: Thursday, December 2, 2010 - Kittle House. 5:00-8:00 p.m.

Regional News...continued

CAS



*Anthony Laurino,
ESSAA
Executive Vice President,
President C.A.S.*

Dear Colleagues,

I hope everyone enjoyed the Holidays with family and friends. Despite SAA-NYS offer of reduced dues for three years, CAS continues to pick up new units.

CAS began the year with a workshop for new administrators. This workshop held by Bob and Brad reviewed the pitfalls of new administrators in dealing with Central Office, staff, and parents. All those in attendance felt it was very worthwhile. In October we sponsored two of our four Regional cocktail parties. These meetings are designed to

give members from closely related geographic areas an opportunity to discuss common concerns. Our attorneys were available to discuss individual and unit concerns as well as new legal issues. As always, legislative issues are a topic of concern. In November we held our Presidents' meeting wherein recently negotiated contracts, current decisions of the Commissioners, and recent court cases were topics of primary concern.

Phone calls, faxes and emails from members regarding an Early Retirement Incentive have been coming into our office on a regular basis. It is important to understand the genesis of the ERI and where it is today.

The Governor knew that in order to pass his Tier 5 bill he would need the political backing of NYSUT. In order to obtain this support, there is an intent to write an early retirement bill for NYSUT members in the calendar year 2010. This is not part of the Tier 5 bill. **THE ERI BILL HAS NOT BEEN WRITTEN YET.** Since administrators and supervisors are not part of the Tier 5 negotiations, they were not included in the Tier 5 language regarding ERI. We are presently working with legislators to have us included when the ERI bill is finally written. Communications to me have requested information regarding the details of the bill. At this writing it would be premature to speculate on details, since there is no bill yet. I realize members who are considering retiring want to make plans for their future, but until we see something in writing there isn't a basis upon which to provide any solid guidance to our members. -

You can be sure that Bob Ungar, our lobbyist and I, are in communication with the leadership in Albany, and as soon as something definite appears you will be contacted.

Please do not forget the ESSAA/ PAC fund. It is always important and more so under these economic conditions.

Sincerely,
Tony Laurino, CAS President
ESSAA Legislative Liaison

ESSAA Welcomes New Region: Rockland County ASA

At a recent meeting with elected representatives, a constitution was approved and officers elected to represent all ESSAA locals in Rockland County, and the Rockland County Administrators and Supervisors Association (RCASA) will become our newest region effective July 1, 2010.

Members of RCASA include administrators from East Ramapo, East Ramapo Supervisors, Nanuet, Nyack, Pearl River, Rockland BOCES, and South Orangetown.

Newly Elected Officers

President- Pamela Charles - Rockland BOCES
Vice-President- Anne Robert - Nyack
Treasurer- Kathleen Ryan-Triola – Rockland BOCES
Secretary- TBA

ESSAA attorney Michael Starvaġgi is working with the RCASA leadership to schedule a "kick-off" legal workshop which will focus on topics of concern to Rockland's school administrators.

RCASA will join our other regions in the State: Long Island (CAS), Westchester (RASA), Mid-Hudson (MH-SAA), Capital Region (CAPSA), Central New York (CNYSSA) and the Southern Tier Regions (STSAA)

Congratulations and welcome to ESSAA!

Chuck Smith
ESSAA Regional Development Coordinator

Pam Charles Elected President of RCBASA



Pam Charles, Ed.M is president of the Rockland Boces Administrators and Supervisory Association, RCBASA. She is the principal of one of the alternative high school servicing children with emotional, behavioral and learning challenges. Pam has recently been elected regional

president for the Rockland County Administrators and Supervisors Association, RCBASA. With three districts yet to regionalize, Pam hopes to unite the members with the Region's kickoff meeting to inform administrators of internet traps and the necessary precautions to consider as students become more technologically saavy. Pam has been with Rockland BOCES for eighteen years.

