



From the Lighthouse in the West to the Lighthouse in the East

# THE BEACON

BOCES Educators of Eastern Suffolk, Union Local 3037



## PRESIDENT'S REPORT

Thelma Shaw

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I hope that all of our members had an enjoyable, relaxing Spring/Easter break. As I look at the calendar as I write this I am amazed that there are less than sixty school days left in the 2008-2009 school year.

It has been a busy year for our local. We have weathered a few crises some of them better than other and we continue to face many challenges.

We averted Midyear cuts to Education due to massive lobbying efforts both at the local and state level. I personally would like to thank everyone for their participation in BOCES lobbying day. Kudos to our own Ray Stenberg and Dr. Candice White-Circaco who collaboratively made the trip enjoyable and fun for everyone.

Tackling the current recession and the impact that it will have on our members is at the forefront of all of our thoughts and efforts. The economic stimulus bill provides an unprecedented amount of money directed toward education. This money will help fund Title 1, I.D.E.A., school construction, early childhood education and higher ed.

The State Education Department sent a memo out to superintendents stating that this stimulus funding is meant to help school districts with layoffs. This was especially important when the budget negotiations shifted into high gear when the state budget neared the April 1 deadline.

**Even with this help to our component districts we will still be reducing staff.**

Communication is essential during these uncertain and trying times. We had hoped to be able to start the "heads up" process of notifying staff members of anticipated excessing by April 1. Unfortunately due to unforeseen and totally unexpected situations we have had to slow this notification down in order to accurately identify the members who are least senior in their respective certification areas.

This is because a current situation is unfolding not only daily but hourly at the State level. By the time this BEACON is out to our members, I would be surprised if anyone has not heard the term "TOSA" -Teachers on Special Assignment. The Readers Digest condensed version of what has happened is that a ruling by the state education commissioner recently brought to light a gap in the tenure regulations for approximately 35 years.

Part 30 of the State education code deals with tenure regulations. This fall the commissioner rendered what is know as a 310 decision about district seniority. Specifically, individual teachers on special assignments (curriculum, coordinators, deans, full release union presidents, etc.) who spend at least 40% of their time teaching students in the classroom, or performing duties associated with their Part 30 area, such as a school social worker or as a psychologist are NOT permitted to accrue seniority in their tenure area. This would have an impact on the seniority rights of many teachers who have been working in these special assignments which keep them out of the classroom more than 60% of their time.

NYSUT, our local and the Administration at ESB has been working diligently to try and work out a solution to this problem. This not only impact our members here at Eastern Suffolk BOCES but almost every school district and BOCES across the state. It is estimated that over 4000 Certificated teachers are impacted by this decision.

At this point the State Board of Regents is in the process of proposing amendments to the regulation that would address the inequity that was created by the Commissioners decision. The Board of Regents and the Commissioner will be meeting on April 21, 2009 and expected to take emergency action. We are actively involved with NYSUT and other local unions so that we ensure that any adjustments considered by the Board of Regents are fully vetted and our concerns are dealt with to the greatest extent possible. This situation was not created by ESB or your local union.

Both Pat Copertino and I came in over the February break and met with our administration and NYSUT in order to come up with solutions. We are working day in and day out to try and rectify the turmoil that was created. Dr. Julie Lutz and I are in constant contact about the ongoing situation, an NYSUT and I are speak daily. We are doing everything we can to fix this.

This has been a priority with all of us since we became aware of the situation in November. Since that time we have met with all 60 of our members impacted by this, both collaboratively at Hines with BOCES administration and union and again at the union office on March 19<sup>th</sup> with NYSUT representation. A special thank you to Anna Bilka at 201 for the countless hours she spent pouring over seniority lists and files.

**This is why notification of excessing can not start until after April 21, 2009.**

We will not know Agency staffing needs until the seniority rights of teachers on special assignment can be resolved through emergency regulations by the Board of Regents.

