

***SUMMARY OF COMMISSIONER'S DECISIONS AFFECTING SHARED
DECISION-MAKING CR 100.11***

Adoption of Plan

Petitioner appeals the adoption of a revised shared decision-making plan because the revised plan was approved without the teachers' participation in the biennial review. The teachers were not allowed time to review and discuss issues, and to propose amendments to the plan. Petitioner contends that meeting schedules, agenda preparation, meeting procedures were used to limit participation by teachers. Petitioner also contends that insufficient time was provided to evaluate data used for decision-making. The board of education contends that the biennial review process was conducted according to CR 100.11 requirements, and permitted meaningful participation of all representatives. The commissioner ruled that the board met the requirements of CR 100.11, and the petitioner has not presented sufficient evidence to meet its burden of proof on the remaining issues. The appeal was dismissed. *Appeal of Greenburgh Eleven Federation of Teachers*, #14231, October 18, 1999.

Petitioner appeals the adoption of a shared decision-making plan because members of the board of education, students and support staff served on the district's shared decision making committee. Petitioner also objects that the committee meets on a regular basis, which exceeds the committee's sole function of re-certification of the plan during the biennial review. Petitioner also alleges that the public was denied a part in the decision-making process. The board of education contends that contractual agreements with the teachers association permit the board appointments to the committee, and that CR 100.11 does not specifically exclude board members. The commissioner ruled that the intent of CR 100.11 is for board members to work in collaboration with the committee and not serve on the committee itself. Students and support staff are not prohibited from serving as members of the committee as long as the requirements of CR 100.11 continue to be met. The commissioner also ruled that CR 100.11 does not prohibit the plan from permitting the committee to handle other on-going functions. The commissioner found no evidence that the plan was not made public. The board was reminded that the purpose of CR 100.11 is to foster communication among all parties involved in educating children, and suggested that the board reconsider its methods for bringing the public into the process. The appeal was sustained in part. *Appeal of Virginia Trombley*, #14189, August 17, 1999.

Petitioner appeals the adoption of a revised shared decision-making plan without meaningful participation of the shared decision making committee. During several committee meetings, all stakeholder groups had the opportunity to discuss revisions to the present plan. The final plan was accepted by the committee and submitted to the board of education. The board subsequently made two significant changes to the plan, without returning the proposed changes to the committee for reconsideration. Both changes had been rejected by the committee earlier. CR 100.11 requires the board to consult with the shared decision making committee when developing a plan, but does not require the endorsement of the plan as a precondition for approval. The disputed

changes (the composition of the building level teams and the right of those teams to participate in the hiring process) are significant enough to require the plan be returned to the committee for its reconsideration. The Commissioner ruled that the board may adopt the plan without full endorsement by the committee, and reminded the board that it must actively seek endorsement and take all necessary steps to comply with regulatory requirements pertaining to adoption of a shared decision-making plan. The appeal was dismissed. *Appeal of Lawrence Teachers' Association*, #14190, August 17, 1999.

Petitioner appeals the adoption of the shared decision-making plan, contending that since all of the committee members did not fully agree on all elements of the plan, respondent's adoption of that plan violated CR 100.11. The board reviewed the plan and heard the explanation that the parent and the teacher representatives did not agree with the final two steps of the dispute resolution process, and came to the conclusion that consensus could not be reached on that single issue. The plan was then adopted in its entirety, including the final two steps of the dispute resolution process. The Commissioner determined that CR 100.11 requires a board of education to seek endorsement of the plan after the committee has had an opportunity to consult and fully participate in the plan's development; however, there is no requirement that the committee agree on all aspects of the plan. The appeal was dismissed. *Appeal of Dianna St. Victor*, #13194, June 3, 1994.

Petitioner appeals the adoption of the shared decision-making plan without the endorsement of the teacher representatives on the shared decision-making committee. The board of education suggested changes to the plan which had been submitted by the committee, but the committee was unable to meet to consider those proposed changes. The board president contacted the co-chair of the committee as well as other committee members to seek their verbal endorsement of the proposed changes. The plan was adopted by the board prior to petitioner (president of the teacher's association) seeing the final version of the plan and agreeing to the changes. The Commissioner ruled that the changes which were made were substantial, and that the plan was adopted without proper consultation and full participation by the committee. The Commissioner ordered that the plan be re-submitted to the District Compact Committee for review of that portion of the plan in dispute. After consultation with the committee and seeking its endorsement, the board must re-adopt the final plan and forward it to SED for review. The appeal was thus sustained in part. *Appeal of Thomas Passino*, #13214, July 11, 1994.