Rockland BOCES

East Ramapo

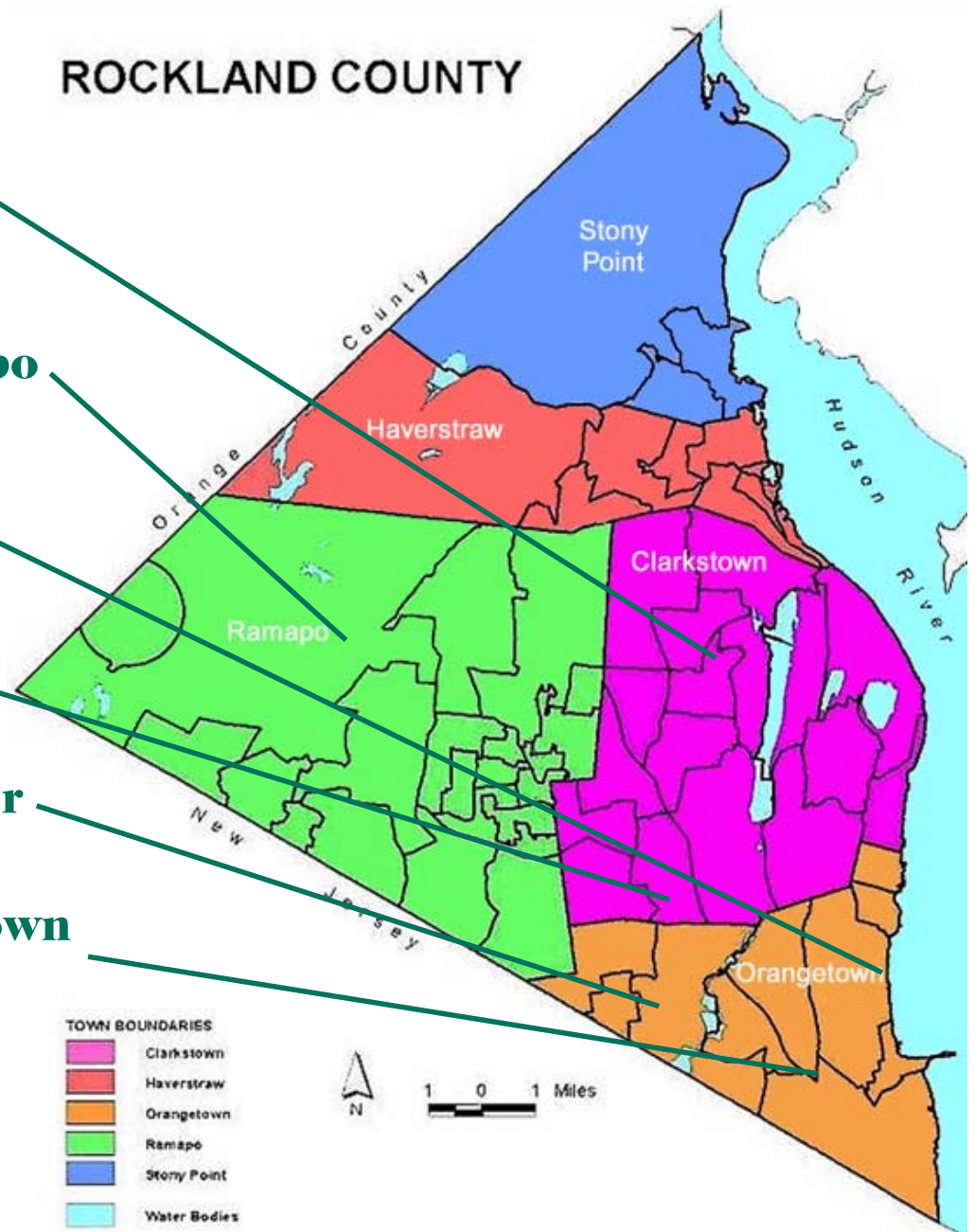
Nyack

Nanuet

Pearl River

South Orangetown

ROCKLAND COUNTY



CNYSAA



Mary Ward, Pat Charbonneau, Bill McEachron - East Syracuse-Minoa



Nancy Smith, Ellen Lux, Maureen McCrystal - Fayetteville-Manlius



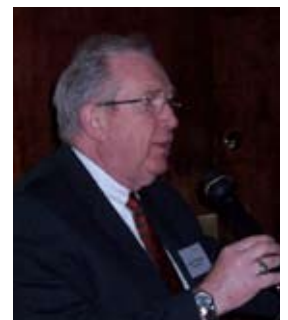
Utica Administrators



Donald and Shannon Whitney - Watertown



Cheryl Minor, Margaret Beck (Utica), Frank Saraceno (Frankfort)



John Sullivan



Charles Smith, David Shafer (Jordan-Elbridge) Joe LaMendola



Ann Derr (OCM BOCES, Dave Eischens (ESM)



Bill Evans, Rick Kimble (Corning)

Photos contributed by Tom Vasiloff

Executive Board Meeting, Newburgh, NY – Fall, 2009



Attorney Paul Derkasch (L) receives plaque of appreciation from ESSAA President John Sullivan (R).



Head Counsel Bob Saperstein (L) with ESSAA members and guests.



Official ESSAA Photographer Al Vooreveld (R) did not take this picture.



Bill Evans, Joanna and Ed Keeler, and Chuck Smith



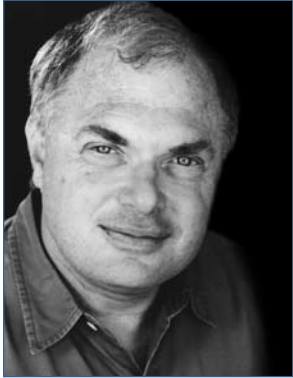
Chuck Smith (second, left picture) and Bill Evans (center, right picture) will continue to pass on the ESSAA tradition.



Editor's Message

"It's Alive!" Waking Up To Techno-Terror!

By Bob Liftig



They are so good at it, the only way I can tell my students aren't paying attention is by showing a movie to them, and waiting to see which faces light up – not from the Joy Of Learning, but from the lights on their blackberries.

At most other times too their heads are bowed in contemplation, and they don't even talk to each other. Thirty years ago, I would have thought I was in Teacher Heaven. Now, it's:

"Kaitlin. Are you texting during class?"

"No," she says, and doesn't even blink at my accusation.

"Then please put your Blackberry back in your pocketbook."

Kaitlin says: "OK."

Most of them don't see anything wrong with it. They carry their blackberries and cell phones everywhere today, and it was only yesterday they were carrying water bottles. My, how quickly they grow up!

Now, my students would rather die of thirst than not have a hand free for the New Technology; besides, we found out plastic water bottles may cause cancer.

I can usually make them listen to me when I tell them every message they send – every text they beam, every Youtube clip they upload, and every Internet site they click onto - will soon be stored in a state of the art facility the U.S. government is building in Utah. Downloaded from satellites, uploaded from Google, Yahoo, and Ask Jeeves, all the records of all their communications will be tucked away for retrieval forever ... or until somebody wants to look at them.

"They can't do that!" Andrew is outraged at the Violation Of His Privacy.

"They can!" I say. "And if you press 'Delete,' it's *still* recorded. I learned all of this at an ESSAA conference. You write an email, and it goes to Utah instantaneously. Privacy is dead. Everything you write or speak is recoverable."

"Why would anyone want it?"

"Why not?"

"Do they know what we Google?"

"Of course. Google turns it over to them."

"Who's 'them'?"

"How do I know? I'm just a teacher. They're recording what you Google too."

"That's funny."

"What is?"

"That rhymes. You said 'You Google too. 'What about my Gmail?'"

Andrew is still pursuing.

"Especially Gmail. They even filter it for the government."

"What's filter?"

"Say the government wants to know if you're thinking about blowing this place to smithereens. Er...maybe I shouldn't have said that. So they run a program that filters for 'Bomb/ School,' and your Gmail pops out. It says it's from Andrew. Easy pickings."

"What can we do about it?"

"Nothing."

Another kid raises his hand. It's Schuyler – the Contrarian.

"Just don't write 'Bomb/ Building,'" Schuyler says. "Use code words instead."

This conversation is getting out of hand, I'm thinking. Someone somewhere must be recording it.

"But if you're not doing anything wrong," Almost-Perfect Kaitlyn is finally interested. "Then you have nothing to worry about."

"But suppose I want to be President some day?" Andrew is concerned. "Can someone find out what I just Googled?"

"You were Googling *too*?" I ask.

"That's funny," Andrew says.

"I don't think you mean that."

It's everywhere...but what's "it" and where does it go?

Educators are used to dealing with distractions, but the New Technology is a horse of a different color. No one wants to be the first to put any limits on it – so no one is.

Now the parents are emailing teachers and administrators. They arrive by the "bundles" every day. Some say: "Sent to you by blackberry," and demand instant responses. Others are more formal – as if they've been vetted through family lawyers. Some are vaguely threatening; others just ask how their children are doing.

"It's driving me nuts," says a teacher I know. "Did he hand in the homework that I did for him? Please respond ASAP.' 'What can we do to raise his grade? Have him talk to you and then text me back immediately.' 'Is there a test tomorrow? He always forgets. Which reminds me...he's got a doctor's appointment, so he won't be there anyway.'"

There are a lot of Big Questions here, beyond the old ones about the benefits and drawbacks of Differentiated Instruction.