As soon as we get the news of what action was taken by the Board of Regents we will immediately communicate it to you, our members. Any additional guidance that may be necessary will be given personally to the 60 members involved, either by another group meeting or written communication. We have set up a meeting date of April 27<sup>th</sup> at the union office for the 60 members impacted. NYSUT representation will again be at this meeting.

**It is important that we support the 60 members possibly impacted by this decision.**

We are also faced with losses of state aid as budget negotiations shift into high gear. It is doubtful that the state budget will be on time by April 1<sup>st</sup> this year. I urge our membership to call your lawmakers toll free at (877) 255 9417 and tell them not to balance the state budget on the backs of current and future employees.

**Act now to oppose creation of a Tier 5 retirement plan.**

Tier 5 proposals include new members contributions beyond the 10<sup>th</sup> year of service and changing the period of vesting from 5 to 10 years for all new hires. Unilateral elimination of negotiated salary increases, cuts to retiree health insurance premiums in the Empire plan, increased Medicare Part B costs to our retirees and a 5 day pay deferral for state employees. Make the call, we are strongest as one unified voice.

In November NYSUT informed me that I was nominated for the national educational support member to represent New York State in Orlando, Florida. Needless to say this was a huge honor. While I was not the winning candidate, it was a valuable union experience for me. A convention with over 4,000 National members from every state was inspiring and overwhelming.

**Each and every concern that we face at the state level is a nationwide concern.**

State after state spoke to the layoffs, fiscal crises, standards etc. that are impacting unions. The core principals of this convention were Visions, Missions, Values, Partnerships, and Professionalism. It was an incredible experience and I learned a lot.

The following weekend, Jim Arden and I were in Albany for the BOCES Statewide Committee meeting. It was a wonderful venue to speak with other BOCES union leaders, NYSUT officers and legal experts. On the agenda this time were reports on IEP Diplomas, Certification changes for Teachers of Students with Disabilities, " Under the Direction of " for Medicaid, State Mandated IEP forms, Special Education Mandate Relief issues, CTE/SCE concerns and the TOSA situation.

In closing I would like to personally thank all of the Administrative Professionals that work at ESB. Wednesday, April 22, 2009 is the day set aside in their honor. We appreciate all that they do to help us on a daily basis. There is not a day that goes by that I am not calling to a building looking for someone. I am always treated and spoken to professionally. If you have a Administrative Professional in your building please thank them for all that they do for us.

**We are a team and without just one of us, we wouldn't be as GREAT as we are.**



## EXECUTIVE VICE-PRESIDENT'S REPORT Pat Copertino

When the going gets tough, there is no better feeling than knowing you have support systems right there with you, willing to help out in an instant. Teamwork is present in our most challenging behavioral programs, both academic and developmental, and makes even the most difficult days rewarding. BOCES Board Policies (<http://esboces.org/doc/BoardPolicies.pdf>) and the Agency Code of Conduct (<http://esboces.org/doc/CodeofConduct.pdf>) clearly share our vision of teaching responsibility and providing every opportunity for our students to develop self-discipline skills.

Effective behavior management systems have a hierarchy of steps or options within the educational setting. We recognize our students make the most gains when they are present within our schools engaging in meaningful learning whether it is business math or the business of conducting themselves ethically and morally. If you chose to be an educator at Eastern Suffolk BOCES, and by educator I mean all 1475 BEES members and those who work with us, you signed up for a multi-faceted job requiring continual sharpening of our own skills to provide opportunities for student behavioral growth. We have strong management systems based on the values associated with *Discipline with Dignity*. We have administrative involvement that supports our sound professional judgment. The expectation of safety, for students and staff is evident throughout the execution of our best systems.

The purpose of this article is to encourage all of you to read the long version of our Code of Conduct and to remind everyone that we must legally follow the procedures set within that document. Specifically, I am referring to procedures that are related to **student suspension**. It is the role of the administration **ONLY** to call in a suspension and follow-up with appropriate paperwork. Although a "designee" is referred to, the definition of designee is another administrator. Even if you have an administrative degree, but are not employed at that time as an administrator, it is inappropriate for you to take on that administrative task.

