



# CAPITAL REGION BOCES FACULTY ASSOCIATION

## TRIAD

Affiliated With NYSUT [10-195] & AFT/NEA AFL/CIO-[Local 2991]

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### THIS IS WHAT'S AT STAKE IN THIS ELECTION! VOTE VOTE VOTE!

Significant Education Cases on Supreme Court Docket By Mark Walsh Education Week Sept. 30, 2016

The U.S. Supreme Court opened its new term Oct. 3 still feeling the effects of the February death of Justice Antonin Scalia. With the nomination of Merrick B. Garland stuck in political limbo, the eight members of the court have adopted a cautious approach to their docket for the new term, many legal experts say.

But for K-12 education, the new term may be the most significant in years. For example, the justices have agreed to hear two cases involving students with disabilities and another that could be significant for government aid to religion, including private religious schools.

And the court could soon add to its docket a case that would plunge the justices into the national debate over the rights of transgender students.

"This is a very interesting time in the Supreme Court, to put it mildly," said John G. Malcolm, the director of the Edwin Meese III Center for Legal and Judicial Studies at the Heritage Foundation, a right-leaning think tank in Washington. "The court appears to be reluctant to tackle too many contentious issues until it has a full complement of justices."

#### Related

The Feb. 13 death of Scalia led the court to deadlock on several decisions last term, including a major case on whether teachers' unions could continue to collect service fees from nonmembers.

Until that case, *Friedrichs v. California Teachers Association*, which included several school districts as nominal parties, the Supreme Court had gone five years without taking up any cases with public school districts or administrators as parties.

That is changing in earnest in the new term.

#### Special Education Services

In *Andrew F.v. Douglas County School District* (No. 15-827), the justices last week agreed to take up a question that has divided the federal courts of appeals: What level of "educational benefit" must districts offer children with disabilities to provide the "free, appropriate public education" guaranteed by the IDEA?

The U.S. Court of Appeals for the 10th Circuit, in Denver, ruled last year that a Colorado student with autism had received "some educational benefit" from his individualized education plan, or IEP, before his parents withdrew him

from the Douglas County district in a dispute over his plan.

Thus, the appeals court held, the district had provided a so-called FAPE, or free, appropriate public education, under the federal special education law. At least one other federal appeals courts has adopted a standard requiring that an IEP provide a "meaningful benefit."

#### Education at the Supreme Court ... read more

President Barack Obama's administration urged the court to take up the case to resolve the circuit split.

"The 10th Circuit's approach is not consistent with the text, structure, or purpose of the IDEA ... and it has the effect of depriving children with disabilities of the benefits Congress has granted them by law," the administration's brief said.

On Oct. 31, the justices are expected to take up a disability-rights battle that began when a Michigan district resisted allowing a 5-year-old girl with cerebral palsy to bring her service dog to school.

In court papers in *Fry v. Napoleon Public Schools* (Case No. 15-497), parents Brent and Stacy Fry say their daughter, Ehlana, obtained a service dog (a goldendoodle named "Wonder") to help her with such

# Important Dates for 2016-2017

Exec Board NYSUT	Rep Council 900 bldg. (unless noted otherwise)	TRIAD Meet- ing Maywood	BOCES BOARD Meeting
October 5, 2016	October 19, 2016 Albany Rooms	Oct 25, 2016	October 17, 2016 Schoharie
November 2, 2016	November 16, 2016 Albany Rooms	Nov. 29, 2016	Nov. 21, 2016
December 14, 2016	December 21, 2016 Schoharie Rooms	Jan. 3, 2017	Dec. 19, 2016 TV HS
January 11, 2017	January 25, 2017 <b>No location at this time</b>	Jan. 31, 2017	Jan. 12, 2017
February 8, 2017	February 15, 2017 Schoharie Rooms	Feb. 28, 2017	Feb. 16, 2017
March 8, 2017	March 22, 2017 Schoharie Rooms	March 28, 2017	March 20, 2017
April 12, 2017	April 26, 2017 Schoharie Rooms	May 2, 2017	April 13, 2017 Plattsburgh
May 10, 2017	May 24 2017 Schoharie Rooms	May 30, 2017	May 15, 2017
June 7, 2017	June 14, 2017 Schoharie Rooms	None	June 19, 2017
	04:15-6:00 PM	4:00 PM	July 17, 2017

## NYS School Related Professional Day

November 15, 2016

Please acknowledge the wonderful work that your co-workers do and make this day special for them.