Should a flexible response time for electronic communications be written into administrators' and teachers' contracts? Should contracts specify time allotted during the day so that educators can respond to all the emails and text messages? Can we be required to check our email box from home – and required to answer them – AND be compensated for it? And what happens if we don't answer them? Can we refuse to answer electronic requests and insist on more traditional means of communication? Should we put that in writing too? Or should we ignore all this for the time being?

Damned if I know. ❖

“Cadillac” Insurance Tax May Hammer Us

Teachers union officials are warning that there is a “middle class time bomb ticking” in the Senate version of the health care reform bill. Referred to as a tax on “Cadillac Insurance Plans,” the bill would place a 40 % tax on the cost of these plans to our districts – in effect treating it as earned income – one that will eventually crush middle-class policy holders, and which will force employers to cut back on the quality of the health care plans they offer.

The tax will be initiated when a plan costs more than \$23,000 for family coverage, and \$8500 for individuals – beginning in 2013. Even though most plans for teachers and administrators cost less than this now, by 2013 and shortly afterwards, the costs may rise to this cut off level. The Senate, in fact, predicts that, by 2019, 20% of those earning between \$50,000 and \$75,000 should be affected.

The provision is designed to save \$150 billion over 10 years IF people pay the tax. What is expected to happen, instead, is that employers will simply offer cheaper plans which will increase co-payments and significantly decrease the taxes that the Senate is hoping to collect.

AFL-CIO President Richard Trumka is not impressed; nor is he overly concerned that the provision will survive. In fact, Trumka has since struck a deal with President Obama to exempt union sponsored health plans from the tax.

Nightmare In Buffalo: Beware Of Boards Bearing Gifts

NY State auditors found pornographic material on laptop computers given to the Buffalo Public Schools Board of Education President Ralph Hernandez and six Buffalo students. Seven staff members were also given laptops that contained, among other things: “inappropriate pictures of scantily clad young adults,” a movie “not suitable for student viewing,” poker games, and student medical and Social Security information.

State Comptroller Thomas P. DiNapoli urged school districts to closely monitor computer use. Buffalo purchased 10,000 computers, and the audit was conducted on 52 of them.

Hernandez’ laptop contained “seven thumbnail-size pornographic images,” as well as evidence that “gambling, pornographic and social networking Web sites were visited.” His computer also “contained invoice billings and information flyers for services performed by this individual in his capacity as a private consultant, and included unauthorized software, such as a tax preparation program.”

Board Member Mary Ruth Kapsiak used her laptop for online banking and bill payment, said the audit, and Board Member Catherine Nugent Panepinto and former Board member Catherine Collins both had their laptops “wiped clean” before their laptops were examined, which was also determined by the auditors.

Supreme Court To Hear Text Messaging Case

The Fourth Amendment of the U.S. Constitution prohibits “unwarranted search and seizures,” but does this protection extend to an employer who reviews private texting messages?

A sergeant in the Ontario, California Police Department was given a pager by the municipality as were other members of the local SWAT Team, and all were told by their lieutenant that they were responsible for charges above 25,000 characters per month. They were also told that if they paid for characters beyond the minimum, their pagers would not be inspected, but if they didn’t, they would.

The lieutenant then changed his mind and ordered transcripts of messages sent and received by one Sgt. Jeff Quon. The results showed that in one month alone, almost 90% of Sgt. Quon’s messages were NOT related to official business, and that most of them were “sexually explicit in nature.”

Sergeant Quon sued alleging a violation of his Fourth Amendment rights, and won in the United States Court of Appeals for the Ninth Circuit, in San Francisco, even though the Department had a “no privacy” provision (the apparent glitch being the lieutenant’s interpretation of the policy).

The Ontario Police Department appealed to the U.S. Supreme Court, which recently agreed to hear the case. The results may be precedent setting. **Are private communications protected under the Fourth Amendment? Stay tuned.**

Hang On To Your Cyberseats: Your Tax Dollars Are Spying On Us

“America’s spy agencies want to read your blog posts, keep track of your Twitter updates — even check out your book reviews on Amazon.”

So says Noah Schactman on his blog “Danger Room.”

Schactman reports that **In-Q-Tel**, the investment arm of the CIA and the wider intelligence community, is putting cash into **Visible Technologies**, a software firm that specializes in monitoring social media. According to Schactman, this is part of the CIA’s effort to collect information that’s publicly available, but which is often hidden in the “static” (my word) of everyday communications, it has been doing at least since 2001.

“Visible” scans more than a million blogs, online forums, Flickr, YouTube, Twitter and Amazon entries every day by using “a series of keywords,” then “scores” each post, and labels it with a positive or negative rating. The expressed purpose is “to keep track of foreign social media, and give spooks an early-warning detection on how issues are playing internationally,” according to Schactman.

Of course, such a tool can also be pointed inward, at domestic bloggers or tweeters. Visible already keeps tabs on web 2.0 sites for Dell, AT&T and Verizon. For Microsoft, the company is monitoring the buzz on its Windows 7 rollout. For Spam-maker Hormel, Visible is tracking animal-right activists’ online campaigns against the company. “Anything that is out in the open is fair game for collection,” says Steven Aftergood, who tracks intelligence issues at the Federation of American Scientists. But “even if information is openly gathered by intelligence agencies it would still be problematic if it were used for unauthorized domestic investigations or operations. Intelligence agencies or employees might be tempted to use the tools at their disposal to compile information on political figures, critics, journalists or others, and to exploit such information for political advantage. That is not permissible even if all of the information in question is technically ‘open source.’”

Then There’s the National Security Agency (NSA)

Meanwhile, the National Security Agency, based in Aberdeen, Maryland, is being assisted by AT&T in a huge and apparently illegal survey of domestic communications, which it has been, at least since 2001.



Phone calls and Internet communications have been intercepted regularly, according to USA Today, including those of congressmen and senators, in violation of privacy laws. The paper reports that a “fiberoptic splitter” in San Francisco makes copies of all emails, web browsing, and other Internet traffic to and from AT&T customers, and then provides those copies to the NSA. “**This isn’t a wiretap, it’s a country-tap,**” one informed observer said.

An organization named the “Electronic Frontier Foundation” (EFF) is fighting these efforts in court. (see: www.eff.org)

To Be Stored In Utah

The NSA is also building a \$1.6 billion information storage facility in Utah in which they hope to store the stolen personal data. Intercepted phone calls, email messages, and records of Internet searches will be stored there – “to help fight terrorism,” but whose terrorism against whom is not yet for public discussion. ❖

Be Wary Of Using School Supplied Electronic Equipment – Computers and Phones

By Chuck Mitchell
ESSAA Project SAVE



When I do presentations for students I almost always start with two absolutes regarding computer use and the internet.

