

\* SEE TP 1-3 RE: THE LAW AS IT 4.1  
APPLIES TO BOE MEMBERS. J P

PRESENTATION FOR  
RHINEBECK  
CENTRAL SCHOOL DISTRICT

*Mandatory Reporting Obligations and  
Molestation and Misconduct  
In The Schoolhouse*

By:

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## THE DUTY TO REPORT CASES OF SUSPECTED CHILD ABUSE AND/OR NEGLECT

### PROJECT SAVE AND REPORTING REQUIREMENTS

1. Project SAVE, also known as Safe Schools Against Violence in Education Act, contains a number of reporting obligations of which all teachers must be aware. The following is a summary of the relevant provisions:

- i. Education Law § 3028-a provides that a school teacher, school administrator, guidance counselor, school psychologist, drug counselor, school nurse, supervisor of attendance, attendance teacher, or attendance officer who has reasonable cause to believe that a student under the age of 21 is an alcohol abuser or substance abuser, may make such a report to the school principal, parents or legal guardian of the student or other appropriate authorities, and that the teacher shall have immunity from civil liability for making such a report.
- ii. Education Law § 3028-c provides protection to school employees who report acts of violence and weapons possession. This statute gives school employees immunity from civil liability when they report violent incidents and weapons on school grounds and "whistle blower" protection against employer retaliation. The statute operates on the assumption that teachers will make reports to the authorities or school administration of violence and weapons possession.
- iii. New York Social Services Law § 413 and 420, establish the requirement that a school teacher, psychologist, nurse, school officials, guidance counselors etc., are mandated reporters. Such individuals are required to make a report of cases of suspected child abuse and/or neglect. Child abuse and/or neglect can include and not be limited to, any form of sexual contact between a student and a parent or other person legally responsible for his care or other physical abuse of a child by those persons. The regulations state that "a person legally responsible" includes "the child's custodian, guardian, [or] any other person responsible for the child's care at the relevant time." The regulations go on to note that a, "[c]ustodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child." Any person under the age of 17 cannot consent to sexual activity. The specific procedure for making reports under the Social Services Law is described below.
- iv. New York Education Law § 1125 *et seq.*, imposes a duty upon every school teacher, school nurse, school guidance counselor, school psychologist, school social worker, school administrator, school board member, or other school personnel, required to hold a teaching or administrative license or certificate, that if a child

has been abused by an employee or a volunteer in an educational setting, that such person shall, upon receipt of any such allegation, whether oral or written, do the following:

1. Promptly complete a written report of such allegation, including the full name of the child alleged to be abused; the name of the child's parents; the identity of the person making the allegation and their relationship to the alleged child victim, and a listing of the specific allegations of abuse in an educational setting.
2. In any case where it is alleged that a child was abused by an employee or volunteer of the school, other than a school within the school district of the child's attendance, the report of such allegations shall be properly forwarded to the superintendent of schools of the school district of the child's attendance and the school district where the abuse allegedly occurred, whereupon both school superintendents shall comply with the reporting and investigation obligation.
3. Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting to a person and in a manner described in this Section, shall have immunity from civil liability, which might otherwise occur as a result of such actions.
4. Child abuse in an educational setting means any of the following acts; a) intentionally or recklessly inflicting physical injury, serious physical injury, or death; b) intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury, or death; c) any child sex abuse as defined in this section; or d) the commission or attempted commission against a child of a crime of disseminating indecent materials to minors, pursuant to Article 235 of the Penal Law.

Educational setting means the buildings and grounds of a public school district, the vehicles of a school district, to and from school buildings; it also includes field trips, co-curricular and extra-curricular activities, both on and off school grounds, all co-curricular or extra-curricular sites and activities where direct contact between an employee or a volunteer and a child has allegedly occurred.

#### PENALTIES FOR FAILURE TO COMPLY WITH § E.L. 1125 ET SEQ.

- A mandatory reporter who willfully fails to make a report required under E.L. § 1125 *et seq.*, is guilty of a Class A misdemeanor.
- The Commissioner of education is authorized to impose a fine of up to \$5,000 upon the individual mandatory reporter who fails to make a report.
- A failure to file a report can constitute professional misconduct, which can lead to the Commissioner revoking the certification and licensure of a teacher or administrator.
- A failure to report can also result in disciplinary action against the employee by the school district.

- Finally, a failure to report can also subject the employee to civil liability should a civil action be commenced by a student or the parents of a student harmed as a result of the failure to report.

### HOW TO FILE A REPORT UNDER THE SOCIAL SERVICES LAW

Social Services Law § 413(1) provides in relevant part:

"Whenever such person is required to report under this Article in his or her capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, he or she shall immediately notify the person in charge of such institution, school, facility or agency or his designated agent, who then also shall become responsible to report or cause reports to be made. However, nothing in this Section or Title is intended to require more than one report from any such institution, school or agency. At the time of making of a report, or at any time thereafter, such person or official may exercise the right to request, pursuant to paragraph (A) of subdivision 4 of Section 422 of this Article, the findings of an investigation made pursuant to this Title or Section 45.07 of the Mental Hygiene Law." (Emphasis supplied.)

The obligation of a teacher to report is not, in the first instance, to report directly to the Hotline. Rather, the obligatory language of the statute requires that a teacher *shall* make the report initially to the building principal.

### WHY THE STATUTE REQUIRES THAT THE REPORT BE MADE TO THE BUILDING PRINCIPAL

- There may be multiple sources of information pertaining to the suspected case of child abuse or maltreatment. It will facilitate an investigation and, indeed, may even avoid an unnecessary investigation, if those various sources are consulted.
- It must at all times be kept in mind that Social Services Law § 419 provides immunity from civil liability only for those reports of suspected child abuse or maltreatment which are made "in good faith".
- Where we know that there may be multiple sources of information, which may help to explain a particular circumstance, and a school administrator or teacher does not check those various sources of information prior to making a report that can have a devastating impact upon a parent or family implicated by the report. Further, it may not constitute "good faith action" to make a report to the hotline without checking those sources prior to making such a report. See *Rossignol v. Silvernail*, 185 A.D. 2d 497 (3<sup>rd</sup> Dep't., 1992). See also *Vacchio v. St. Paul's United Methodist Nursery School*, New York Law Journal, Nassau County Supreme Court, 7/21/95.
- The legislature concluded that suspicions be screened and reviewed internally in order to avoid a multiplicity of reports or incomplete information. Multiple reports could result in multiple investigations being opened, thereby duplicating unnecessarily the work of a state agency that is already somewhat overburdened.

- Another reason why information should be funneled through the building principal is because the principal is the first individual from the school district to be contacted by the Department of Social Services investigator when a Hotline report is filed. Thus, if the Social Services Agency contacts a school principal, who is unaware that such a report has been made, that principal cannot direct the investigator to the correct personnel who have the pertinent information or supply needed information in a timely manner.

- In Rossignol v. Silvernail, 185 A.D.2d 497 (3<sup>rd</sup> Dept. 1992), the Appellate Division, Third Department, referred to being labeled as a child abuser as "one of the most loathsome labels in society". The court further pointed out that "the physical and psychological ramifications that may be attendant to addressing, defending and dealing with such charges are difficult to escape." See also Delechanty v. Delaware County Department of Social Services, 166 Misc.2d 182 (Delaware County, 1995, Per Mugglin, J.)

There is a mechanism in the law that allows a teacher who has made a report to a Principal to confirm whether a hotline report was made.

Section 413, subdivision 1, states:

"At the time of the making of a report, or at any time thereafter, such person or official may exercise the right to request, pursuant to subparagraph (A) of subdivision 4 of § 422 of this Article, the findings of an investigation made pursuant to this Title or § 45.07 of the Mental Hygiene Law."

- As noted above, persons who make such a report are only shielded with immunity from suit if they have acted in good faith in making the report. Hotline Reports made in bad faith, or without some minimal investigation, may very well result in a finding of potential liability for the School District as well as for the person making the report.

#### MORE ON MAKING REPORTS UNDER THE SOCIAL SERVICES LAW

Good faith in the exercise of making a report of child abuse or maltreatment requires that a teacher or guidance counselor, etc., exercise some minimum level of inquiry before making a report of suspected child abuse and/or maltreatment. That minimum level of inquiry should consist of conferring with that person's colleagues within the context of the school district itself. (See Social Services Law § 413(1).) Thus, reporting to the principal and discussing the case with his or her colleagues is not only a statutory requirement which is incorporated into the procedure, but is one which is necessitated if a person is to act in "good faith".

#### PENALTIES FOR FAILURE TO MAKE A REPORT REQUIRED BY THE SOCIAL SERVICES LAW

- A mandatory reporter who fails to make a report required by the Social Services Law is guilty of a Class A misdemeanor.
- A mandatory reporter who fails to make a report required by the Social Services Law is subject to civil liability for damages proximately caused by the failure to report.

- A mandatory reporter who fails to make a report required by the Social Services Law is subject to disciplinary action by the employer school district.
- A mandatory reporter who fails to make a report required by the Social Services Law risks having his or her certification or teaching license revoked by the Commissioner of Education.

**IN THE MATTER OF FARLEY V. JOHNSON CITY CENTRAL SCHOOL DISTRICT**, (Broome County Supreme Court, Index No. 2001-1393, per Rumsey, J.)