BEES members, absolutely have their part to play in student suspensions. You must keep administrators informed verbally *and through well-written incident reports*, as well as having a rapport built with the student's parents or guardians prior to such recourse. Follow-up contacts with designated family members, by the teacher and/or counselor, make sense to promote a successful return to school for that student.

In this litigious society our efforts to help, by assisting in calling in suspensions, can come back to bite us and those administrators we are attempting to help. The Code of Conduct is reviewed by the Central SDM and approved by the BOCES Board of Education. If this topic needs review at your program, I encourage you to bring it to your Building Shared Decision Making Committee where their goal is always to enhance teamwork for student outcomes.

As always, feel free to contact me at [patcop@optonline.net](mailto:patcop@optonline.net) with union concerns.



## FIRST VICE-PRESIDENT'S REPORT Ray Stenberg

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Greetings my brothers and sisters! Spring is here and we are quickly approaching the end of another school year. It is indeed a beautiful time of the year, a time for us to reflect on our hard work and a time to appreciate the differences that we have made in the lives of others. Our students come to us from all types of situations, many of which are dysfunctional, and we somehow come together as a team and help them become successful. That's what it's all about. For that we should be proud!

With that said, I must inform you of the status of public education in New York State. As you know, our country is facing a major economic crisis and this is having a significant impact on just about every school district and BOCES throughout the state. The economic situation is grim and those we have elected to power are shrugging their shoulders and blaming each other for creating the problems that we currently face. This is a reality and we all must play a role in addressing the issues and finding solutions to make education funding whole.

Under the governor's budget proposal, aid to schools will be cut by \$2.5 billion dollars. This cut would result in tens of thousands of layoffs of teachers, aids, and support staff. It would have a massive impact on instructional and support programs to school children, while increasing class sizes and dismantling tutoring, counseling and after school and summer school programs. Many students need these services in order to meet grade level and graduation standards. Our component districts may be forced to pull students back from BOCES programs and we all know what that means.

NYSUT is working overtime to ensure that our students do not suffer because of poor governmental practices. Lobbying has become more crucial than ever and we have been able to avert some significant cuts and restore much needed funds. On February 3rd, I went to Albany and participated in what was referred to as an "extraordinary Committee of 100" event. With short notice, over 450 people gathered at the state legislative building and invaded numerous Senate and Assembly offices. Our efforts averted mid-year cuts to K-12 and Higher education.

A week later, I was off to Washington DC and represented our ED in a major congressional lobbying event. Under the leadership of the President of AFT, Randi Weingarten we visited several New York State Congressman to insist that the federal stimulus money that comes to New York gets specifically earmarked for public education.

**First Vice President's Report** (continued)

We were again successful and secured \$1.2 billion dollars for 2009-2010 with additional funds guaranteed for 2010-2011. According to NYSUT, the federal stimulus money coming to New York "helped avoid a bloodbath" and is a "pathway to improvement".

Unfortunately, we still need more and we must convince those in power that, although this is a huge investment, it is an investment in the future success of this great state. On February 24th, we again visited Albany with a delegation of Eastern Suffolk BOCES employees. This event was collaboratively organized by myself and Dr. Candace White-Ciraco. Her efforts and dedication to this event proved invaluable and shows how administration and unions can work side by side to achieve a common goal.

I would like to thank the following BEES members for getting up at 4AM and spending their day up in Albany lobbying for increases in BOCES aid to our component school districts as well as several other BOCES-related issues: James Beck, Robin Mealey, Wayne Kuckacki, Alan Rios, Rosemarie Reichert, Mary Harris, Vickie Schwartz, Mario Faulisi, Carol Esposito, Linda Wolmers, Christine Conry, and Diana Lamoreaux. They all did a fabulous job.