[1] Nothing is private

[2] Anything you do on a computer or internet is forever. Deletion is an illusion!

Most School District Computer Use Policies state clearly that when students use school supplied computers they should not have any expectations of privacy for anything that they do on that computer.

Some Districts have a similar policy regarding staff use of computers. Even in the absence of such a policy it is reasonable to assume that employees have no privacy for anything they do on a school provided computer. Any letter or memo you compose, any email you send or receive, any web site you visit, any chat message or joke you send or receive, any attachments to email you receive or any social networks you visit on school computers are “public” not “private”!

Districts can and do monitor computer use activity by students and staff - and some do so more intrusively than others. This monitoring includes tracking and storing information on all your use of the district provided computers.

Lesson # 1 – Assume that “Big Brother” is watching and recording everything you do on a school supplied computer!

Lesson #2 – Assume that the school district can store all this information permanently - and you don’t control deletion, the school district does!

Lesson #3 – If at some point in time your employer wishes to use this stored information against you, it can and will!

I have always tried to limit my “public/ private” exposure when using district supplied computers. I do not store any files on the computer: only on floppies, zip, and then “stick,” as technology advanced. I don’t know if this limited or even prevented the storage of records on school computers and servers, but I felt more secure about using the new technology – but of course the school district will have a record of your searches on the Internet too.

On December 1, 2006, the United States Supreme Court upped the ante by adopting new Federal Rules of Civil Procedure on “**Electronically Stored Information.**” While these new rules only applied in Federal cases states model their own rules after the federal rules. Civil Procedure rules on data retention apply to all businesses in the United States, including school districts.

Electronically stored information is now discoverable in civil law suits, although the precise definition of what is electronic record or data is unclear because there are no guidelines in the federal rules. Many states include records of email use, voice mail, servers, individual pc hard drives and disks, mobile computing devices such as palms, pads, blackberries, and smart phones.

Data may include records of whom you called [or who called you], to whom you sent messages [or who sent messages to you] as well as the content of these messages [including text messages]. Also included would be any pictures/videos you sent using these instruments or any you received using them.

Lesson # 4 – Anything you do on school provided phone, cell phone, smart phone, computer, portable storage device [disk, stick, floppy, zip, etc] is “electronically stored information” and a public record for the purpose of discovery.

Lesson #5: Data from the “personal” use of district supplied computers, cell phones, pda’s, blackberries etc. is considered public record.

The rules on retention of “electronic records” are in theory the same as those that always applied to paper records. In New York State, we should be following the NYSED written retention requirements when we create electronic records as well.

And if you have ever considered “electronic shredding” – don’t – it is considered the same as “paper shredding”. If records are deleted that should have been retained there can severe consequences – including negative financial and judicial rulings that might result from a civil court proceeding.

What if you use your personal computer [if not tied into the district’s server] and your own cell phone – are you safe? Maybe yes, and maybe no. The State of Wisconsin has apparently decided that work related data from private computers and private ISP email accounts are covered under “electronic records” for discovery purposes (Note that it has to be work related).

Lesson #6: Don’t use school supplied electronic equipment for personal use!

But who gets to decide what is retained and for how long, and how it is stored so that it can be more easily accessible? Consulting firms can sell their services to school districts and other businesses, although many businesses still leave it to their employees to determine what is a business record that needs to be retained and what can be deleted immediately [Note that deleted does not mean it is deleted and that our attorneys advise that reliance on employees individual judgment is a risky practice!]

My stock broker told me recently, that his office has a full-time employee who monitors all electronic communication in/out of the office, and that this monitor determines what should be saved and what should be deleted. His firm also has strict policies about using any company provided electronic devices – computers/blackberries/phones for personal business. Access to social networking sites is blocked. Many firms expect their IT personnel to be the gurus and guardians of what is to be retained and for how long – although relying on one employee to control what is to be the official record of all transactions is probably not the best policy.

Lesson #7: See lesson #1 and lesson #3!

Freedom of Information Requests and Electronic Records

Electronic Records are like paper records and are subject to **Freedom of Information Requests (FOI)**. Any “interested parent” on a fishing expedition can FOIL your email and phone call records to see what turns up. This has been done with embarrassing and even job ending results.

SOME PRACTICAL ADVICE FOR SCHOOL ADMINISTRATORS

- 1. Question:** As an administrator, should I use a district supplied cell phone for incoming/outgoing personal calls, texts, im’s, checking personal email, checking my social network profiles.
- 2. Question:** Can my district decide what records to electronically delete or retain and for how long?

Answers to 1&2: Yes! But... Assume that anything you do on district provided equipment is forever!

continued on next page

Be Wary Of Using School Supplied Electronic Equipment – Computers and Phones...continued from previous page

3. **Question:** Can I be required to use district computer for all district business?

Answer: From a practical standpoint you are going to have to. You could use your personal computer with an air card direct internet connection to avoid the District's, but when you send any message/communication to someone within the district to *their* district provided computer your info is still "in the system".

4. **Question:** Should ESSAA and other unions use district computers and/or district email addresses to communicate with their members?

Answer: NO! Anyone can view this information – there is no assumption of privacy. (Rumor has it that there is a school superintendent in Westchester who had IT put software on his computer so he/she can view any employees computer traffic at any time.

5. **Question:** Can a school district prohibit the use of personal electronic devices by employees during the school day – either for doing school business or for private use?

Answer: Maybe. But from a practical standpoint, this would be difficult to enforce. Students make cell phone calls and receive them in bathrooms; so can staff.

6. **Question:** What if I have done something using a school supplied computer or phone in the past that could come back to "bite me" in the future. Do I have any recourse?

Answer: Sorry. **NO!** – deleting something on your computer or phone or pda doesn't delete it from the server. Deleting phone records from your phone doesn't delete those records from the server. The same goes for computer files. Also if you have sent something to someone else, they have it and can use it in any way they want. And, by the way, you would be "destroying evidence."

When communicating with anyone using electronics, there are several rules to follow – assume it is public, assume that any helicopter parent might try to use what you say or do against you; assume this record is forever, think before you do anything, be careful what you send, and if at all possible **make a paper copy of everything and take it home with you.**

You might even consider going back to past practices: the ancient past. Insist on face-to-face meetings with parents. Have a witness present, and use letters and obvious "cc's" to files.