## Capital Region BOCES Faculty Association Leadership

POSITION	NAME	HOME	WORK	E-Mail Address
President	H. Douglas Harple	899-1044	862-4776	hdharple@msn.com
Vice President	Sherry Karcher-Hewitt	366-9660		sherry.karcherhewitt@gmail.com
CVP TA/EA	Colleen Condolora	265-2358	356-8349	condolora@aol.com
CVP Service	Gina Hanley		862-5332	ghanley97@gmail.com
CVP Spec. Educ.	Flora Fasoldt	674-0223	377-9018	electflora@aol.com
CVP C T E	Erica Kane	224-2896		ericalynnkane@gmail.com
Secretary	Barbara Burnham	334-1193	862-4720	baburnham@gmail.com
Treasurer	Deborah Sorvari	452-8138	334-1296	debmom39@nycap.rr.com
Membership Chair	Susan Kusalonis	393-5598	862-5336	skusalonis@gmail.com
Grievance Chair	Kristen Lashway	421-3446		Kris10Lashway@gmail.com

things as balancing when she uses her walker and retrieving dropped items.

The Napoleon district and the Jackson County Intermediate school district, which provides special education support, contend in court papers that Ehlana had a special education plan that already called for a one-on-one aide, and that the aide satisfied the girl's needs. The districts also acknowledged to federal officials from the U.S. Department of Education's office for civil rights that there were concerns about student and staff allergies and phobias of service animals.

The Fry family sued under the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, arguing that the district illegally denied the girl an accommodation.

The districts argued that the family should have exhausted its remedies under the Individuals with Disabilities Education Act before filing any suit. Both a federal district court and a panel of the U.S. Court of Appeals for the 6th Circuit, in Cincinnati, agreed with the districts.

The parents, in seeking Supreme Court review, point to a 1986 act of Congress, the Handicapped Children's Protection Act, which they say was designed to bar school districts from relying on the IDEA to excuse compliance with the ADA or the Rehabilitation Act.

....for the full article please visit:  
<http://www.edweek.org/ew/articles/2016/10/05/significant-education-cases-on-supreme-court-docket.html?cmp=eml-contshr-shr>

## News from the President

Dear Colleagues,

It seemed like just yesterday we were starting another school year and the holiday season will soon be upon us. The students are a bit wired and full of energy. Of course they are often full of energy. But like it or not fall is here and the holidays will come, usually sooner than we're ready for them.

If you were to ask my beautiful wife about the holiday season, she might very well tell you it starts in September. We have several Virgos in our family, including our dog Sundance, and we start by celebrating birthdays. Of course one of her favorite holidays is Halloween. She loves it when the kids get to dress up and trick or treat, often getting more candy than should be legal. Where I live, they do a Halloween costume contest and give several prizes for the best of show in varying categories. It is a great time and the kids and adults alike have a lot of fun.

What really makes this the start of the holidays for us is the party she has each year, inviting our neighbors (in costume) to join us and have fun and refreshments. Each guest brings a dish to share and the food is awesome. Oh, and it is often in the form of a skull, "finger" foods and other assorted delicacies.

Now, she takes her role as hostess seriously and in September begins to decorate the entire first floor of our house, including the front porch. Last year the theme was deadwood (western) and it was complete with cowboy skeletons sitting around an artificial campfire. She did an amazing backdrop on a black sheet of a skeleton riding a skeleton horse. That was on one end of the porch. On the other end we had "Bart Black's Mine" complete with a tunnel entrance and rails into the mine with ore carts on them.

She turned our dining room table (with some help from me and others) into a chuck wagon where all the food was placed for the enjoyment of each and every guest. Our front hall was the

jail, complete with inmates. The living room was the doctor's surgery with many of the surgical implements that would be used to perform surgery. The surgical practices back then would be considered barbaric in our world of modern medical miracles. The library was the dance hall with several dancing skeletons.