On March 23-24, I again went up to Albany for the Committee of 100. Close to 700 unionists attended and spent countless hours seeking out their elected representatives. Many agreed with our positions and expressed their support of NYSUT-backed bills. Those who were vocally opposed may have to wait until Election Day to understand the important mission of our union.

Two big agenda items that we strongly pushed for were personal income tax reform (PIT) and opposition to the creation of a Tier 5. We support the PIT and want the wealthiest of New Yorkers to pay their fair share of income tax. By creating new tax brackets starting at \$250,000 we could generate a substantial amount of permanent revenue (\$6 billion dollars). Even former President Bill Clinton agrees with this and publically stated that he is ready and willing to pay more taxes to preserve quality public education in New York.

The creation of a Tier 5 would be harmful to any new employee. They will end up paying into their retirement from the time they are hired until the time they retire, which incidentally could not be before age 62 no matter how many years they have in the system. This will definitely not benefit any public employee. All unions are working as a team to try to abolish this proposal. For the first time ever, every other labor union in the state is united with NYSUT and will do what they have to do to fight this.

## First Vice President's Report (continued)

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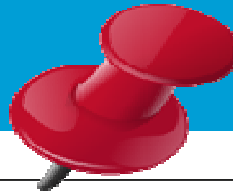
How about some good news- Thanks to your building reps, we have increased our VOTE-Cope contributions with over 1000 BEES members participating. Statewide, we have collected over \$7.1 million dollars which is more than both our national affiliates combined. This will help to ensure the strength of our union both today and in the future. Also, the Senate has passed the retiree health insurance moratorium which will most likely be signed into law by the Governor. Again, our lobbying efforts over the years are paying off.

I am looking for volunteers to work the phone banks again on May 19th from 4-6PM. As always, it will be at the Middle Country Teacher's Association office. I need people for this activity. Food and beverages will be provided. Please e-mail me at [raystenberg@hotmail.com](mailto:raystenberg@hotmail.com) or call me at 878-6084 if you are interested in helping out. Also, please make sure you vote for your home school district's budgets. They need our support so that they can continue sending students to BOCES. Failed budgets have a major impact on us. Please vote on May 19th.



### SOCIAL REPORT

Rod Diamant



Hello everyone! I know everyone is busy, so please do your best to mark your calendar because the retirees honorarium is just around the corner.

**Save the date!**  
**Retirees Honorarium**  
**Thursday June 18, from 4-8PM**  
at the West Lake Inn,  
Montauk Highway in Patchogue.

Flyers to RSVP will be distributed by your building representatives in early May. I look forward to seeing all of you!

**PARA EDUCATORS REPORT**

Gail Reissman

**PARA EDUCATORS REPORT**

The 32<sup>nd</sup> Annual AFT Paraprofessionals and School Related Personnel Conference was held March 19-22 in Baltimore, Maryland. Angela Ritchie, Evelyn Lebron Mele, Joanne Frascogna, Margaret Dean and myself had the opportunity to attend many workshops including Going Green, Health and Safety in the Workplace, Working with Medically Fragile Students as well as Dealing with Diversity in Schools.

I was invited by the AFT to participate in a Focus Group for the National Institute for Occupational Safety and Health (NIOSH) to give feedback and recommendations for a basic hazard awareness fact sheet for education employees. This small group of 24 PSRP'S represented the states of New Mexico, Montana, Louisiana, Illinois, Alaska, Missouri, California, West Virginia, Pennsylvania and of course New York. It was very interesting and I hope our feedback will be helpful.