In this case, the plaintiff alleges that, when he was 16 years of age, he was involved in a sexual relationship with a male during the summer between his sophomore and junior year in high school. Upon returning to school in the fall, he confided in his music teacher that he had been involved in a homosexual relationship that involved several sex acts with an *adult male*. The music teacher encouraged the student to immediately discontinue the relationship. The student, for his part, pleaded with the teacher not to tell the student's parent. The teacher agreed not to tell the parent and the student assured the teacher that he would have no further contact with his male paramour.

The student's paramour had also been involved in the school as a volunteer musical accompanist. Several times after this report, the perpetrator appeared in the school as a musical accompanist. This ostensibly upset the student greatly. After several more months, the student rekindled the relationship with his male paramour. The student's mother became aware of the relationship through a series of revealing e-mails. The parent then reported the episode to the police, who arrested, charged and convicted the perpetrator for having sex with an underage minor. The parent and the student have now filed an action against the Johnson City Central School District, its superintendent, the teacher, and the perpetrator.

On behalf of the school district, a motion to dismiss the action was recently filed. State Supreme Court Justice Philip Rumsey issued a ruling that *directed that the case brought by the student against the teacher, the school district and its superintendent would be allowed to proceed. The basis of the Court's ruling was that the teacher had an unquestioned legal obligation to report these acts of abuse of which the teacher had knowledge, the request by the student notwithstanding.* The Court also concluded that the student had, in fact, sustained damages at the hand of the school district, even though it was the perpetrator who committed the acts of abuse. The Court ruled that it was enough of a showing of damage for the student to allege that he had been harmed merely by having to deal with the presence of the perpetrator in the school. Furthermore, failure of the teacher to report the episode meant that remedial measures, such as counseling, were not undertaken sooner.

**Counseling Point:** *It is imperative that you understand your obligation as a teacher to make reports under SAVE, etc. Furthermore, no privilege exists which prevents disclosure by the teacher merely because the student requests that the teacher keep the discussion secret.*

**MATTER OF CATHERINE G. V. COUNTY OF ESSEX**, 3 N.Y.3d 175 (2004)

In August of 2000, petitioner's then nine-year old daughter reported to her mother that she had been touched sexually by her half-brother Anthony, who was then 14 years old. In September of 2000 the mother reported this information to county and school officials. Neither



county, nor school officials, reported the abuse to the state wide sexual abuse hotline. In January of 2000 the petitioner discovered that Anthony had been repeatedly and frequently sexually abusing Brittany, her eight-year-old sister Melissa and her four-year-old sister Marie. The failure of the school and county officials to report the abuse to the state wide sexual abuse hotline was the basis for the suit against the school and the county.

The school filed a motion to dismiss the suit arguing that its personnel had no obligation to file a report because Anthony was not a person in a parental relation with the child and was not otherwise a person legally responsible for the child. The Appellate Division, Third Department rejected the school's argument and ruled that the school employees, who are "mandated reporters" had an obligation to make the report when they were advised of information that constituted reasonable cause to suspect that the child had been sexually abused and that the investigating agency should be left to determine whether a person in a parental relation committed the abuse. Accordingly, the Appellate Division ruled that the petitioner had a valid legal claim against the school psychologist and the building principal who had each been informed of the mother's suspicions in September of 2000 and that the Petitioner also had a claim against the school district.

In October of 2004, the Court of Appeals of New York weighed in on the matter. New York's highest Court ruled that the reporting requirements contained in Social Services Law § 422 did not require school officials to make a hotline report. The Court noted that the act defines both an "abused child" and a "neglected child" as a child harmed by a "parent or other person legally responsible for his care." The Court concluded that Anthony was obviously not a "parent or guardian" and was not a "person legally responsible" for Brittany's care.

The Court looked to the plain meaning of the statute's language and the definition of guardian and concluded that Anthony did not meet that classification. The regulations state that "a person legally responsible" includes "the child's custodian, guardian, [or] any other person responsible for the child's care at the relevant time." The regulations go on to note that a "[c]ustodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child."

The Court noted that the petitioner did not leave the girls in Anthony's charge and noted that young siblings were not the target of the reporting law. The Court concluded that the law was designed to detect and address abuse by parents, parents' paramours and guardians or custodians. The Court explicitly noted that in certain circumstances, a sibling may be a guardian or custodian, but that Anthony was not. The Court concluded that only siblings age eighteen or older could qualify as guardians or custodians for the purposes of the reporting law. However, the Court also stated that "[w]hen in doubt about whether a case must be reported... [mandatory reporters] ought to err on the side of caution and make a report."

Counseling Point: Even though the decision held that abuse or neglect by siblings under the age of eighteen does not require a report to be made, if there is any doubt about the need to make a report, the report should be made. The regulations protect mandatory reporters who make a report in good faith from civil liability that could arise if the report turns out to be unfounded.

VACCHIO V. ST. PAUL'S UNITED METHODIST NURSERY SCHOOL, NY LAW  
JOURNAL, JULY 21, 1995, P. 32, COL. 2 (NASSAU COUNTY 1995)

Vacchio involved a circumstance where a nursery school teacher observed that a child had a black eye and, without more, called the New York State Central Registry on Child Abuse and Maltreatment. The report was later determined to be baseless and unfounded. The parents sued both the teacher and the Nursery School, alleging defamation. The defendant's moved to dismiss the action, alleging that § 419 of the Social Services Law immunized them from this suit. The court denied the motion noting that it did not appear from the papers submitted that "any attempt was made to determine how the black eye was caused before reporting the suspected abuse or maltreatment".

The court further stated that the "the good faith of any person making a report was in most instances presumed, provided, however, that such person was acting in discharge of their duties and within the scope of their employment, and that such liability did not result from willful misconduct or gross negligence on the part of such a person, official or institution."

However, the court also held that it was at least arguable that the failure to conduct a preliminary inquiry or investigation prior to the rendering of a report, may support a finding of gross negligence.

WEBER V. COUNTY OF NASSAU, 215 A.D.2d 567, 569 (N.Y. App. Div. 1995)  
(Stands for proposition that multiple reports are not necessary and some investigation is appropriate prior to making a report)

"Social Services Law § 413 (1) provides that certain persons, including social workers, are required to report suspected child abuse when they have reasonable cause to believe that the child coming before them is abused or the person legally responsible for the child states from personal knowledge, circumstances indicating that the child is abused. Here, the allegation of child abuse was not made by the child or by a person legally responsible for the child. Weber's supervisor advised her that it was premature to make such a report, and upon discussing the matter with hospital staff, learned that the persons who made the allegations were not members of the child's household and that there was no plan as yet to discharge the patient. Three days after the allegations were made, Pilgrim Psychiatric Hospital made a report to Child Protective Services, obviating the need for a report from the Department.")

<sup>2</sup> THE INTERPLAY BETWEEN EDUCATION LAW SECTION 1125 AND THE SOCIAL SERVICES LAW

§ 413-420 of the Social Services Law ("S.S.L.") does not require that school teachers or administrators make reports to the child abuse register where a teacher or administrator learns that a student has alleged that she was sexually or physically abused at school by a teacher. Rather, in such circumstances, teachers and administrators are required to comply with E.L. § 1125 *et seq* because the Education Law section was specifically enacted in order to mandate a specific, detailed and uniform reporting requirement where teachers are alleged to have acted in an inappropriate sexual manner with students.



Education Law § 1125 *et seq* is controlling where educators learn of possible abuse of a student that occurs in the educational setting. Section 1125 *et seq* of the Education Law requires that administrators contact law enforcement, advise the parents of the complaint, investigate the complaint, and prepare a written report regarding the complaint. See E.L. § 1125 *et seq*.

The legislative history for § 1125 *et seq* states that,

"No standard statewide policy exists for the reporting, investigation or identification of this form of child abuse. Standardization and consistency are necessary and appropriate for the protection of the school children of New York state. The legislature further finds that the reporting of allegations of child abuse in an educational setting must be formal, consistent and well documented." See E.L. § 1125 and Legislative findings and intent.

The reporting requirements contained in the S.S.L. require reports to be made by teachers and school administrators where the teacher or administrator has a reasonable basis to conclude that a child has been abused or neglected by a parent or a parent's paramour. The S.S.L.'s reporting requirements do not require teachers to make hotline reports where a student is alleging sexual misconduct by a teacher in a school setting, because the reporting requirements contained in E.L. § 1125 covers those circumstances. See *Matter of Catherine G. et al., v. County of Essex et al.*, 2004 N.Y. LEXIS 2413 (Court of Appeals of New York 2004) (the social services law's reporting requirements were intended to cover abuse or neglect by parents and their paramours).

## THE ISSUE OF SEXUAL MOLESTATION AND MISCONDUCT IN THE SCHOOLHOUSE

### LEGAL BACKGROUND

In August of 2005, the New York State Education Department announced that the most often cited reason for teachers to lose their teaching credentials and teaching license was due to acts of sexual molestation and sexual abuse and/or improper relationships between teachers and students. (See *The Post Standard*, 08/14/05, "Policing Sexual Misconduct") The attached case materials summarize the recent change in focus and perspective on this subject.

The State Education Department and the courts have begun to recognize the profound harm caused by these improper acts by teachers perpetrated upon students. As the case law below establishes, the courts in particular, and State Education Department, are beginning to examine these situations much more severely. These cases provide a warning to all school districts that issues of improper relationships between teachers and students must be immediately recognized for what they are and be promptly and aggressively investigated with appropriate and severe disciplinary action taken when warranted.