I am always amazed at how great things look when they are done. It is a lot of work, but she really enjoys doing it and I help where I can. Friends and neighbors also help. On Halloween, the trick or treaters and their parents love to walk through and see all the decorations and talking props. People come year after year just to see the house in its Halloween décor. So at our house the holiday season begins in September. And yes, she decorates for Thanksgiving, Christmas and super bowl Sunday (as that is when we celebrate Bennett's February birthday).

Oh and by the way, she is also a teacher. She is dealing with so much of the same APPR nonsense we are. Perhaps Halloween and all the other holidays we celebrate, serve as an opportunity to get away from the foolishness the state and others have put upon us and focus on things that are truly worthwhile, like our friends and family.

I hope your year is going well. I am not going to dwell on the negative, but I am going to ask you to make sure you vote in this year's election. I would not presume to suggest to you who you should vote for. That is your personal choice as a citizen of the United States. It is not a freedom that all citizens of this world have. We live in a country that is great.

Thanks for your continued support and membership in our Association.

**Looking forward, Doug**

# Teaching Assistant/Aide Report

Colleen Condolora, Chapter VP

Dear Constituents:

Fall is definitely upon us as we head toward Halloween and soon following Thanksgiving. The weather seemed to change very quickly to me, but it was a nice change. The beginning of September was very warm for some buildings and that is never a comfortable situation for staff or students. I personally enjoy the fall months even if it means getting a sniffle from the changing weather.

Although, several classrooms were down staff when we began the school year, it looks like the classrooms are nearing full capacity as far as staffing. I know our principals have been busy interviewing to ensure each class is staffed accordingly. Being down staff brings many problems for the teams and I have addressed these concerns with administration. Everyone is working hard to keep our staff and students safe during these challenging times.

The new professional development requirements and certification concerns continue to cause confusion among the Level III Teaching Assistants. Several people have contacted me regarding what type of certification they possess. If you are unsure, please contact me and I will inform you. I have an up to date list from Human Resources on all Teaching Assistants current certification status. Teaching Assistants holding a Continuing Certification (before Feb. 2004) do **not** have any professional development requirements. Level I and II Teaching Assistants also do **not** have any profes-

sional development requirements. **Only Level III Teaching Assistants have a new requirement of 100 hours every five years. After you have registered in your NYS Educ. Dept. Teach account, in the month of your birth, your new clock begins. You will be responsible to keep a hard copy of your professional development hours for 3 years following your 5 year cycle.**

As I write this article I am reminded that the new training, for our stand alone buildings, will be taking place for select staff on October 18<sup>th</sup>. The initiative for Trauma Sensitive Schools is a new avenue for BOCES to explore and grow in order to help staff deal with the overwhelming challenges working with traumatized children can bring. The goal is to reduce injuries and assist students in achieving their full potential. Students who experience trauma learn differently and react differently to stressors. We are witnessing the effects of these traumas on a daily basis. I will keep you informed of the updates in this initiative.

Take care of each other and support each other each day. The work we do individually is extremely important and can reap many benefits for all who are invested. If anyone has any questions or concerns, please let me know and I will reach out to you to assist.

**In Solidarity, Colleen Condolora**

## Welcome new BOCES Employees.

### July 25, 2016 Board

Barbara Gorbaty, Teacher-CTE – Albany Campus

Christopher Panny, Teacher-CTE – Mohonasen Campus

Jesse Novak, Teacher CTE – Albany Campus

Angie Hurst, Teacher CTE – Schoharie Campus

Terri Henry, School Nurse – CTE – Schoharie Campus

# Retirees Corner

By Jeanette Christoff 518-356-0137

Fall Greetings!

In the 1970's, my early BOCES years, the VOTEC Division was the prime and more publicly recognized division. Special Education was like an unrecognized kid sister. It was an era when children with disabilities were placed in, now infamous institutions, such as Willowbrook and Wassaic. Some children who lived at home attended ARCs and some who met the criteria, attended BOCES. The ability to verbalize was one of the criteria for acceptance into our programs.

The few teachers I knew in the Special Ed division were recent college graduates with little or no experience in the world of work. Because we were scattered in numerous schools and church basements, without a phone and prior to the formation of the Association, we were very isolated and had little contact with other teachers or administrators.