Some confusion still exists about Teaching Assistant Certification submitted after 2/2/04

**Level One –**

- HS diploma or GED
- ATAS (or LAST)
- Fingerprint clearance
- School Violence Prevention & Child Abuse Identification Workshops
- Valid for three years

Three year renewal available with commitment for employment

**Level Two –**

(You can go straight to level three after one year employment)

- Requires 9 semester hours applicable towards a bachelor's or associate's degree
- One year of experience
- Valid for 3 years

Not renewable

**Level Three –**

- Requires total of 18 semester hours applicable towards a bachelor's or associate's degree. This is the state requirement. *ESBOCES requires 60 credits*
- One year experience

Valid continuously by meeting the professional development  
(starting 7/1 after the effective date of this certificate)



**Professional Development Requirement**

75 hours professional development every 5 years

*beginning 7/1 after the effective date of your Level Three certificate*

You can complete the requirement any time during the 5 year period

BOCES has an Agency wide plan for professional development.

**TA's may take any workshop or course offered to teachers for professional development.**

Helpful Info


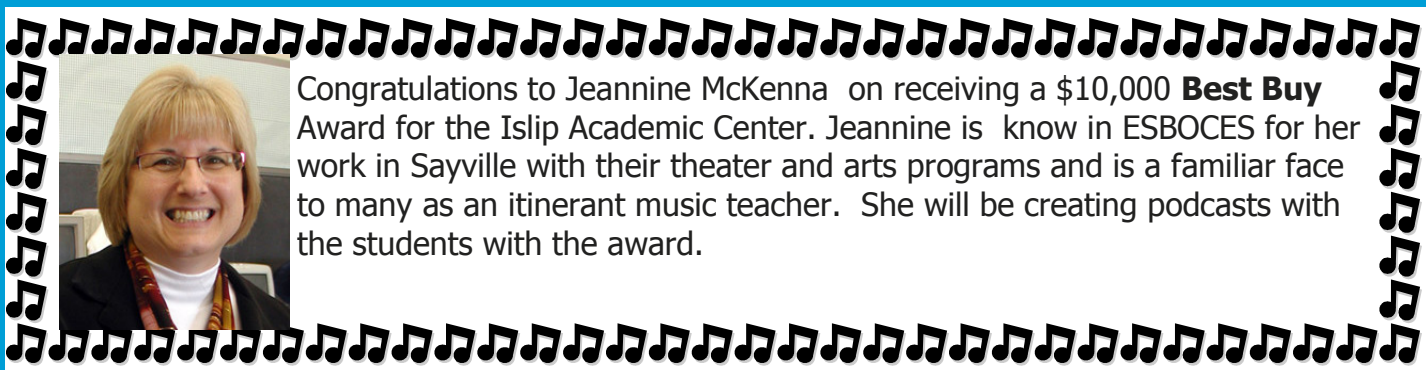
- Any extra hours beyond the 75 may not be carried forward into the next 5 year cycle
- It is BOCES responsibility to report your professional development hours to the state education department through the Teach Account System
- It is your responsibility to report your hours to HR. Keep copies of everything!
- Set up a TEACH account with the State Education Department.

Your continuing certificate as well as if you are Level I, II or III are portable to other districts in New York.

I have had many questions about the form for professional development vs. educational incentive. There has been some discussion on this and I will have more information to give your building reps at our next building rep meeting.

Thank for your support, Gail

**Teacher Feature**



Congratulations to Jeannine McKenna on receiving a \$10,000 **Best Buy** Award for the Islip Academic Center. Jeannine is known in ESBOCES for her work in Sayville with their theater and arts programs and is a familiar face to many as an itinerant music teacher. She will be creating podcasts with the students with the award.

**IT BENEFITS YOU TO KNOW!**

Bob Love

Spring is in full bloom and I hope everyone had an enjoyable recess. Pretty soon it will be time for your school budget vote. It is even more important in these times that you participate. Remember, it's our school districts that send us our students so don't forget to register and vote.