MATTER OF BINGHAMTON CITY SCHOOL DISTRICT V. PEACOCK, Index No.:  
2004-1131 (Decision Per Judge Joseph P. Hester, Jr., 03/14/05) (Broome County Supreme Court)

This case is the first in a series of cases that have addressed the issue of a decision by a hearing officer which is regarded as too lenient, being set aside by the courts.

Respondent teacher was charged with five (5) counts of misconduct and various and improper behavior, including conduct unbecoming a teacher. The hearing officer found, and the evidence established, that the Respondent teacher left work early without leave; for purposes of picking up the student to take the 17-year old female student to his home; where they engaged in a private luncheon behind closed doors for more than six (6) hours at his residence on June 17, 2003. The evidence in the case also established that he purchased gift certificates in the form of tanning sessions for the student; purchased cell phone cards for her so she could speak to him privately on his cell phone; transported her on two (2) occasions in his personal automobile, despite knowledge that he was not allowed to do so; left work early without permission and got paid for it; developed an improper and personal relationship with the student; and that as a married teacher, committed professionally improper conduct. The hearing officer found the teacher guilty of conduct unbecoming a teacher, insubordination, neglect of duty and conduct demonstrating immoral character. The hearing officer found that the teacher had engaged in an inappropriate relationship with the student and had admitted to making the purchases of various gifts and cell phone cards for her. The evidence established, without refutation, that the teacher had made over 1500 cell phone calls to the student in a six-month period prior to the luncheon.

Under the circumstances, the hearing officer's decision to suspend the employee only for one (1) year, without pay, with no other conditions, was found by the State Supreme Court to be completely irrational. In fact, the State Supreme Court ruled that the hearing officer's decision was, in the words of the Court, "shockingly lenient". The State Supreme Court ordered the case back into a new hearing before that hearing officer to determine a "more appropriate penalty". That matter is currently under active litigation and the hearing process is underway. We are urging the hearing officer to terminate the services of Mr. Peacock.

The decision of the State Supreme Court in this case is instructive.

The Court is mindful that the hearing officer enjoys wide latitude in dispensing sanctions and judicial review is limited to those instances where the penalty shocks the conscience of the Court or violates public policy... Respondent's misconduct was not an isolated incident. Respondent maintained an inappropriate personal relationship with S. L. for the majority of the school year 2002-2003. While initially he was guilty of only exercising poor judgment, Respondent purposely engaged which he knew or, given the administrator's warnings, should have known would place him in a situation which would foster this inappropriate relationship. His relationship with S. L. caused him to shirk his responsibilities to his employer and other students. Respondent demonstrated his complete lack of remorse by continuing his contact with S. L. after her graduation. There is no evidence or reason to believe that Respondent would behave any differently at this time. The penalty of only one-year suspension without pay is so disproportionate to the Respondent's offense that it shocks the conscience of this

Court...However, contrary to Petitioner's contention, this Court finds that it cannot resolve the issue of penalty by increasing the penalty...as such, the matter must be remitted for the imposition of a new penalty.

(Court Opinion at page 7)

THE SCHOOL DISTRICT OF THE CITY OF NEW YORK V. HERSHKOWITZ  
2005, N.Y. SLIP OP 50569U (Sup. Court, New York County, 2005)

In this case, decided a month after the Peacock case above, the Court dealt with a challenge by a board of education to a hearing officer's finding. It concluded with a ruling that the hearing officer's decision to only suspend the employee for one (1) year, without pay, was shockingly lenient, and vacated the penalty. In this case, the State Supreme Court found that the hearing officer's action was totally irrational and that the hearing officer's award of a one-year suspension without pay, violated a strong public policy of the state.

In this case, the respondent teacher carried on an inappropriate relationship with the student. The respondent teacher carried on inappropriate conversations with the student via e-mail. During these conversations, the teacher discussed with the student having sexual intercourse and her touching his genitalia. The hearing officer found the respondent teacher guilty of sexual conduct toward the young high school student. However the hearing officer, shockingly, allowed the teacher to return to the classroom after only a one-year suspension without pay. Part of the hearing officer's analysis involved a finding by the hearing officer to the effect that the penalty did not need to be as severe because the teacher did not actually carry out the sex act.

The hearing officer found that the teacher communicated with the student in a clandestine manner. Further, that he encouraged the student to set up clandestine e-mail accounts so that he and the student could correspond with one another. Additionally, the content of the conversations was explicitly sexual, but no actual sex acts ever took place. This was found by the hearing officer to have been a basis upon which the hearing officer ruled that the employee should not be dismissed from the service of the school district. This the State Supreme Court found to be "irrational". The State Supreme Court found that it was completely irrational and ridiculous for the hearing officer to conclude that because the predatory teacher did not succeed in carrying out his sexual interest in the student, that he should be rewarded for such conduct by only having a suspension imposed. The Court observed:

Indeed, to suspend respondent for one year actually tells him and everybody else that these perverted and insidious acts are not serious. Importantly, it also tells S. B. (the student) and her mother that S. B.'s resolve and her mother's courage used in withstanding and reporting respondent's persistent and improper advances were for naught. In fact, S. B.'s resolve is being used against her by those responsible for ensuring her safety, as an attempt to minimize the heinous nature of respondent's acts and attempt to get S. B. to deceive her parents. This Court simply cannot countenance such an attempt. Instead, this Court chooses to call the teacher's acts for what they are, an abuse of trust of the most serious kind; one that warrants forfeiture of the privilege to share his knowledge with those who are more vulnerable.

Court... However, contrary to Petitioner's contention, this Court finds that it cannot resolve the issue of penalty by increasing the penalty... as such, the matter must be remitted for the imposition of a new penalty.

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(Court Opinion at page 5)

The Court went on to find that the penalty imposed by the hearing officer was totally irrational and vacated the same. The Court found that the respondent never crossed the line only because he had been apprehended and turned in by the student and her parents before he had an opportunity to do so. The Court concluded that to reward him for such misconduct was simply outrageous. The Court also addressed the contention proffered by the hearing officer that the respondent teacher had 25 years of service without any prior discipline. However, the Hearing Officer failed to appreciate the harm the respondent's behavior could have on a child both presently and in the future. This the Court found, particularly in light of recent reported cases and advances in the scientific and psychological literature wherein there is a greater appreciation for the harm of such inappropriate relationships. The Court concluded that respondent was not fit to be in the classroom.

In its opinion, the State Supreme Court also tracked the development of the recent scientific and psychiatric literature establishing the incredible harm caused to students through these inappropriate and predatory relationships with adult teachers. The Court noted much of the scientific literature and concluded that the potential for harm to the student was enormous and cannot be dismissed with a simple finding that because no sex act occurred, no harm has come about. Such a conclusion, the Court said, is completely irrational and devoid of basis in fact. In reality, the Court found that there is much scientific literature to support the proposition that such a relationship is extremely harmful to children and likely to cause long-term lasting psychological impact.

Because this opinion is so instructive, we have attached a copy of the same to these outline materials.

The ultimate conclusion in this case is that the penalty was vacated. There is a strong suggestion that the Court believes that the appropriate penalty is dismissal of this individual from the employment of the school district.

BOARD OF EDUCATION OF PERU CENTRAL SCHOOL DISTRICT v.  
STEPHNEY (Sup. Court, Clinton County, Index No.: 05-0112; per Justice Ryan)

In this case, a State Supreme Court again reviewed a penalty imposed upon a respondent teacher, for sexually explicit use of a school computer. In this case, a second grade teacher had accessed pornography on the school computer. The hearing officer found that the teacher had accessed obscene and immoral images and blatant pornography, on at least six (6) different occasions. The hearing officer, however, ruled that dismissal was not warranted under the circumstances because the misconduct occurred when children were not in the classroom and the computer's location allowed him to turn it off before any student could see the screen. The teacher was considered "excellent" and even cooperated in the investigation. The hearing officer imposed a six-month suspension.

The State Supreme Court found this penalty to be excessively lenient. It found that the misconduct was "dreadfully serious" and warranted a far more serious penalty being imposed.

Dated: October 3, 2005

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## Finance Committee Meeting Minutes

November 18, 2014

Present: Diane Lyons, Mark Fleischauer, Deirdre Burns, Joe Phelan, Tom Burnell, Steve Jensen, Steve Jenkins (parent and community member)

The agenda for the meeting was discussion of the financial impact of implementing the District's technology plan. Tom distributed copies of Steve Jensen's technology presentation to the BOE last April as well as a spreadsheet he and Steve developed with the five year outlook for the "Estimated Technology Budget Initial Implementation."

The infrastructure work started over the summer is essentially complete. Some fine tuning has been needed to work out range issues. Needed another server and Steve Jensen was able to secure one.

The District has about 70 Smartboards and some are failing. It is not cost effective to repair them. Smartboards have many points of failure and Steve is looking at simpler technologies i.e., interactive projectors. Some Smartboards are still in good shape. This budget item will be determined through consultation with teachers about how they use the technology and what their needs are.

The 5 year plan calls for a 1-1 model K-12, that is, each student has his/her own device. There are no plans right now to allow students to take the devices home. Questions about how devices are managed in middle and high school where students change classes have yet to be worked out.

