

## **WEEKEND UPDATE....**

### **LIVE FROM NEW YORK, IT'S SATURDAY AFTERNOON!**

Governor's education representative Dan Fuller, SED Interim Commissioner Shannon Tahoe and NYSSBA's Jay Worona held a webinar today to clarify issues raised by school districts under the Executive Orders. Points of clarification included:

1. **SNOW AND VACATION DAYS:** School districts will be expected to use snow days and vacation days in an attempt to comply with the 180 day instructional requirement. This comes from the most recent Executive Order modification that extended the original 14 day school closure until April 15<sup>th</sup>.
2. **VACATION MEALS:** During that extended closure (including spring break, if yours falls during that extended closure) schools will be expected to continue to feed students. This will no doubt create contractual issues for schools and their employees. SED and the administration were aware of this and several other pending implications that they intend to resolve in subsequent Executive Orders.
3. **SPECIAL ED SERVICES:** Special educational services should continue to the best of districts' abilities, with officials recognizing that many of these services cannot be done remotely (particularly in areas without internet access.) IEPs will not need to be modified to change in person therapies to tele-practice. The federal government has approved tele-practice and simply put, it counts and should be used immediately if needed and appropriate. To the extent that there is a necessary disruption in services, districts should understand that those services may need to be extended in order to eventually get students back to where they would have been under normal circumstances. Current interruptions and alterations were understood as necessary. This is another area of potential contractual negotiation.
4. **STATE AID:** The governor's office reiterated that the state is currently without funds and has a multi-billion dollar deficit that (because of our state's April 1<sup>st</sup> fiscal year, unlike 46 other states that can wait until July 1 to see how things sort out) must be addressed immediately as the state fulfills its constitutional obligation to enact the budget by Tuesday at 11:59 p.m. The federal government has provided funding that can be used by the state toward education, which may offset some of the loss of state education aid, but the expectation should be that there will be no increase in aid and the possibility of aid cuts remains in play.
5. **BUDGET VOTES AND ELECTION:** SED and the executive are working on a new Executive Order, to be issued in the next couple of days that will address the issue of local school budget votes and school board elections. Public health is paramount and voting, petitions and other face to face contact is to be avoided. Look for guidance very shortly. NYSSBA's Jay Worona took the opportunity to advocate for what many of us have requested; a delay in the local elections and budget votes.
6. There has been a request to schools that they donate medical and other supplies to help address the health crisis and schools want to help where they can. They've been hampered by a constitutional provision that prevents them from making a gift of public funds. While being sure not to encourage anyone to violate provisions of the constitution, the governor's representative said that no one should (or is likely to) complain, that we as a state need to do everything we can and that includes schools

donating if possible. No state entity would admonish the school for doing so and if a private citizen were to complain, the matter “wouldn’t go far.”

7. **CONTRACTUAL ISSUES:** State officials acknowledged the hard work being done by schools and recognized that the loss of vacation time will be hard (particularly for school employees who have continued to work full time during the shutdown.) Aside from contractual issues this raises (which went largely unaddressed in this conversation) Fuller did intimate that there really isn’t anywhere you could go, or much you could do on a vacation right now anyway.
8. **REGENTS EXAMS, TENURE, 3020-A:** SED says that they are making roughly 20 decisions per day, based on how the crisis is affecting current laws and regulations (including those on tenure decisions and teacher disciplinary actions that are required prior to the end of the instructional year.) Next up will be the decision on whether to hold Regents exams and if so, when. Commissioner Tahoe acknowledged the disparity between communities and students in how instruction is being provided and the gap in how much additional learning can be done between now and the regularly scheduled exams. Decisions on graduating seniors and many other issues remain to be answered, but the interim commissioner indicated that a decision on the exams would come within the next couple of days.

This is not a comprehensive list of issues discussed and we urge you to access the now archived NYSSBA webinar. Many thanks to these state officials and to RSA’s partners at NYSSBA for their tireless efforts to address and publicize the many implications of the crisis on our schools, students, staff and communities. Please continue to contact your RSA with questions and concerns, as well as suggestions for ways to address this unprecedented crisis. Enjoy the rest of the weekend my friends and please, stay well!

Best,  
Dave