**Retiree Health Insurance Bill**

You know spring is close when you start hearing about the reauthorization of the retiree health insurance bill. The law expires on May 15, 2009. This reauthorization bill must be passed to extend the law that provides a moratorium that prohibits educational employers from diminishing health insurance benefits or contributions made on behalf of retirees and their dependents, unless there is a corresponding reduction in benefits for active employees (and thus subject to collective bargaining). In other words without this law employers could cut health insurance benefits for retirees at their whim. Go to **BeesBeacon.org** and click on the Health Insurance Moratorium to send a letter to your elected officials.

**More about Retiring with Health Insurance**

If you are currently being covered by your spouse's health insurance, either because you have taken the health insurance sell-back waiver or because you are a paraeducator hired after July 1, 1992, and are retiring this year you need to contact human resources two months before your retirement date and evaluate switching to health insurance coverage. In other words, YOU have to have health insurance coverage, not the waiver, BEFORE you retire.

Once you are retired you can not pick up health insurance through BOCES. Should your spouse lose their health insurance or pass away and you do not have your own health insurance policy you will be with out coverage. Remember the money you get from the health insurance waiver **DOES NOT** count towards your FAS (Final Average Salary).

**Your Retirement**

Have you scheduled your retirement counseling? If you are within five years of retirement you should schedule a session by calling 1-800-348-7298 ext 6270 if you are in the NYSTRS, or 1-866-805-0990 if you are in the NYSERS

**What Are Your Retirement Benefits**

This is an introduction, it is only an introduction. It is not intended to be a "know-all-advice" about the NYSTRS, NYSERS, retirement laws, or retirement regulations. You should always get advice from trained professionals such as those at the retirement systems or a competent financial advisor. I am keeping the general, very general. Every benefit I discuss has limits and exceptions based on your eligibility.

As a retirement system member you are eligible for certain benefits based on your tier, service credits, age, and earnings. A few of the benefits are Service Retirement Benefits, Disability Retirement benefits, and Death Benefits.

*Service Retirement Benefits*

The light at the end of the tunnel, are the benefits you will receive when you retire. Everyone is eligible to "retire if you are at least age 55 with 5 years or more of credited" NYS service. Just because you are eligible does not mean that this is the best time for you to retire, you need to determine what your annual pension will be. The simplified formula for calculating your annual pension is:

$$\text{Pension Factor} \times \text{Final Average Salary} = \text{Maximum Annual Pension}$$

The pension factor is affected by your years of service, and your age at retirement. (Tier 1 has additions factors not listed here) In all four tiers your pension factor will be reduced if you do not meet the minimum years of service. For Tiers 2, 3, & 4 members the pension factor will also be less than the maximum amount if you retire before age 62 and have less than 30 years of service.

Your Final Average Salary, the second half of the formula for calculating your Maximum Annual Pension, is determined by the average of your highest three consecutive years of salary earned. Usually it is your last three years. (Some Tier 1 members can use an alternative five-year FSA)

*Disability Retirement Benefits*

This may be available to members who because of a permanent physical or mental incapacity are prevented from working. There are certain eligibility requirements depending on the retirement system and tier you belong to. Any member who is no longer able to work should contact their retirement. If you are critically ill, you should contact your retirement system immediately.

*Death Benefits*

These are part of each retirement system. Member in the NYSERS may be eligible for ordinary death benefits, alternative death benefits or accidental death benefits depending on your age, years of service, tier, and retirement status. Most members in the NYSTRS are provided with an In-Service Death Benefits. I am not listing the entire eligibility requirements but, in a nut shell you are eligible after one year of service. The maximum benefit is three times your earnings. If you are not eligible for the In-Service Death benefit you may be eligible for the Tiers 3 and 4 Accidental Death Benefit, or the Vested Death Benefit.

Additionally, there is the accelerated death benefit which provides a one time payment to the member while living. There are very strict requirement have to do with disability, terminal illness and/or extraordinary medical care. The accelerated death benefit is in lieu of both the monthly retirement benefit and a death benefit paid to a beneficiary. What ever retirement system you belong to you should make sure your family also knows how to contact them.