Currently, at CLS every grade level and the library has a cart with ipad Air (K-2) or MacBook Air (3-5). Each K-5 teacher has been provided with a device. Carts are just now being deployed. Steve shared that the process for determining devices was made in discussion with grade level teachers about their needs. The committee noted that historically the District has approached the use of technology on an "opt in" basis, with staff using it to their level of interest and ability. Tom has included in-service training as part of the multiyear tech plan budget. Steve emphasized that it is the District's approach that curriculum drives technology use and his assessment is that many staff are eager to use new hardware and software in their classrooms. It was agreed upon that Steve will make a presentation to the BOE in late Jan/early Feb about whether and how the devices are being used at CLS.

Tom estimates that the total budget for implementation of a 1-1 model over five years is 1.5-1.7 million dollars. The multiyear budget presented at the meeting is based on a three year lease purchase through BOCES. The model is a 3 year lease purchase, 5 year replacement of devices. Tom suggested that he will also provide the committee with models based on 4 year and 5 year lease purchase to flatten out the yearly impact to the District's budget. Tom also alerted the committee to timing issues related to BOCES and State approval of lease purchase. By the time the process is complete, hardware is not available to teachers until late summer or after the start of school. The

Board may want to consider authorizing any lease purchase agreement before the budget vote to get the process moving. He will look into if/when/consequences of pulling back from an authorization should the budget fail.

The committee expressed concern about the costs of the plan. Tom noted increased, and unexpected, Special Education costs which will have an impact on our 2015-16 budgeting. It was noted that many variables, including students moving into or out of the District, can have budget effects that can be unpredictable. Out of school placements have doubled this year. At the same time, we will be seeing much slower growth in TRS and ERS contributions for 2015-16. All agreed that the tax cap makes implementation of a robust technology plan more challenging.

The committee discussed the need to consider 1) alternative funding sources and 2) revisions to the tech plan itself. Joe noted the importance of balancing curricular goals with available resources. Examining possible adjustments to the tech plan and various options for funding is essential.

Possible sources of revenue may include:

- a. SMART monies - the recently based state bond referendum. At this time the District has received no word on how much RCSD might get and what the parameters are for use of the monies.
- b. As noted previously, look at spreading the lease purchase over more years.
- c. Exceed the tax cap and go for a 60% budget approval in May.
- d. Our own bond referendum. With a local referendum, we can get a clear picture of whether the community supports this initiative without jeopardizing the whole budget going down. It was noted, however, that we also have facilities needs that are being considered for a referendum.
- e. Continuing to seek support from the Rhinebeck Science Foundation.
- f. Speaking to legislators about grant money - some of which has been made available in past years.

The committee also discussed examining alterations to the tech plan. Are we ready for 1-1? Do we need to rescale the plan, stretching it out over more years? What are our minimum needs? A cart at every grade level? What would an alternative plan look like? Can we continue to move forward on meeting technology needs but with a more flexible plan? The committee requested that Steve Jensen develop alternative models that we can begin to consider at our next meeting.

For our next meeting: Tom will refine the tech budget estimates overall. Also will provide numbers for 4 and 5 year lease purchase. Steve will develop ideas for a "plan B," if the 1-1 model is determined to put too high a financial burden on the District.

Next meeting:

December 16, 2014 at noon. Agenda will include the above as well as examination of fund balance projections.

Submitted by Deirdre Burns

Rhinebeck Central School District  
Estimated Technology Budget for Initial Implementation of 1:1 Model

	Quantity	Cost/unit	Cost	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
<b>Grades K-2</b>									
iPad Air 2 w/Wi-Fi 16GB	100	558	55,800	20,460	20,460	20,460			
iPad Cart	3	3000	9,000	3,300	3,300	3,300			
iPad Air 2 w/Wi-Fi 16GB	150	563	84,450	30,965	30,965	30,965	30,965		
iPad Cart	5	3000	15,000	5,500	5,500	5,500	5,500		
Printers	8	250	2,000	1,000	1,000	1,000			
Color Printer	4	750	3,000	1,500	1,500	1,500	2,800	2,800	2800
Interactive Projector	12	1,400	16,800	2,800	2,800	2,800	3,000	3,000	3000
Inservice Training				3,000	3,000	3,000	42,265	5,800	5,800
				<u>23,760</u>	<u>68,525</u>	<u>68,525</u>			
<b>Grades 3-5 &amp; Library</b>									
MacBook Air 128GB	130	1112	144,560	53,005	53,005	53,005			
MacBook Cart	4	1800	7,200	2,640	2,640	2,640			
MacBook Air 128GB	150	1,132	169,800	62,260	62,260	62,260	62,260		
MacBook Cart	7	2,800	19,600	7,187	7,187	7,187	7,187		
Printers	9	250	2,250	750	750	750	750		
Color Printer	3	750	2,250	750	750	750	750		
Interactive Projector	10	1,400	14,000	2,800	2,800	2,800	2,800	2,800	2800
Inservice Training				2,500	2,500	2,500	2,500	2,500	2,500
				<u>55,645</u>	<u>131,892</u>	<u>131,892</u>	<u>76,247</u>	<u>5,300</u>	<u>5,300</u>

## Rhinebeck Central School District

## Estimated Technology Budget for Initial Implementation of 1:1 Model

Quantity	Cost/unit	Cost	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
30	1,132	33,960		12,452	12,452	12,452		
260	1,132	294,320			107,917	107,917	107,917	
8	1,800	14,400			5,280	5,280	5,280	
9	250	2,250			750	750	750	
3	750	2,250			750	750	750	
15	1,400	21,000		4,200	4,200	4,200	4,200	4200
				3,000	3,000	3,000	3,000	3,000
				19,652	134,349	134,349	121,897	7,200

Grades 6-8

	30	1,132	33,960	12,452	12,452	12,452
Laptop Device (Teacher)	30	1,132	33,960	12,452	12,452	12,452
Laptop Device	260	1,132	294,320	107,917	107,917	107,917
Laptop Device Cart	8	1,800	14,400	5,280	5,280	5,280
Printers	9	250	2,250	750	750	750
Color Printer	3	750	2,250	750	750	750
Interactive Projector	15	1,400	21,000	4,200	4,200	4,200
Inservice Training				3,000	3,000	3,000
				<u>19,652</u>	<u>134,349</u>	<u>134,349</u>
					<u>121,897</u>	<u>7,200</u>

Grades 9-12

[illegible]

4.4.2

## **Audit Committee Minutes**

November 18, 2014

Attendees: Deirdre Burns, Laura Schulkind, Tom Burnell (invited guest)

Absent: Rick Walker

### **Annual Audit Update:**

Tom informed the committee that his office had a number of minor corrections to the Draft Audit. He is awaiting the final copy from Toski which may be delayed due to the weather in Buffalo. Tom is also awaiting confirmation of Mr. Thomas's ability to present the audit to the full Board on Tuesday 11/25/14.

### **Outside Community Member on Committee:**

The committee reviewed the draft website page and application for community members to apply to volunteer on the Audit Committee and made minor adjustments (see attached).

The committee will "advertise" this position the first week of January and will develop a press release to send to the Poughkeepsie Journal, Kingston Freeman and River Chronicle. We will also generate a brief blurb for each school's parent newsletter, send a School Messenger e-blast, Tweet the notification and ask PTSO, Rhinebeck Community Forum, Chamber of Commerce and the Town to post on our behalf.

We are hoping to have responses by January 31 and conduct interviews of interested candidates at our February meeting.

Submitted by Laura Schulkind

## Website page

Do you have Accounting or Auditing experience? If so, we want to hear from you!  
Community **volunteer** sought to serve on the district Audit Committee.

The Rhinebeck Central School District is presently seeking an interested community representative to serve on the Board of Education Audit Committee. The Audit Committee consists of three members of the Board of Education, appointed annually. We are seeking a new representative from the community. The committee will require attendance for at least 4 meetings but typically meets monthly.

For the 2014-15 school year, the committee meets at 1:30pm on the 3<sup>rd</sup> Tuesday of the month but is subject to change based on member availability.

The responsibilities and duties of the Audit Committee are advisory in nature and include (but are not limited to):

- Recommending appointment of the External Auditor
- Meeting with the External Auditor prior to the commencement of the annual audit
- Reviewing and discussing any risk assessment of the school district's operations with the External Auditor
- Reviewing the draft audit report and management letter and assist the full board in interpreting them
- Recommending the acceptance of the annual audit report
- Reviewing the corrective action plan and assist in the implementation of such plan
- Appointing and overseeing the Internal Auditor

The membership duties of the Rhinebeck Central School District Audit Committee include the following:

Good Faith – Members of the Committee shall perform their duties in good faith, in a manner they reasonably believe to be in the best interests of the Committee and the District with such care as a generally prudent person in a similar position would use under similar conditions.

Independence – An individual, other than members of the Board of Education, may not serve on an Audit Committee constituted as an advisory committee if he or she:

- Is employed by the district;
- Currently provides, or within the prior two years has provided, goods or services to the District;
- Is the owner of or has a direct and material interest in a company providing goods or services to the district;
- Is an immediate family member (spouse, spouse equivalent or dependent – whether or not related) or close family member (parent, sibling or nondependent child) of an individual who is an employee, officer, or contractor providing services to the district

Confidentiality - During the exercise of duties and responsibilities, the Committee members may have access to confidential information. The Committee members shall have an obligation to the Rhinebeck Central School District to maintain the confidentiality of such information.

Oath of Office - All non-Board members who are members of the Audit Committee, shall be administered the District's Oath of Office by the District Clerk.