In contrast, those in VOTEC were grouped together in various rented buildings in the area. Most VOTEC teachers brought with them, years of work experience in their trade areas and knew the specific skills their students would need to obtain employment. VOTEC teachers who did not have teacher certification spent evenings and summers taking college courses to obtain it. Many had also been union members in their trade area at a time when unions proliferated in factories, the auto industry, coal mines and even among musicians. Their knowledge, experience and efforts helped in uniting the Special Education division and VOTEC division into a 70 member negotiating unit, originally named the Schenectady Albany Schoharie Faculty Association and whose presence continues to affect our lives whether retired or working.

To say that our nation has changed since that time is an understatement, and the program changes since, have been phenomenal. Special Education offers programs beyond any we could have imagined back when some children with disabilities were denied the right to a public education. The Vocational Division has also changed even to the extent of eliminating the word "vocation" in their division title. The need for technical education, the goal of a college degree and the recent adopting of the core curriculum, created by college professors, further reduces focus on the skill trades. Obtaining a degree has become the golden goal. But what has it brought to millions of young people; a degree in one hand, a student loan repayment schedule in the other and the emergence of a phenomena called the boomerang child, adult chil-

dren returning to their parents' home because it is financially impossible to live on their own.

But what is the plight of those who have opted for a career in the skilled trades. We rarely read anything about them, probably because they are not desperately drowning in the depths of debt. A personal experience I had, can give a bit of insight into the local situation. My little cabin in the beautiful Adirondacks is in need of many repairs after 22 years of neglect following Stan's stroke. So I went to a local Building and Supplies place, known as "the lumber yard", to us old timers. When I inquired about a list of available repair persons, I was told I could get on their list but not to expect a call for at least two months. The lumber yard owner informed me that there are far more requests for needed work than there are skilled workers available. He said it would be about two months before I would get a call back from any of them. It is doubtful that anyone will be calling to do outdoor repairs in December off an unplowed dirt road.

There is also a shortage of skilled trade workers on the national scene, as was addressed in a report titled, "HELP WANTED, needed now and in the next decade, Electricians, roofers, plumbers," (Gazette, 9/3/2016 p.A-4). According to Stephen Sendherr, CEO of Associated General Contractors of America, the demand for workers in these categories will continue to grow. The U.S. Dept. of Labor projects similar shortages and also included concrete mason workers. Companies are increasing base pay, hours and benefits for craft workers. As baby boomers are retiring, young workers are not replacing them.

Skilled craft workers, also known as "those in the trades" to some of us, will always be crucial to our survival, in spite of all the technologies. Without them, we would be living under pine boughs, covered with tree bark. We would be washing in an icy stream. We would continuously need to tend the open fire for warmth, for light, to cook and to keep the bears and other critters away at night.

Aren't we grateful for our warm secure homes, whether humble or elegant? A toast to all those, past and present whose expertise in the trades have contributed to the comforts of our life. Bless them and each of you.

# Compare the Candidates: Where Do Clinton and Trump Stand on Education?

July 15, 2016 | Updated: August 2, 2016

The Democratic nominee for president, Hillary Clinton, and Republican nominee Donald Trump have yet to release comprehensive K-12 policy plans. To give a sense of where they stand, *Education-Week* reviewed their statements, proposals, and positions on a dozen education policy issues, from school choice to school safety. Some material is drawn from their 2016 presidential campaigns, some from before they began their current quests for the White House.

For a review of the education records and statements from other parties' presidential candidates, including the Green Party's presumptive nominee Jill Stein and Libertarian Party nominee Gary Johnson, visit: <http://www.edweek.org/ew/section/multimedia/president-candidates-trump-clinton-education.html?override=web>

Reporting: Alyson Klein and Andrew Ujifusa | Design & Visualization: Sumi Bannerjee

An alternate version of this story appeared as "K-12 Issues: Where the Candidates Stand" in the July 20, 2016, edition of *Education Week*.

## NYSUT Member Briefing Highlights

### Take the Pledge to VOTE!

We are under attack. Voting is how we fight back.

At a time when the richest, most powerful corporate special interests in the nation have joined forces to destroy unions, to privatize public services for their own profit, and to disenfranchise and disempower working people for their own gain, VOTING is our best chance to fight back to defend our rights, our profession and our future.