I encourage you to find the specifics that apply to your retirement benefits. Some resources that will help you in your search:

<http://www.osc.state.ny.us/retire/> Active Members' Handbook

[www.NYSTRS.org](http://www.NYSTRS.org) New York State Teachers Retirement System

### **Amnesty, Audits, and Eligibility**

If you have family health insurance through the Empire Plan (NYSHIP New York State Health Insurance Program) you may have already received a letter requesting you to provide proof of your dependents' eligibility. **DO NOT IGNORE** this letter. Failure to respond to the request will result in removal of your dependent form coverage and may result in your having to pay for any ineligible claims. Additionally they may pursue civil/criminal action.

If you discover that you have inadvertently made a false claim you can take advantage of the *Special Amnesty Period* being offered. The amnesty period for reporting any ineligible dependents ends June 12, 2009. For more information go to our website, **BEESBEACON.ORG**, and click on the Empire Plan Audit link.

Remember, as in everything that is important – **KEEP COPIES OF EVERYTHING**  
I can be reached at [beesvpcb@optonline.net](mailto:beesvpcb@optonline.net),  
or call me at Milliken Technical Center 244-5858.

### **The BEACON Shines Again**

The BEACON was submitted to NYSUT for review and this year won 4 awards. Because of our union size we are judged against the largest universities, and city unions throughout the state.

Thanks to our editor "Dr. Thom," and Nancy Rosati who keeps our website up to date with the latest news and information. You can search the website for past BEACONS and featured articles about issues members have asked about in the past.

**Best Front Page– Honorable Mention**

**Best Editorial– Award of Merit** Thelma Shaw author

**New Members– Best in the State**

*For the second year in a row*

**Best Website in New York**



You might not like what you have been reading in the newspaper about cuts in education. As your area vice president for CTE my job is to represent you on issues pertaining to our contract. If it is not specifically addressed in the contract, it might be beyond what a union can do. Laws that are created by Federal and New York State legislation overrule our contract. This is why our VOTE COPE support is so vital. It helps to get us heard on issues of importance that are beyond what we can do locally.

What can we locally to help our programs grow? Positive public relations, students inviting their friends to tour our classrooms, participating in your home district's career days. You can invite industry into your classes and going out to visit industries. Think about developing community service projects that add visibility to our efforts, and sending assigned work from student portfolios back to their home school for review. We had great feedback from students and staff involved with the summer enrichment program.

With the times the way they are, we need to show everyone that **we aren't just an optional choice, but a very smart choice.**

This applies to every person that works for BOCES. Before the year is over I will be sending out letters again to the students who signed up for visitors day and didn't attend. Some of these students might decide that BOCES is the right choice for them. We all need to be pro active.

May is right around the corner and school budgets votes are coming up. You are encouraged to get out and vote for your schools budget.

**How techno savvy are you? *Can you translate the following cyber symbols?***

- AFAIK** as far as I know      **BBL** be back later      **BWL** bursting with laughter      **DIKU** do I know you?
- GAL** get a life      **HHIS** hanging head in shame      **IHA** I hate acronyms
- IITC** If I remember correctly      **JTLYK** just to let you know      **IMHO** in my humble opinion
- LOL** laughing out loud      **ROFL** rolling on the floor laughing      **PMFMJIB** pardon me for jumping in but
- TCOB** taking care of business      **TILII:** tell it like it is      **VBG:** very big grin      **LLTA** lots & lots of thunderous applause

It might be time to ask questions if you see any of these:

- GPA** grandparent alert      **PA** parent alert      **P911** my parents are coming      **TA** teacher alert

## SPEAKING TO THE GENERATIONS

Dorothy Zuckerman, NYSUT Retiree Services Consultant

Do you know the difference between a raspberry and a blackberry? Would you rather handle an I-Pod or a pea pod? Have you started to twitter yet? Many seniors express outrage at people who "play" with their hand held computers during a meeting or a speech. They are taken aback by people on the street who appear to be talking to themselves over their cell phones. Over the past few years there has been a growing disconnect between today's youth and older adults. Each generation has shaped our world in a different way because of the world they were born into and responded to. These intergenerational differences often lead to stereotypes and prejudicial attitudes. The relationships we develop with our children and our grandchildren are essential to maintain genuine and lasting open communication.