Interested community members may also submit an electronic letter of interest via email to the Board Clerk at [mbovee@rhinebeckcsd.org](mailto:mbovee@rhinebeckcsd.org) or hard copy via US Postal Service to (insert Mary Ann's address - Knollwood or PO Box?) Question for Steve: Can this be incorporated in the Form?



Please complete the form below. Once the information is complete, you will be directed to the audit committee application.

(Insert form: name, address, email, phone, letter of interest)

### **MISSION STATEMENT**

The Rhinebeck Central School District is an educational community that provides an excellent learning environment and is dedicated to the development of every student's generosity of spirit, passion for learning, and ultimate success.

### **VISION STATEMENT**

The Rhinebeck Central School District meets the changing needs of our community with courageous programming consistent with State Standards and mindful of best learning practices. Each student enjoys an enriching experience while mastering the skills and knowledge to reach his or her maximum potential. We educate our students to become self-directed learners, complex thinkers, collaborative workers, quality producers, community contributors, and ethical decision-makers.

## **Application**

Rhinebeck Central School District Audit Committee  
Community Member Application

### **MISSION STATEMENT**

The Rhinebeck Central School District is an educational community that provides an excellent learning environment and is dedicated to the development of every student's generosity of spirit, passion for learning, and ultimate success.

### **VISION STATEMENT**

The Rhinebeck Central School District meets the changing needs of our community with courageous programming consistent with State Standards and mindful of best learning practices. Each student enjoys an enriching experience while mastering the skills and knowledge to reach his or her maximum potential. We educate our students to become self-directed learners, complex thinkers, collaborative workers, quality producers, community contributors, and ethical decision-makers.

The Audit Committee of the Rhinebeck Central School District board of education was established in accordance with Education Law Section 2116-c and the Audit Committee Charter. The Audit Committee consists of three members of the Board of Education and one non-board member appointed annually.

Please review the Audit Committee charter (insert link/upload to website). The Committee members collectively should possess the knowledge in accounting, auditing, financial reporting, and school district finances needed to understand and evaluate the school district's financial statements, the external audit, and the district's internal audit activities.

The Board of Education will review the applications and other documents submitted with the applications, and will interview applicants prior to selecting the individual to serve on the committee.

We thank you in advance for your interest in serving.

Name

Home Address

Mailing Address

Phone (preferred)

Email

Occupation

Specific Accounting, Auditing, Financial Reporting and/or School District Financial Expertise or Experience

Why do you wish to serve?

Please answer the following questions:

1. Are you an employee of the school district? \_\_\_\_\_
2. Are you an individual who within the last two (2) years provided, or currently provides, goods or services to the school district? \_\_\_\_\_
3. Do you own or have a material interest in a company that provides goods or services to the school district? \_\_\_\_\_
4. Are you a close or immediate family member of an employee, officer or contractor who provides good or services to the school district? A "close family member" is defined as a parent, sibling or nondependent child; an "immediate family member" is a spouse, spouse equivalent, or dependent (whether or not related). \_\_\_\_\_
5. Have you been involved in litigation or other legal matters against the school district? \_\_\_\_\_
6. Is there anything in the Audit Committee Charter that you will be unable to fulfill? \_\_\_\_\_
7. Is there any other information you would like us to know? \_\_\_\_\_

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Signature \_\_\_\_\_ Date \_\_\_\_\_

Please provide your employment history, resume or C.V. with your application.

Send Application to: MaryAnn Bovee

Email Application to: [mbovee@rhinebeckcsd.org](mailto:mbovee@rhinebeckcsd.org)

## Draft Press Release

### **RCSD Audit Committee Seeks Volunteer**

The Audit Committee of the Rhinebeck Central School District Board of Education is seeking members.

By law, the Audit Committee is charged with oversight of financial reporting and disclosure for the school district. Its primary function is to work with the internal and external auditors to determine areas of focus, review those findings and make any resulting recommendations to the Board of Education for adoption. The committee meets the 3<sup>rd</sup> Tuesday of each month but dates are subject to change based on member availability. Members should be comfortable reviewing audit reports. Financial experience is preferred.

Interested volunteers should contact the school district's clerk by email at [MBovee@rhinebeckcsd.org](mailto:MBovee@rhinebeckcsd.org), calling 845-871-5500 ext. XX or visiting the district's website at [www.rhinebeckcsd.org](http://www.rhinebeckcsd.org) (insert link)

## Draft Parent Newsletter Blurb

### **RCSD Audit Committee Seeks Volunteer**

Do you have Accounting or Auditing experience? If so, we want to hear from you!

Community volunteer sought to serve on the district Audit Committee. The responsibilities and duties of the Audit Committee are advisory in nature and include working with the internal and external auditors to determine areas of focus and make recommendations to the Board of Education for adoption. If you have financial experience and are available to meet the 3<sup>rd</sup> Tuesday of the month, please contact the district clerk Mary Ann Bovee at [MBovee@rhinebeckcsd.org](mailto:MBovee@rhinebeckcsd.org), (ph) 845-871-5500 ext. XX or visit the district's website at [www.rhinebeckcsd.org](http://www.rhinebeckcsd.org) (insert link)

Thank you for considering volunteering your time and expertise to the school district.

4.4.3

FACILITIES COMMITTEE MINUTES

NOVEMBER 12, 2014

Attendance: Deirdre Burns, Deirdre d'Albertis, Mark Fleischhauer, Tom Burnell, Joe Phelan, Sheldon Tieder

The Committee discussed the RFP that BOCES is working on in conjunction with Rhinebeck, Spackenkill, and Millbrook CSDs. The RFP is for architectural firms to do the 2016 Building Condition Survey (BCS).

BOCES has obtained pricing from several vendors ranging from \$7,000 to \$40,000 for Rhinebeck. The pricing is based on the square footage of our buildings, and is from 3 to 20 cents per square foot.

There are 2 leading vendors for the work, based on the price and knowledge of the vendors. BOCES likely will choose 2 or 3 vendors. We would not be obligated to use any of them. If we use one of the vendors chosen by BOCES, we would receive approximately 40% of the cost of the work back in BOCES aid.

We are seeking to have each vendor submit a sample BCS for review.

The thought is to choose an architect to do the BCS that we could also use for a capital project which may, in part, involve work related to the results of the BCS. The BCS cannot be done before next summer.

Respectfully submitted,

Mark Fleischhauer

4.4.4

## **POLICY COMMITTEE MINUTES**

**NOVEMBER 13, 2014**

Attendance: Diane Lyons, Lisa Rosenthal, Mark Fleischhauer, Joe Phelan

The Committee again reviewed the following policies for possible necessary revisions:

1050 – Annual District Meeting and Election – No revisions

1100 – Public Information Program – Add the district website where feasible

1120 – School District Records - No revisions

1130 – News Media Relations – It was discussed that procedures should be established as stated in the policy.

1145 – Advertising Materials and Announcements – Remove review every 3 years.

1145-R – Regulations for 1145 – Discussion took place on whether to include e-mail blasts in the regulation.

1210 – Citizens Advisory Committees – No revisions

1222 – Relations with Support Organizations – No revisions

1240 – Visitors to the Schools – Superintendent Regulations are needed

1500 – Public Use of School Facilities – Superintendent Regulations needed

1510 – Public Sales on School Property – No revisions

1511 – Advertising in the Schools – No revisions

1520 – Public Conduct on School Property – No revisions

1530 – Tobacco Use on School Premises – No revisions

The committee also discussed the following:

Policy 4200 – Curriculum and Program Development – Joe is working on some revisions.

Policy 4810 – Approach to Instruction, as it relates to guest speakers. Joe is working on some revisions.

Policy 6910 – Reporting and Investigating Allegations of Fraud – Changes to be made to add theft and no reprisals against whistle blowers. The policy will then be sent to the Audit Committee for review.

Professional Development – Joe will ask David Shaw if he knows of an existing policy we could look at.

Respectfully submitted,

Mark Fleischhauer

4.4.5

## COMMUNICATIONS COMMITTEE MINUTES NOVEMBER 14, 2014

Attendance: Laura Schulkind, Deirdre Burns, Deirdre d'Albertis, Joe Phelan, Stephen Jensen.

**Public Education Matters!** Deirdre d'A and Joe reported on "Public Education Matters! Leadership, Leverage, and Learning: A Vision for Reclaiming the Promise of Our Public Schools," a panel discussion featured at the Westchester-Putnam School Boards-Superintendents Joint Dinner in Tarrytown on November 13<sup>th</sup> (see attached document). One strong message of the evening was the importance of advocacy and communication on the part of boards of education: the message that public schools matter to the future of an equitable and democratic society came through clearly during the evening's conversation.

**District Twitter Feed:** Joe reported that RCSD now has 96 followers, a healthy increase over the last few weeks. Followers will be the first to know about school delays and closings this winter—another great incentive to sign up to follow Rhinebeck school updates via Twitter.

**Communications Survey:** Members of the committee discussed the Johns Hopkins National Network of Partnership Schools (NNPS) as a possible partner for a communications survey of parents and teachers in the district. It was decided that the commitment required for this comprehensive, multi-year program with Hopkins was overly involved. Deirdre B. suggested that the district consider commissioning a more modest survey tool. What the group is inclined to do now is partner with a researcher from a local institution (Marist, New Paltz, Bard, or Vassar) to craft, administer, and analyze such a communication/engagement survey. The goal would be to learn from the experience and insight of parents, students, teachers, administrators and staff members of the district. Joe will follow up with contacts at area colleges and universities. Deirdre B observed that it makes sense to get our new website up and running before conducting the communications survey—all were in agreement.