Lesson # 7 - We can still do our jobs as administrators with the new technology and its challenges – we just have to be smart about it! ❖

2009 AP-MTV Digital Abuse Study

Summarized by Chuck Mitchell

MTV, in preparation for a multi-year public affairs effort on the issue of teen digital abuse, commissioned a recent study to look at the digital use/abuse among teens currently. The focus was on teen use of technology for sexting, digital harassment and digital dating abuse. A total of 1,247 teens [14-17] and adults [18-24] [roughly 1/2, 1/2] were interviewed online for approximately 15 minutes each on September 25, 2009.

Some key results of this survey are definitely things a school administrator should consider as there are significant impacts on interactions among our students in and outside of school, as well as an indication of instructional needs.

- * Experiencing abusive behavior digitally – 47% of teens [females = 53%; males = 47%]
- * Most common types of digital abuse – spreading lies, violation of trust, disrespect
- * See others disrespecting people on social network sites – 50%
- * Victim of someone impersonating them digitally – 10%
- * Pressured to send naked picture of themselves to someone else 11%
- * Digital blackmail – 8%
- * Sexting – 30% have been involved in some type of naked sexting [sending/receiving/forwarding] and/or receiving messages with 'sexual words on text' on the internet. 10% have shared a naked picture of themselves [13% female; 9% male] [29% sent sexual messages/images to someone they only knew on line; 24% sent to those they wanted to date or hook up with]; Males more likely to pass around sexual images than females. 45% of those who have had sex within previous seven days before survey had at least one sexting related activity.

Why are sexual images passed around?

- 54% "thought others would want to see";
- 35% to "show off";
- 26% cited boredom; 31%, "as a joke";
- 30% "to be funny."

Those who sext see it as "flirty," "exciting," "hot," "fun," "trusting."

Those who do not sext see it as "stupid," "gross," "uncomfortable."

Digital Dating Abuse – Defined as ways to manipulate boyfriends and girlfriends by using digital means to check up on the partner frequently, looking at text messages without permission, insisting on ID/passwords that can access others computer/phone; demanding to unfriend former partners; or to digitally abuse with written comments.

26% have shared passwords and those who have shared passwords are more likely to be a target of digital abuse.

Consequences – 76% of teens say digital abuse is a serious problem, but only 51% have considered that what they post could come back to "bite" them. 25% understand that what they do could have criminal consequences, 28% understand that they could get in trouble at school, 29% understand that what they do could get them in trouble at work.

Bullying – Most teens have no problem reporting bullying but don't necessarily take a personal interest in responding to instances of one individual bullying another. Asking a bully to stop is the first reaction for those being bullied and telling a friend is the next step. Parents are told about bullying reports.

Impact of Digital Abuse – Adverse effects on the mental health on those being digitally abused:

Those being digitally abused are twice as likely to receive mental health treatment; three times more likely to consider dropping out of school; and three times more likely to consider suicide than those who are not.

Digital Abuse crosses all social, economic, and academic strata. ❖

ESSAA's Chuck Mitchell is available to speak to your group on Internet Safety issues.

Contact Chuck at:
cmitchcmitch@yahoo.com

HOT STUFF!: Minding Your E-Mail

District leaders need to prepare for public records requests.

By D. Keenan, C. Keener, M. Shoaf, D. McIntyre
November/December 2009

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This article is the result of a collaboration between three superintendents from Ohio and a school district lawyer. In planning for a presentation at the Ohio School Boards Association's Capital Conference in November, the four men—Daniel Keenan, Westlake City Schools' superintendent; Clinton Keener, Bay Village City School District's superintendent; Michael Shoaf, Rocky River City School District's superintendent; and Daniel McIntyre, a partner at Brindza McIntyre & Seed in Cleveland—realized that their work could be helpful to school administrators in other states who are addressing electronic records policies in their own districts.

Since the Supreme Court approved a 2006 amendment to the Federal Rules of Civil Procedure requiring public entities such as school districts to produce electronically stored public records during the “discovery process” in lawsuits, maintaining such records, especially e-mail messages, has been an ongoing obligation for district leaders. While they strive to be responsive to public records requests, they can easily get bogged down in addressing such requests. To meet this challenge, district leaders need to develop policies and practices to manage their electronic records so that relevant documents can be accessed quickly; otherwise they face the risk and expense associated with noncompliance.

Administrators need to take the lead with school board members and community stakeholders in developing policies to address electronic documents under the public records law. They must review applicable public records law and develop legally compliant procedures for organizing, saving and retrieving electronic records in the event of a request.

Westlake City Schools in Ohio learned this lesson the hard way recently. The district received a request for e-mail sent or received over a three-year period relating to the high school's softball program. District staff were forced to sort through thousands of e-mail messages that were potentially subject to disclosure. In the aftermath of responding to this voluminous request, administrators revamped the district's approach to handling electronic records.

Legal Principles and Policy

Electronic documents, e-mail messages, videos, maps, blueprints, photographs, voice mail messages in some jurisdictions, or items stored on any other medium (e.g., computer drives, data discs and microfilm) may be public records. It is the content, not the medium, that makes a document a record of a public office. E-mails that fall into one of the following categories are generally not subject to disclosure: medical records; security and infrastructure records; records pertaining to adoption, probation, parole proceedings, or attempts by unmarried minors to seek court permission for abortion; trial preparation records; records pertaining to the recreational activities of a minor; and records the release of which is prohibited by state or federal law, including student records and trade secrets.

From state to state, it is a fundamental requirement that public records be maintained in such a way that they can be made available for disclosure and inspection promptly, usually within five days. Courts have routinely held that if there is evidence electronic records have been deleted in violation of a public office's records retention and disposition schedule, the office must recover the contents of deleted e-mails and provide access to them. This is often accomplished through the use of a forensic computer professional, who can review the content of the PC or server and retrieve deleted files. While an e-mail may have been deleted from a user's inbox, it often continues to exist on the hard drive. But this is no excuse for noncompliance, especially given the costs associated with the work of the forensic computer professional and potential court-awarded damages.

In determining how long a record must be maintained, you must first identify the content of the record. Just as a school district cannot treat all paper or microfilm records the same way regardless of their content, a district cannot simply schedule e-mail as a single record category for the purposes of retention. For example, if your district retains employment contracts for 10 years as part of the personnel category of records, you will need to maintain any employment contract in electronic form for the same period of time. As a general matter, it would not be permissible to create a new category of records entitled “electronic records” or “e-mail.” The content of an electronic document determines whether or not it is a public record and the district's corresponding retention obligation.

An appropriate electronic records policy must provide in plain terms the definition of electronic records and charge each employee who may create or receive electronic records with the responsibility of retaining and organizing these records in accordance with the district's retention schedule. But just as importantly, the policy must contain specific procedures to permit employees to meet their obligations. This typically involves online, near-line and offline storage systems. For e-mail, online storage involves maintaining documents in an e-mail system's inbox, outbox or similar folder. Near-line storage involves the removal of e-mails from the e-mail system and saving them, for example, to a local hard drive, while offline storage is the filing of e-mails in a non-electronic format.