Take action now to [take the NYSUT Pledge to Vote](#)

and to defend our rights, our profession and our future!

The rich and privileged elite are pouring millions of dollars into New York's local elections this fall. "They have the money, but we have the numbers," said NYSUT's Andy Pallotta, "and if we all join together to fight back with our votes on Nov. 8, we will defeat them. That is why it is so important that each and every one of us take the [NYSUT Pledge to Vote](#)"

### WMHT.org offers educator resources online

WMHT, in cooperation with the eight other public television stations in New York State, SED, and local and regional partners such as BOCES, teacher centers and regional school support centers, provides a [series of online resources for educators](#).

### October is Fair Trade Month

NYSUT has partnered with Fair Trade USA and we encourage locals to consider using their materials for both K-12 students and for college campuses and universities.

Please [check out their website](#) and their Fair Trade Photofest for 2016 where students can showcase their love of Fair Trade with one of their weekly themes for a chance to win a trip to South America next summer.

### Regents discuss how to measure student poverty for school aid

The Regents this week discussed a number of [ways to more accurately measure student poverty](#) in order to better allocate aid to school districts. Currently the school aid formula relies on the percentage of students in a district who apply for free or reduced price lunch, but educators have long argued that number is not accurate because many eligible families do not apply. In addition, the Regents noted that many high-need school districts have begun offering universal free meal programs, so eligibility forms are no longer collected.

Commissioner Elia, who [must submit a report with recommendations](#) to the Legislature and Governor by Oct. 1, suggested using census data, direct certification by families, state income tax data or participation in other means-tested programs like SNAP or Medicaid.



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The TRIAD is published monthly for the Capital Region BOCES Faculty Association Membership. We appreciate any comments or suggestions you may have.

Capital Region BOCES  
Faculty Association  
1015 Watervliet Shaker Road  
Albany, NY 12205

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**COMMUNICATION COMMITTEE  
AND TRIAD NEWSLETTER  
STAFF**

**TRIAD Co-Editors:**

Susan Kusalonis—skusalonis@gmail.com  
Vacant

**Website Editor**

Barbara Burnham, baburnham@gmail.com

**Web Site: [www.crbfa.org](http://www.crbfa.org)**

**Contributing Staff and Committee:**

Sherry Karcher-Hewitt

sherry.karcherhewitt@gmail.com

Jeanette Christoff

jankachristo@juno.com

Catherine Jakway

mssmartypants429@nycap.rr.com

Gretchen McDonough and Transition  
Class

Address Service Requested

## 2015-16 Faculty Association Retirees

Name	Position
Baumeister, James	Teacher
Bennett, Theresa	Teaching Assistant
Bolin, Katherin	Speech Therapist
Claypool, Joyce	Clerk I
Festin, Christine	Teacher
Flood, Barbara	School Nurse
Gabree, Patricia	Secretary I
Hicks, Judith	Teacher
Hogan, Matthew	Teacher
Jacobs, Kenneth	School Social Worker
Jadlos, Susan	Teaching Assistant
Kaplan, Sheryl	School Social Worker
Kipp, Suzann	Teaching Assistant
Lippman-Scharf, Robin	School Social Worker
Lumbra, Laurie	Teaching Assistant
Lupi, Richard	Teacher
McMahon, Wendy	Occupational Therapist
McTernan, Thomas	Teacher
Melsheimer, Marypat	Teaching Assistant
Pesnel, Dorothy	Teacher-Special Education
Palmer, Mary Ann	Teaching Assistant
Patzarian, David	Teacher-Career Educ.
Rhynhart, Charles	School Social Worker
Stanton, Bernadine	Teaching Assistant
Shippey, Bill	Teaching Assistant
Whipple, Patricia	Teaching Assistant
Wolfer, Jr., Alfred	School Social Worker

### Sunshine Chairperson

If you know of someone who could use a little cheering up, our sympathy, or a get well card, please contact:

Abby Fischer 518-221-1237,

[abby.fischer5@gmail.com](mailto:abby.fischer5@gmail.com)

#### Disclaimer for Articles in the TRIAD

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