**Website Update:** Steve reported on the productive dialogue underway with different stakeholders within the school community as he and Ed Schindler continue to build the new district website. He is at work on arranging student e-mail addresses for pupils in grades 6-12 to facilitate communication between home and school (he hopes to have them established in a month or so). Teacher groups have been extremely helpful in providing Steve with feedback on various features of site architecture. Many teachers are eager for enhancement tools: Steve is committed to providing a "sandbox" to help each faculty member optimize his or her use of the redesigned site. He plans to meet with administrative staff soon to promote/share best practices around use of the district site (for instance, centralizing a permission/release database for use of "crowd sourced" photos). He looks forward to working on specific needs of different offices (the MS/HS Library, Guidance). The new site should be ready to go "live" in the new year. Deirdre



B. asked about the impact of this work on budgeting. Steve reminded members of the committee of the \$7000 savings garnered when the district's discontinued its contract with School World (funds now freed up to support consulting work needed to launch the new site). On a final note, Steve has purchased a camera for the yearbook staff, allowing for easier access to high quality photographic images available for use with a variety of platforms.

**Agenda for our next meeting:**

--Relative to our communication goal for the year, this group will talk concretely about how to celebrate outstanding accomplishments within the district. Laura has directed us to the "success summaries" of the Pittsford District website. Making time at our meetings—and finding a congenial format-- to acknowledge progress and achievement will be our aim.

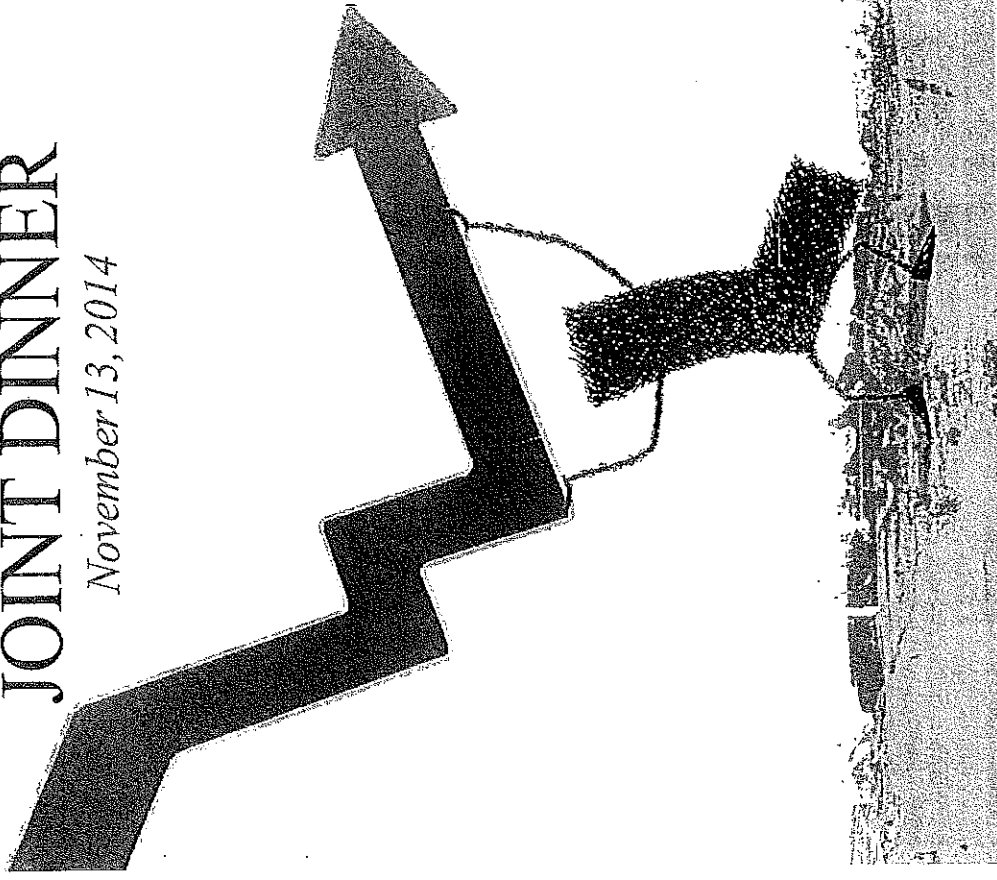
Respectfully submitted,

Deirdre d'Albertis

37<sup>TH</sup> ANNUAL  
SCHOOL BOARDS & SUPERINTENDENTS

# JOINT DINNER

*November 13, 2014*



**CHANGING THE PARADIGM:**

*Leadership strategies to  
reclaim public education*

# CHANGING THE PARADIGM:

*Leadership strategies to  
reclaim public education*

## Panel Discussion

Ms. Anne Byrne is the President of the National School Boards Association (NSBA). For the past 33 years, Ms. Byrne has served on the Nanuet Union Free School District Board of Education. She is past President of the New York State School Boards Association (NYSSBA), and of the Rockland County School Boards Association. From 1997 to 2003, Ms. Byrne served as NYSSBA's Area 10 Director, representing Putnam, Rockland and Westchester counties. She is an executive board member and a past President of the Mid-Hudson School Study Council, and a founding member of the Hudson-Long Island Coalition for Responsible State Funding. Ms. Byrne is the recipient of several awards including Rockland County School Boards Association's "EDDY," Mid-Hudson School Study Council's "Award for Excellence," NYSSBA's "Everett R. Dyer Award," and Westchester Putnam School Board Association's "BOE."

Dr. Jere Hochman is the Superintendent of Schools for the Bedford Central School District; a position he has held since 2008. Prior to Bedford, Dr. Hochman served as the Superintendent of the Amherst Pelham Regional School District (MA), and the Parkway School District in St. Louis (MO). Dr. Hochman, who started his career as a middle school English teacher, has over forty years of teaching and administrative experience in public education. He is a member of the NY State Council of School Superintendents (NYSCOSS), Suburban School Superintendents, the American Association of School Administrators (AASA), and the National Schools Public Relations Association. He currently holds the position of President-Elect with the Lower Hudson Council of School Superintendents (LHCOSS). Dr. Hochman chaired the committee that wrote Public Education Matters! (NYSCOSS publication).

Dr. Morton Sherman is Superintendent in Residence for the American Association of School Administrators (AASA). A nationally recognized educator with more than 30 years of administrative experience, Dr. Sherman has served as the Superintendent for several school districts including: Alexandria City (VA); Tenafly and Cherry Hill (NJ); South Orangetown (NY); and the Norwich Free Academy (CT). At AASA, he founded the AASA Collaborative, a national initiative of superintendents working as critical friends to study and act to improve and transform education. He co-chairs a new partnership with Howard University to create an Urban Superintendents Academy. He was a founding member of the Southern NJ Standards Initiative and Delaware Valley Minority Achievement Consortium. Dr. Sherman has published 300+ articles, chaired a NJ committee on teacher leadership, and been a member of the National Superintendents Roundtable, Public Schools for Tomorrow, Minority Student Achievement Network, and Suburban Schools Superintendents.

# 37<sup>th</sup> Annual Joint Dinner

## Program

### Welcome and Introductions:

**John Rudy**, President  
Dutchess County School Boards Association

### Introduction of Panel:

**Susan Elion Wollin**, President  
Westchester Putnam School Boards Association

### Panel Discussion:

**Changing the Paradigm: Leadership Strategies to  
Reclaim Public Education**

### Closing Remarks:

**David Grammerstorf**, President  
Rockland County School Boards Association

### Sponsoring Organizations:

Dutchess County School Boards Association  
Lower Hudson Council of School Superintendents  
Rockland County School Boards Association  
Westchester Putnam School Boards Association

# Public Education Matters!

## Leadership, Leverage, and Learning

A vision for reclaiming the promise of our public schools  
*Presented by the superintendents of New York's school-districts*

### Preamble

Every child in New York deserves the best public schools possible.

**P**ublic education is the backbone, heart, wisdom and soul of a free and democratic society. It nurtures a hopeful future and infinite possibilities for all children, regardless of race, ethnicity, color, creed, gender, beliefs, personal orientations, economic situation or learning needs.

For centuries, public schools have prepared an educated citizenry. From the beginning, learning has been the backbone of our nation's development. By Constitutional amendment, law, and judicial review we have made inclusive public education a pillar of our democracy. It has been the great informer, the great stimulator, and the great equalizer.

Just as the Statue of Liberty exemplifies our mission to educate every child in our diverse state and nation, our comprehensive system of education for all students stands as an exemplar for the rest of the world.

As the international landscape changes rapidly and America strives to maintain its political and economic leadership, the need to strengthen and broaden the education of our students becomes more acute. Content knowledge is still necessary, but no longer sufficient. Success in today's world requires students to be agile thinkers, astute problem finders and clever problem solvers; to develop curiosity, perseverance, tenacity, and imagination; and to work collaboratively, effectively, and respectfully with others.