Communicating Obligations

After a school board adopts a public records policy, district officials must communicate the policy to all stakeholders. Noncompliance with policy requirements because of misinformation is not an acceptable excuse when addressing public records complaints.

Westlake City Schools' request for e-mails regarding the high school softball program stemmed from a parent concern about a coaching decision. The district was asked to provide all e-mails pertaining to



HOT STUFF!: Minding Your E-Mail...continued from previous page

the softball team over three years. These e-mails concerned line-ups, practice schedules, competition schedules, games, statistics and coaching decisions. Faced with this request for such a voluminous amount of information, district officials realized they lacked a mechanism to track e-mail public records. They resorted to using the keyword "softball" and wound up with over 2,000 messages. After a laborious sorting process, fewer than 10 messages were determined to be relevant records per the request. This ordeal resulted in a reassessment of how the district's e-mail is stored and organized.

Westlake officials decided upon a three-part procedure: (1) inform employees and board members of current policy and of what constitutes a public record, (2) develop a straightforward system to sort e-mail so it could be more easily searched when records were requested, and (3) train users more effectively. A Web-based policy notice was developed for faculty, staff, administrators and board members. Knowing that these stakeholders have to deal with many policies, officials specifically sent the e-mail retention policy using the district's online professional development tool and requested that recipients sign off on it. Once the policy was communicated clearly, the need for an easy-to-use system of retention was more apparent to them.

The district's director of human resources worked with the technology coordinator to set up a practice most districts can easily replicate. They created three folders (nonrecords, transient records and permanent records) for messages within Microsoft Outlook so employees could sort and store messages easily and appropriately. An online training module was then developed to help employees use the new system. Now they will be asked to complete the module as part of their in-district staff development and then to sort e-mail according to the district system.

Retaining and Retrieving Records

Retaining and retrieving public records, particularly electronic records, requires a systemic process to ensure compliance. Records are retained in many forms at Bay Village City School District. The district policy for public records includes a list of all required records and the period of time each must be retained. Some are retained in paper form, but most are now retained in electronic form. Despite generating thousands of e-mails every week, until recently district employees did not have a central location for saving e-mails. Instead, e-mails were stored on individual hard drives—a potential nightmare for district employees in the event of a large public records request. Before the start of the 2009-2010 school year, the district implemented an archive and retrieval system for e-mail. Through an outside vendor, the system retains all e-mail entering the district and all e-mail produced within the district. Every year the district's records retention committee meets and approves destroying dated records in accordance with Ohio public records law. The committee approves destroying certain e-mails created and saved more than two years previous to the committee meeting. Any e-mail that needs to be retained for more than two years must be copied and placed in the appropriate file.

A few times each year a member of the public will make a public records request that includes e-mail. A staff member can retrieve all e-mail related to the request. For requests with a limited number of related e-mails, the staff member will save the e-mails in a computer file and then forward the file to the person making the request (photocopy, e-mail attachment, or CD—whichever format the person prefers). In some cases there may be a large volume of related e-mails in the archive. Many of the e-mails retrieved may not be required to be retained as public records. A staff member will then review all e-mails found during the search and will copy only the e-mails that constitute a public record. Should the staff member give a large volume of e-mails that are not related to the request, the district could be accused of trying to bury the member of the public in his or her own request.

The Rocky River City School District's retention and recovery system includes a district e-mail server for storing electronic records. E-mails are fully indexed by message content and attachments, with the option to add tags for customized searches. The archive search tool located in the Web user interface conducts full-text searches based on tags or message content. Users can easily search personal e-mail archives, view e-mails in the archive, and forward e-mails to active mailboxes.

The information technology director can access the server and retrieve relevant records quickly. Paper records are retrieved via traditional—and more time-consuming—means. "We now have the ability to retrieve archived email records electronically and are exploring options for storing and retrieving other types of records in a like manner. Our goal is to achieve, to the greatest extent possible, a paperless system for storage and retrieval of all records in the district," says Dianna Foley, Rocky River's coordinator of communications and technology.

Meeting Obligations

The content of an e-mail message determines, first, whether it is a public record and, second, the district's corresponding retention obligation. Developing a school board policy that reflects and describes applicable requirements for storing and organizing electronic records is critical to meeting public records obligations. School district leaders need to ensure that all stakeholders are aware of and properly trained in the district's electronic records policy. Implementing specific procedures for electronic records retention will provide school leaders and staff with a greater opportunity to meet the challenges associated with electronic records. ♦

Troy A.A. Wins Important Grievance

Arbitrator Jeffrey Selchick, Esq., ruled in favor of Troy A.A. in a grievance handled by ESSAA Attorney Kevin O'Haire. The issue was the unilateral and, now, illegal, ordering of TAA members to work by the Superintendent of Schools on December 15, 2008 when all other district employees had been excused from reporting to work after he (the Superintendent) declared a snow emergency.

The Arbitrator concluded that the district's action violated established past practice, as well as certain terms of the collective bargaining agreement. Members who reported on the day in question were granted per diem compensation; those who used a leave day and didn't report will have their leave time restored. The district is to implement the award within thirty days.

TAA President, Kathleen Slezak and the members of the Troy A.A. are pleased with the decision.

This is a significant achievement. One of the most common issues ESSAA deals with is the "double standard" for work and responsibility that Superintendents and Boards of Education assume administrators will accept and be held to without complaint.

Winners of The Journal Cover Contest!

Anyone who believes that school administrators are too busy chasing kids around to pursue interests in cultural activities would have been stunned to witness all the responses the Journal editors received to the challenge presented to ESSAA members in our November issue: Name the artist and the painting on the cover: "Harvest At La Cra With Montmajour In The Background" by Vincent van Gogh.

Here are the three winners, determined by date of submission. And congratulations to all the others who got the answer right (which was everyone who submitted).

Julie Hassett	Ed Ryder	Ronna Telsey
Buffalo, NY	Holbrook, NY	Great Neck Public Schools, NY

Cell Phone Seizures – To Search Or Not To Search: That Is The Question.

By Chuck Mitchell
ESSAA Project SAVE

One of the issues that I constantly deal with as a school administrator is what to do with the cell phones that teachers confiscate from students when school policies are violated. [Our policy was “off” when school began, “on” before and after school].

This rule was published in our student handbook and if it was violated the phone would be taken. In our case the rule was: **first time**, give it back to the student at the end of the day; **second time**, the parent had to come in to get it; **third time**, the phone returned at the end of the school year. Fortunately neither the administration nor the students had to deal with the third time!