As seniors we read about the Boomers, Generation X and Generation Y and we are confused about who and what they represent. Rapid changes in technology have left many seniors behind. As a result, older people often find it difficult to find a comfortable place in this changing environment. In order to remain useful and vital, it has become extremely important for seniors to become more involved in intergenerational activities. Sharing interests and experiences, breaking down language barriers, learning new technology – these are ways to bring the generations together.

Dowling College in Oakdale has recently established the Center for Intergenerational Policy and Practice, the first of its kind on Long Island. For more information, contact Dowling College at [www.dowling.edu/news](http://www.dowling.edu/news).

According to NYSUT Vice President Kathleen Donahue, Retirees must be vigilant in demanding immediate fixes to Medicare and Social Security. Contact your representative at 877-331-1223 and tell them to please:

1. Abolish the Medicare Demonstration Project.
2. Provide for an increase in Medical reimbursements to medical doctors.
3. Rein in the Medicare Advantage Program.
4. Empower Medicare to negotiate prescription drug costs for beneficiaries.
5. Allow re-importation of American-made prescription drugs.

NYSUT will keep our local leaders informed of our efforts via the Web and Leader site. To find out how you can get involved in this campaign visit [www.nysut.org](http://www.nysut.org)

**It is time to speak up in solidarity**

FYI -- The Worker, Retiree, and Employer Recovery Act of 2008 was signed by former President Bush. This act waves the requirement to take the Required Minimum Distribution (RMD) for the 2009 calendar year

## **Commissioner's Decisions**

The ruling about teacher's on special assignment did not come about from a new regulation, but from a legal interpretation of existing education law. These rulings are known as Commissioners decisions. The Commissioner's decisions are based upon law. The law is set forth in statutes and regulations, and interpretations of law are reflected in previous Commissioners decisions.

Education Law §310 provides that persons considering themselves aggrieved by an action taken at a school district meeting or by school authorities may appeal to the Commissioner of Education for a review of such action. A §310 appeal must be initiated within 30 days of the decision or action complained of, unless the delay is excused by the Commissioner for good cause shown in the petition.

The burden of proof in an appeal to the Commissioner rests with the person bringing the petition, i.e. the petitioner. The petitioner has the burden of demonstrating a clear legal right to the relief requested and the burden of establishing all the facts upon which he or she seeks relief. This may be accomplished by the submission of affidavits, exhibits or other proof. Mere allegations, suppositions, theories or conclusions, without factual proof are insufficient.

The Office of Counsel (OC) serves as legal counsel to the Board of Regents, the Commissioner of Education and the State Education Department. The OC's mission is to provide the Regents, the Commissioner and Department staff with legal counsel and services that enable them to establish education policy and comply with the law.

Numerous issues that affect school policy, codes of conduct, and procedures have come from these decisions. You can search previous Commissioner's decisions at <http://www.counsel.nysed.gov/Decisions/>

The regulations of the commissioner of education are authorized by educational law. Commissioners' decisions dealing with special education procedures, regulations and mandates are based upon specific education laws commonly referred to as Part 200 regulations. The VESID website details the Part 200 regulations

<http://www.vesid.nysed.gov/specialed/publications/lawsandregs/coverpage.htm>

For further updates about the status of TOSA,s and other issues that are of concern, please go to your website **BEESBEACON.org**. The website is updated regularly and you can find the latest union information between printed newsletters. Please send an e-mail to BEESBEACON@aol.com if you would like to have updates mailed to you when they are posted. Please do not use your BOCES e-mail address.

# BEEES



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