---

"We must Reclaim our Obligation to Every Child, to Society, and to the Future"

Attaining this vision requires:

1. Children entering school ready to learn;
  2. Talented teachers and school leaders;
  3. Rigorous and developmentally appropriate academic standards, rich curriculum and informed, innovative, technology-infused teaching;
  4. Modern, progressive and proven approaches to authority, accountability, and regulation; and
  5. Schools as learning organizations characterized by professionalism, inclusion, and equal access.
- 

### Systems Change Requires Recognizing Leverage Points

#### Pitfalls and Current Practices *Mistaken* as Leverage Points

- High-stakes testing leverages improved instruction
- Frequent testing leverages improved instruction
- Competition overcomes inequities
- Scoring, ranking, and labeling teachers enhances professional practice
- Multi-million dollar data-bases are necessary to support reforms
- Charter schools reconstitutes failure
- Annual high-stakes standardized testing is necessary

### **Potential Practices that could be Significant *Leverage Points* for Substantive Change**

- Identifying and addressing root causes of school and student failure
- Standardized testing every few years to assess curriculum alignment and student growth
- Supporting Early childhood and parent education
- Developing modern collective bargaining practices and contracts
- Providing for innovation in instruction and innovation by children
- Investing in substantive professional learning
- Regionalizing schools and services through local governance
- Collaborating with agencies and establishing community schools

### **Leveraging Sustainable Change Our Mandate, Our Charge, Our Call to Action**

#### **Leverage!**

- Grasp thoughtful, well-researched, systemic change and methodical implementation.
- Critically assess every major initiative to determine if it has a basis in research and successful practice and evaluate the cost-benefit and effectiveness of each.
- Develop policy and provide “bully pulpit” support to change outdated regulations and inflexible practices.
- Employ modern, respectful, and professional means of management and accountability.
- Fund that which supports equity, high academic standards, and dynamic learning opportunities for every child in New York — regardless of zip code.
- Encourage positive and optimistic perceptions of public education.
- Insist on professionalism and professional growth to achieve high levels of student achievement and accountability.
- Dispel myths and resist actions which threaten inclusive schools, innovative practice, and public education for all.
- Acknowledge and act on research, professional experience, and common sense.

#### **Lead!**

- Identify and address root causes of school and student failure.
- Support early childhood school readiness programs and parent education.
- Eliminate poverty and provide adequate, equitable funding, resources and opportunities.
- Enhance innovation in instruction and innovation by children.
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- Invest in substantive professional development.
- Collaborate with local agencies to establish community schools and complementary non-educational services
- Support and empower state and local governance to maximize efficiencies, validate standards, and preserve local culture.



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# PUBLIC EDUCATION MATTERS Leadership, Leverage, and Learning

A vision for reclaiming the promise of our public schools  
*Presented by the superintendents of New York's school districts*

## PREAMBLE

**Every child in New York deserves  
the best public schools possible.**

Public education is the backbone, heart, wisdom and soul of a free and democratic society. It nurtures a hopeful future and infinite possibilities for all children, regardless of race, ethnicity, color, creed, gender, beliefs, personal orientations, economic situation or learning needs.

For centuries, public schools have prepared an educated citizenry. From the beginning, learning has been the backbone of our nation's development. By Constitutional amendment, law, and judicial review we have made inclusive public education a pillar of our democracy. It has been the great informer, the great stimulator, and the great equalizer. Just as the Statue of Liberty exemplifies our mission to educate every child in our diverse state and nation, our comprehensive system of education for all students stands as an exemplar for the rest of the world.

As the international landscape changes rapidly and America strives to maintain its political and economic leadership, the need to strengthen and broaden the education of our students becomes more acute. Content knowledge is still necessary, but no longer sufficient. Success in today's world requires students to be agile thinkers, astute problem finders and clever problem solvers; to develop curiosity, perseverance, tenacity, and imagination; and to work collaboratively, effectively, and respectfully with others.

Superintendents who have walked in the shoes of teachers, principals, and district leaders are the primary agents of this necessary change and the conduit between research and practice. As superintendents charged with its oversight, we are honored to be associated with this great endeavor, humbled to walk in the footsteps of those who have accepted this responsibility before us, and determined as we lead into the future.

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» Invest in substantive professional development.

» Collaborate with local agencies to establish community schools and complementary non-educational services

» Support and empower state and local governance to

maximize efficiencies, validate standards, and preserve local culture.

As public school superintendents, our children, our democracy, and our future are our mission – and our responsibility.

Our professional organization, the New York State Council of School Superintendents, has led the development of this document and stands ready to support the superintendents of the state in embracing its challenge.



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## Public Education— *the backbone, heart, wisdom, beacon, and soul of a free and democratic society for every child.*

### PUBLIC EDUCATION

- » Equalizes and expands opportunities for all children.
- » Serves as a way out of poverty.
- » Accepts the responsibility that every student graduates prepared for continued learning in college, a career and public service, and in citizenship and life.
- » Provides intellectual capital to sustain national security and economic growth.
- » Promotes, exemplifies, and protects constitutional ideals, democratic principles and individual freedom.



## WHY NOW?

Unprecedented levels of discord currently exist in New York State over the direction of education reform. School leaders and policy makers are being confronted with a level of questioning and criticism of state policies governing instruction and assessment at a level unparalleled in recent memory.

The goal of the Regents' Reform Agenda – improve learning for all students in New York State – has strong support in the education community. In October 2013, the New York State Education Conference Board (ECB)<sup>1</sup> reaffirmed this support in a document titled *Common Ground for the Common Core: Let's Get it Right—Move the Common Core Back on Track*.

Although the goal has been embraced by many educators, the rushed and problematic implementation of the reform has contributed significantly to the emotional tide of discontent sweeping New York State.

Superintendents bring urgency to the implementation of educational reform every day in every corner of the state. However, we know that urgency does not absolve us from approaching the challenge in a systemic way. Quick fixes which only address today's issues will not last; whereas systems developed from research with a focus on identifying the root cause of problems will.

This call to action emphasizes a systemic approach, the removal of artificial barriers to success, and presents a vision for public education every child deserves.

*We must reclaim our obligation to every child, to society, and to the future.*

Our shared vision is every child's academic success, development of character, pursuit of happiness, and contribution to society; all nurtured in equitably funded public schools and grounded in the principles of democracy and the American dream.

1. ECB Member Groups include: Conference of Big 5 School Districts, NYS Association of School Business Officials, NYS Congress of Parents and Teachers, Inc., NYS Council of School Superintendents, NYS United Teachers, School Administrators Association of NYS.

## LEVERAGING SUSTAINABLE CHANGE

Our Mandate, Our Charge, Our Call to Action  
Leverage!

- » Grasp thoughtful, well-researched, systemic change and methodical implementation.
- » Critically assess every major initiative to determine if it has a basis in research and successful practice and evaluate the cost-benefit and effectiveness of each.
- » Develop policy and provide "bully pulpit" support to change outdated regulations and inflexible practices.
- » Employ modern, respectful, and professional means of management and accountability.
- » Fund that which supports equity, high academic standards, and dynamic learning opportunities for every child in New York – regardless of zip code.
- » Encourage positive and optimistic perceptions of public education.
- » Insist on professionalism and professional growth to achieve high levels of student achievement and accountability.
- » Dispel myths and resist actions which threaten inclusive schools, innovative practice, and public education for all.
- » Acknowledge and act on research, professional experience, and common sense.

Lead!

- » Identify and address root causes of school and student failure.
- » Support early childhood school readiness programs and parent education.
- » Eliminate poverty and provide adequate, equitable funding, resources and opportunities.
- » Enhance innovation in instruction and innovation by children.

- » Ideology, practices, or beliefs of any bent that attempt to infiltrate the governance and leadership of public schools for their own political, financial, or ideological benefit.
- » Strategies that usurp equity, access, scholarship, and citizenship with intended and unintended consequences that do not put children first.

### **We call on policy makers, academics, and practitioners to join us and**

- » Reach consensus with educators and communities on guiding principles, establish capacity for sustainability, and lead to leverage systemic change.
- » Cease acting in the wrong places, on that which is not supported by research and practice, and with practice not ready for implementation.
- » Dismantle longstanding obstacles.
- » Envision and enact policy, frameworks, and practices that realize the American dream and a remarkable future for every child.

Attaining this vision requires: 1) children entering school ready to learn; 2) talented teachers and school leaders; 3) rigorous and developmentally appropriate academic standards, rich curriculum and informed, innovative, technology-infused teaching; 4) modern, progressive and proven approaches to authority, accountability, and regulation; and 5) schools as learning organizations characterized by professionalism, inclusion, and equal access.

## *We must reclaim our obligation to every child, to society, and to the future.*

Dozens of federal, state, foundation, and professional organization commissioned reports and "vision statements" are built on these same basic yet critical elements. Simply, there is nothing new or revolutionary to portray. We seek not to redefine vision but to bring it to life; we seek and envision statewide systemic change, engaged voices from the field, and bold, local leadership.



## PUBLIC SCHOOLS MATTER

Public schools matter for every child, for our local communities, New York, our nation, our economy, our democracy, and our future.

As public school leaders, our mission is clear: to educate all students who attend our schools, irrespective of academic, social and physical abilities, socio-economic status, and/or native language.

We accept this responsibility as a covenant between us and the communities we serve.

### Public schools teach every child.

Public schools are the foundation of a free society where equality and justice are our most important pillars. Public schools foster an environment that embraces, celebrates, and accommodates diversity. Subsequently, public education matters as it is the only entity dedicated to providing equity and access to that which nurtures every child's ability to think, contribute, and participate in our democracy.