Parents were mostly supportive when confiscation happened, though they continued to text and call their young darlings throughout the school day anyhow. Students became adept at texting with their phone and hands in their pockets. Bathroom stalls became the phone booths of choice for this new generation. [In the old days smoke came over the top of the stalls as evidence worthy of conviction for student violations. Today you hear “beeping” or “strange music” – which is evidence for seizure of an offending cell phone]

Very few staff are challenged for taking a student’s cell phone in violation of school policy, but problems increase when you exercise your right and/or obligation to search a student’s phone once seized to see if there is evidence of violation of any school rules or possible criminality on the phone – absent, of course, a specific reason to search that student’s cell phone.

Question: Can you randomly search a student’s cell phones record for text messages, photos, video, and IM’s?

For much of my administrative history my rule has been that if you violated school rules by having your phone on, then I had the right and obligation to search what was on your cell phone for “safety” reasons: to determine if you had been using the phone for illicit purposes such as photocopying exams, texting your friends in classes, taking inappropriate pictures in locker rooms, sending or receiving inappropriate pictures or videos, etc., or planning an assault on a student, staff member, or the school.

This stance definitely served as a deterrent for some students, and they didn’t keep their cell phones on during the school day because they didn’t want me to see what was on it. I was also fortunate in having parental support for this practice even to the point of having to demonstrate to one of my student’s parents how to access their son’s cell phone pictures to view the full frontal nude photos his 18 yr old girl friend sent him.

In my lectures around the State on Internet Safety issues, however, I have found that parental support for viewing what is on their child’s cell phone is not universally accepted. In many schools, parents challenge the right of school personnel to seize a cell phone even when it’s use is in clear violation of school policy.

Recently, police, district attorneys, and lawyers of all kinds, have jumped in with a variety of theories, opinions, and- in one case - criminal charges related to an administrator viewing what is on a student’s cell phone. Here is my latest thinking on the situation:

1. Only search what is on a student’s phone if you have a clear reason, one that is related to the potential disruption of school business or to alleged criminality. **Generally, searching without a clear reason could be considered “fishing” and open you up to criticism and complaints and the inability to use anything you “find” related to possible disruption of school etc. etc.**

For example, if you receive information that a specific student has potential pornography on his or her cell phone – seize it! If students are standing around another student’s cell phone and he or she is showing them a student fight video – seize it!

But if you just want to search a phone to see what you can find – watch out! A principal I worked for confiscated a phone that a student had turned on and then searched his text messages to determine who had been texting him, and then went from student to student seizing their cell phones also. He stopped his search and seizure at fourteen phones. This could be considered “fishing” and would certainly be open to criticism.

2. If you hear a rumor that a student might have a phone with something on it that is inappropriate or illegal, consider the risk/benefit of a preemptive strike: investigating and acting before something happens, or if it is better to wait for the student to begin showing his or her stuff around and then acting. Is it more important to stop the potential disruption and risk your ability to use the seized info in a disciplinary action? Or is it more important to wait and ensure your ability to use the material?
3. **Do not – Do not – copy to your computer suspected pornographic material you find on a student’s phone!** An assistant principal was arrested and suspended for an extended period for possession of pornography for doing just this! Charges were later dropped and he was returned to his position eventually ...but the case made national news!
4. My suggestion is that if you discover potential pornography in any format, immediately notify the local police and once they arrive on scene, notify the parents. Let the police handle it with your support so you can use the “evidence” for school consequences while the police handle charges of criminality.
5. **Do not make and keep copies of any allegedly pornographic material on students phone for your paper files either!** If you want to use such material, bring the police officer in as a witness and subpoena the Department’s copy of the material. If you have your own copy, you could be accused and/or charged with possession of pornography yourself.
6. **Do not cut deals with students regarding potential pornographic material the student possesses on his or her cell phone (I won’t tell your parents and/or authorities as long as you delete it in front of me)** This could lead to criminal charges against - yourself! ❖

ESSAA Spotlight On: Joanna Keeler



Johanna Keeler is ESSAA's Web Master; but as is expected with ESSAA Officers and Directors, she is much, much more. A graduate of SUNY with a Bachelor of Science in Computer Science, Joanna holds an M.S. in Education from SUNY, Owego, and a School Administrator's license from SUNY, Cortland.

In 2008 Joanna was named Director of Staff Development in Utica after serving ten years as Technology Coordinator in the Herkimer Central School District. Previously,

she was the Library Automation Specialist at Madison-Oneida BOCES.

Joanna has provided staff training to administrators and teachers in a variety of computer-related fields, including : Keyboarding, Office Administration, Office Management, Machine Transcription, and the use of software such as BASIC, WordPerfect, Windows, and MS Office.

Her current responsibilities in Utica include: directing and coordinating staff development programs; overseeing the District-Wide Calendar and the maintenance of staff development records, and guiding the ELS Curriculum Writing Committee.

As ESSAA Web Master, she is responsible for the design and maintenance of ESSAA's web site (ESSAA.org), and plays a key role in

updating ESSAA members on issues that affect every one of us, in and out of the classroom.

Joanna is the wife of Ed Keeler, ESSAA's Director of Recruitment. She lives in Chadwick, NY.

A tip of the ESSAA hat for a job well done goes out to Joanna Keeler.



President Elect Bill Evans and Web Master Joanna Keeler.

A Lawyer's Nightmare: Roadkill On The Information Highway

By Joe Lamendola
ESSAA Attorney



In this new age of computer technology, information is transferred in a nanosecond. Communication is now instantaneous. Social interaction has also been transformed. Cell phones; PDA's; Email; Gmail; Texting; Tweeting; Facebook; MySpace; YouTube; Flickr. Where will it end?

For the practicing attorney it can be a minefield of controversy. A client taking the stand forgets to inform her unsuspecting attorney that she has contradicted herself about her claim in comments made in her Facebook. Opposing counsel subpoenas the documents and destroys her in cross-examination.

A military member signs on for a 6 year enlistment and is then deployed to a war zone. Suddenly, he claims he's found religion and professes to be a conscientious objector. Unfortunately, his MySpace photos illustrate a gung ho militant salivating at the chance to shoot a gun!

Another person carries on an illicit affair with the wife of one of his employees. The couple exchanges steamy emails back and forth on company computers. Both leave each other sexy messages on company voicemail systems. The emails and voicemails are confiscated and both are subsequently fired.