### Public schools perpetuate our democracy.

Perpetuation of democracy is grounded in our history's promise of public education; a promise which instills students with solid values supporting democratic responsibilities, principles, and expectations. Public schools are a reflection of our communities and our society. Our future will be a reflection of the quality of public education.

### Public schools expand opportunity.

Dedicated to teaching the core academic disciplines and the capacity for thinking, creating and caring, public schools identify and respond to each child's true individual needs, capacities and talents. In a society that is increasingly complex, fragmented, global and technological, the promise of a public education matters because it equalizes and advances opportunities for all.

## LEADERSHIP

Superintendents: Experience, Reason, and Results  
**A**s superintendents, we make an enduring, lifelong professional commitment to every child's learning and well-being, the perpetuation of our democracy, and the future of our communities.

We will continue to work tirelessly, inspired by hope and the highest of expectations for all children; guided by Constitutional, educational, and democratic principles; and determined to identify and eliminate obstacles to this work. Then, and only then, will we bring forth a New York public education system worthy of each child, of all children, of our democracy, and our future.

We accept our responsibility and moral imperative to

- » Be stewards of public education, students, and all constituencies.
- » Make ethical decisions in the best interests of every child and all children.
- » Lead, engage and systemically guide the interests, research, expectations, and viewpoints of parents, academics, professionals, and policy makers in the best interests of every child.
- » Marshal human, fiscal, and community resources to ensure access and equity, scholarship, and citizenship in our public school communities in the interest of every child.

We reject the platform of constituencies representing

- » Policy or practice which perpetuates segregation, isolation, or limited access to equitable resources and opportunities of students based on race, creed, religion, economic situation, geography, gender, sexual orientation, English proficiency, or disability.
- » Self-serving interests; narrowness and negativity; and untested, unprincipled remedies.
- » Political and economic forces which distort educational policy and place core democratic principles at risk.

In our region, New York, and the Nation:

- » A strong Board of Cooperative Educational Services (BOCES) regional model as a hub of coordinated support and efficient regional programming, operations, shared services and professional development.
- » A State Education Department that engages public educators in the collaborative development of standards, benchmarks and a constructive and comprehensive system of support and accountability, and provides support, service, and resources to local districts.
- » A state legislature and executive branch of government that provides adequate and equitable resources and attends to the expertise of professionals, the input of all constituents, and research and practice-based solutions.
- » A Federal government that concentrates predominantly on the civil rights of students and by equity of opportunity, as well as the resources to ensure both.
- » An array of professional educational organizations which support teachers, administrators, schools, and policy makers in research, development, and practice.



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*Our future will be a reflection  
of the quality of public education.*

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## GUIDING PRINCIPLES

Access and Equity – All children deserve...

- » Birth to five experiences and language exposure to enable them to begin school ready to learn.
- » Access to a high quality public education resourced appropriately and equitably.
- » Safe and secure learning environments where physical and mental health needs are addressed appropriately.
- » Professional teachers with the passion, talent, preparation, skills and enduring mission to enhance every child's learning and success in school.
- » Public schools that are governed locally and democratically yet held accountable to local citizens and the State.
- » Superintendents and school leaders whose primary interests are children and leading the effective, systemic collaboration of all adults responsible for every aspect of a child's education.

Scholarship – All children deserve...

- » Inspired, high quality direct and project-based instruction and authentic formative and summative assessments.
- » To pursue a range of interests that demonstrate a balance of intellectual, interpersonal, physical, and self-expressive skills.
- » To engage their innate passion and curiosity through analytical thinking, innovation, imagination, and teamwork with the goal of solving real world problems and fully developing their unique talents.

- » A 21<sup>st</sup> century curriculum aligned with professionally developed standards and rigorous coursework, benchmarked through valid and reliable standardized testing.
- » To be challenged to meet rigorous graduation standards and to set and achieve their individual learning goals.
- » To be well-prepared for college, a career, continued learning, service, citizenship, and life.

#### Citizenship — All children deserve...

- » To live an independent adult life contributing to their community, nation, and the global society.
- » To practice citizenship and service and embrace a sense of hopefulness.
- » To be socially competent, understand their connections to others, appreciate interdependence as a key to success, and value and live by democratic principles.
- » Schools where parents, educators, and community members exemplify policy making and decision making through public engagement, collaboration, and civility.



## WE ENVISION...

### In schools:

- » Every child entering school ready to learn and to graduate with the acquisition, application, and creation of knowledge, skills, and principled dispositions.
- » Curriculum that guides planning and instruction of meaningful academic units, lessons, and learning experiences; supports individualized and modified instruction; and guides assessment through authentic, performance-based tasks and measures.
- » Teaching that establishes the foundations of literacy and core knowledge, fosters creativity and innovation, passion and curiosity, perseverance and tenacity, self-regulated learning and a life-long quest for knowledge.

### In school districts:

- » Curriculum, written and/or selected locally, emanating from standards of rigorous intellectual thinking that include an academic core, the arts, physical fitness, and career opportunities; and that are established by professional organizations of practitioners and academics.
- » Teachers and administrators, all of whom are talented and scholarly professionals supported by a system of continuous professional growth, renewal, and accountability and a modern, collaborative determination of management principles and compensation.
- » Superintendents, principals, and school leaders who embrace a lifetime commitment to the education of all children; create schools that ensure the achievement and fulfill the sense of belonging of every child; and engage in the thoughtful application of sound research, scholarship and reflective practice.
- » Local school boards which provide a valuable and constructive balance to the power of state and national policy-makers.
- » Parents and communities that are engaged, well-informed, supportive, and connected to the shared responsibility of educating children.

## 2015-16 Potential Programs and Services

### Rhinebeck High School

Rank	Bldg	FTE	Salary	Benefits	Other	Total	Explanations
	RHS	Part-Time Teacher Aide	0.54	\$11,900	\$3,570	\$15,470	Add a 3.75 hour/day Teacher Aide to support the release of ELA teachers from study halls for a language lab.
	RHS	Co-Curricular Activity Clubs		\$10,350	\$2,588	\$12,938	Create up to 5 additional extracurricular activities requested by RHS students.
	RHS	Project Lead the Way	0.20	\$13,300	\$3,325	\$18,625	Add a third Project Lead the Way Engineering Course.
	RHS	Foreign Language AIS	0.10	\$9,125	\$2,281	\$11,406	Increase part-time French teacher by 0.1 FTE to provide student support.
	RHS	Athletic Trainer		\$5,600	\$1,400	\$7,000	Increase the Athletic Trainer position by one hour per day to supervise the return to play protocol and begin treatment earlier.
	RHS	Lacrosse, Swimming - Girls & Boys			\$15,000	\$15,000	Increase District financial support to offset fundraising.
	RHS	iPad Cart			\$19,890	\$19,890	Support use of technology in Physical Education classes.
	RHS	Laptop Cart			\$36,760	\$36,760	Support use of technology in all classes.
	RHS	Foreign Language - Honors	0.20	\$13,300	\$3,325	\$18,625	Add a section of Honors Spanish 3/Honors French 3.

### Bulkeley Middle School

FTE	Salary	Benefits	Other	Total	Explanations
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## 2015-16 Potential Programs and Services

Rank	BMS GTT Elective	0.20	\$13,300	\$3,325	\$2,000	\$18,625	Add a technology elective.
	BMS Foreign Language	0.40	\$36,500	\$9,125	\$1,000	\$46,625	Increase French and Spanish programs in Grade 7 from every other day to every day.
	BMS Laptop Cart				\$36,760	\$36,760	Provide general technology access for all BMS courses.

## Chancellor Livingston Elementary School

	FTE	Salary	Benefits	Other	Total	Explanations
Rank	CLS STEM Teacher	\$32,800	\$35,000	\$3,000	\$70,800	Provide a full-time STEM teacher at CLS to create continuum between CLS and BMS that builds on the success of the GTT program, an increase from the current .50 teacher to 1.00
	CLS Part-time Secretary (FTE=0.15)	\$6,000	\$3,000		\$9,000	To provide three half-days of clerical support around AIS, 504, observation duties, etc. of the Assistant Principal.
	CLS Extended Response (Year 3)	\$15,000			\$15,000	Teacher stipends to support a third year of Extended Response in Math and Science; provide time for a cadre of 8 teachers to become teacher leaders to continue to turnkey strategies developed through this initiative.

## District

	FTE	Salary	Benefits	Other	Total	Explanations
Rank	Dist Visitor Sign-In System			\$10,000	\$10,000	Provide software to process visitors to each building using drivers' licenses.

## 2015-16 Potential Programs and Services

Dist	Afterschool Monitor	\$11,900	\$4,165	\$16,065	Provide after-school monitoring from 2:30 to 6:00 at BMS/RHS (3.5 hour position for 170 days).
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### Facilities

Rank	O&M	Asbestos Removal	FTE	Salary	Benefits	Other	Total	Explanations
						\$30,000	\$30,000	Provide for remediation of classroom asbestos floor tiles, one room per year.
	O&M	Transfer to Capital Reserve				\$30,000	\$30,000	Establish a Capital Reserve balance to help offset future capital project needs as required.
	RHS	Physical Education Storage				\$8,000	\$8,000	Provide the RHS Physical Education program with additional storage space.
	RHS	Accuostical Panels				\$40,000	\$40,000	Provide sound dampening materials to reduce the echo effect in the RHS gymnasium.
		GRAND TOTAL	2.29	\$189,425	\$73,691	\$236,410	\$499,526	