The New York State Police Crime Lab has acquired the latest and greatest technology in ferreting out pornography. Pedophiles are

downloading smut and unknowingly sending out their technological fingerprints which enable police agencies to track the file. A warrant is obtained and an arrest is perfected. The defendant maintains that he downloaded the file but deleted it from his hard drive. Unfortunately, it's too late and the defendant pays the ultimate price: prosecution by felony.

Municipalities - cities, towns, villages, and school districts are hiring information specialists to design plans to store and retrieve digital information as well the numerous paper documents that must be maintained.

Federal and State Courts have now implemented paperless filing systems. All correspondence and pleadings are mandated to be filed electronically. Failure to comply results in no access to the court: no computer, no access.

Most financial institutions are now paperless. Deposits and withdrawals are completed electronically. Stocks, bonds, and other financial transactions are wired from Hong Kong to London and then to Wall Street at the stroke of a computer key.

We all have to get on board the information highway or be left on the side of the road. It's not going to be easy. But I must pause. My wife just called me on my hard phone line. Why have I ignored her email, text and cell phone calls? She wants to know. I explain that I turned off my Blackberry so I could concentrate on writing this article!

What Is Privacy? And Why Are There So Many Rules Today?

By Bob Liftig

The Assistant Editor of The Journal, my wife, has noted that, since 9/11, there has been an explosion in “zero tolerance” policies: don’t light up or we’ll arrest you; don’t download that or you’ll go to prison; don’t bring a key chain to school, or you’ll be charged with carrying a deadly weapon...you know the dance.

America and the rest of the Western World were so traumatized by the series of attacks (New York, London, Bali, Madrid, etc) on what they thought were safe homelands, says my wife Inez, that – consciously or not – lawmakers and average citizens felt the only way to restore their former existence was to pass laws prohibiting just about anything that could threaten it.

My wife is right...of course.

But, as the prohibitions pile up, are you beginning to get a queasy feeling?

Suddenly, we’re being forced to repeat for public consumption that each of us is a crucial piece in an international puzzle, and that somehow and sometime, though we can’t remember doing it, each of us has taken an Oath to Save The Earth, A Pledge To Be Nice To Others, A Vow To Feed The Homeless Wherever They Exist, and a Commitment To Re-Re-Re-Recycle (my children learned this chant in elementary school).

An old guy like me shouldn’t smoke cigars because a young kid like you doesn’t like the smell of it. A Canadian in New Brunswick shouldn’t use wood to heat his cabin in the forest because some Greenlander may get asthma, and because some New Yorker who has a trailer sitting in a swamp in Florida might get flooded out. Even a WWII veteran who proudly displays The Flag in front of his house has to take it down because somebody somewhere might be offended (Google Recent News Items...it’s there).

If you say, “What wrong with that?” – that’s *your* problem!

Private Lives No More

Is privacy dead?

If by “privacy” you mean the ability to do something sneaky and get away with it, it may be dying – and, who knows? – maybe it should be. Snatch a purse from someone, and the street cameras get your photograph; run through a toll booth with your E-Z Pass at beyond the 5 mile per hour speed limit, and a ticket with your smile on it will come in the mail (Citation: ask my daughter); and if your students type in “Chicks” on the school Internet because that’s the report you assigned them for Biology, prepare for disaster!

So privacy is ... “archaic” ... and what are you trying to hide that you’re so concerned about it anyway?

Back to the original question: Why all these rules?

If you’ve got some time on your hands this coming summer (it will come- it’s not 2012 yet), find a dog-eared copy of “Atlas Shrugged,” by Ayn Rand...which is still being published at the rate of 300,000 copies a year. In her novel, one of the last of the “free” men in America faces off with an official of the despotic new government who has just told him he has violated a whole set of laws that Congress passed over the weekend in a Secret Session.

The government guy tells the businessman he’d better sell his company to the government right away or the government will prosecute him for violating all those secret laws it’s been passing. The hero tells the agent that he has always prided himself on obeying every law, but how can the government expect him to follow so many of them, especially when they’re passed in secret?

(To paraphrase now)

The agent levels with him because the hero still hasn’t seen “The Truth.” The government doesn’t *expect* its citizens to obey the law, the government passes so many laws so that every citizen will *violate* some of them! That way, each and every citizen can be threatened with prosecution unless he or she agrees to do its bidding.


And people aren’t perfect, as our Founding Fathers knew; and Zero Tolerance policies assume that imperfect people can be forced to act perfectly – which is both Utopian...and fraught with danger – and hardly “With Liberty And Justice For All.”

The absurdities line up with so many of the items in the daily news. A grandmother sends her granddaughter to elementary school with a cake she baked and a plastic knife for the teacher to cut slices for the class with. Result: suspension for bringing a deadly weapon to school. A high school student sends another high school student an email from one home computer to another calling the principal a fat something or other, and the kids are suspended from school - for potentially causing a riot in a place their emails were never meant to be sent to. And an administrator downloads pornography from a student’s cell phone to use as evidence against him --- and is almost charged *himself* for dealing in it (See Chuck Mitchell’s article).

Yes, Virginia. The Road To Hell *is* paved with good intentions. And – by the way – your letter has been copied and filed under “Heretics.” ♦

pri-va-cy



 (pra-va si; *Brit. also* (privasi) Show Spelled Pronunciation

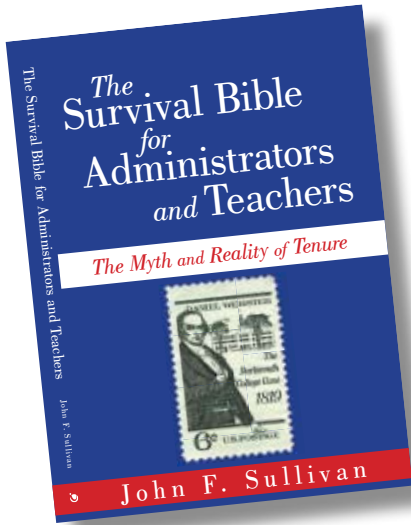
[*prahy-vuh-see*; *Brit. also* *priv-uh-see*] Show IPA

–noun, plural *-cies*.

1. the state of being private; retirement or seclusion.
2. the state of being free from intrusion or disturbance in one’s private life or affairs: *the right to privacy*.
3. SECURITY.
4. *Archaic*. a private place.

John Sullivan Tells All In “The Survival Bible For Administrators And Teachers”

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Paul Derkasch, Esq.



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“John Sullivan in one of the founders of ESSAA and has served as its President since the day of its beginning. John’s career in education spans 45 years as a teacher and principal in Westchester County, New York. He is the author of “The Commonsense Guide To Leadership,” first published in 2005. John and his wife Theresa live in New Rochelle, New York. He will be retiring as President of ESSAA in June, 2010.”

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