Petitioners appeal the adoption of a shared decision-making plan in which modifications were made by the board prior to its adoption. Petitioners allege that the modifications were made without any consultation with or participation by the committee, that the respondent board violated CR 100.11 by adopting the plan without such collaboration, and that by limiting the selection of parent representatives on the site-based teams to parents only disenfranchises all PTA members who are not parents and violates the bylaws of the PTA and the Not-for-Profit Corporation Law. The Commissioner found no merit to any of the claims. On at least two occasions, the board attempted to reach consensus with the committee regarding the process for selecting parent representatives, with no success. Further attempts would have been futile, and CR 100.11 requires only that endorsement be sought. The Commissioner also found nothing in the plan or the

regulation that would require the selection of parent members to occur at a PTA meeting. The appeal was dismissed. *Appeal of Angela Meyer, Jacqueline Milton, and Maryann Weckerle*, #13329, January 16, 1995.

Petitioners appeal respondent board of education's implementation and adoption of a shared decision-making plan. Petitioners allege that the board's method of adopting the district plan was inappropriate, that the board's amendments to the committee's plan were improper, and that the board failed to seek petitioner's endorsement of the plan. Petitioners further allege that the board failed to collectively bargain on the issue of shared decision-making and that the superintendent failed to attend the majority of the steering committee's meetings. The Commissioner held that there is no requirement that the board adopt a committee's plan without modification, so long as the board consults with the committee and seeks its endorsement. He found that the record substantiated that such consultation was provided and such endorsement sought, and thus there was no basis upon which to annul the adoption of the plan. He also held that the regulation does not specify the level of involvement of the designated representatives of the school community in the development of the plan, nor does it require collective bargaining. The appeal was dismissed. *Appeal of Newburgh Teacher's Association, Frank G. Colone, Peter Gonzales, Donna Liebman, Edward Winfield, and John Wolner*, #13431, June 9, 1995.

Biennial Review

Petitioner, who is a parent member of respondent's shared decision-making planning committee, appeals the process for the biennial review of the shared decision-making plan. A meeting of the district's planning committee was scheduled for January 11, 1996, but the three parent representatives indicated that they could not attend on that date. The meeting was held, and on January 18 the superintendent and another planning committee member met with the parent representatives to seek their endorsement of the biennial review, but they refused to endorse it, citing concerns. The biennial review was submitted to SED on January 31, 1996. Petitioner alleges that the biennial review was conducted improperly and also raises a number of other issues. The Commissioner held that it was not sufficient for the superintendent and another committee member to meet with parent representatives to attempt to seek their endorsement for the biennial review in an expedited manner. Petitioner also challenged the service of board members on the district's planning committee. The Commissioner held that it was inappropriate for respondent's board members to serve on the district-wide planning committee. He also held that he lacked jurisdiction to decide petitioner's Open Meetings Law claims. The appeal was sustained in part, with the Commissioner ordering that the respondent's shared decision-making biennial review be remanded to respondent and that respondent reconvene its district-wide planning committee for the purpose of conducting a biennial review in accordance with CR 100.11. *Appeal of Karen J. Chester*, #13616, June 8, 1996.

Petitioners appeal the process for the biennial review of the shared decision-making plan. The record shows that the respondent originally adopted a shared decision-making plan with a properly composed district planning committee, which was dissolved upon approval of the plan by

the Commissioner. For the purpose of the biennial review, a central committee was established which was composed of building representatives selected to serve on it. Apparently, no teacher representatives were selected to serve on the central committee. Petitioners refused to participate since they believed that the committee was not properly constituted. The Commissioner held that the petitioners were correct in their assertion that CR 100.11 mandates the participation of designated representatives in the biennial review process to the same extent that those designated representatives participated in the creation of the original plan. However, the Commissioner also held that the formation of the subcommittee to handle revision of the plan was not problematic or in contravention to CR 100.11. The Commissioner also noted that respondent actively sought petitioner's participation, but they refused. He found it to be disingenuous for petitioners to therefore claim that they were unaware that the biennial review was occurring. The appeal was sustained in part, with the Commissioner ordering that the respondent's SDM central committee contain all designated representatives as authorized in CR 100.11, and that it resubmit its biennial review as expeditiously as possible. *Appeal of Newburgh Teacher's Association and Frank Colone*, #13720, December 30, 1996.

Educational Issues

Petitioners allege that the decision to reorganize the schools of the district and restructure the grade level configuration at each school was not made according to the requirements of the district's shared decision-making plan. The board of education contends that the district's shared decision making plan requires building planning teams to provide input on issues related to facilities. After distribution of copies of the proposed school reorganization, the board received numerous responses from teachers, administrators, parents and the building planning teams. The petitioners allege that the reorganization plan relates to scheduling rather than facilities, and therefore requires a higher level of participation by building planning teams. The commissioner ruled that the reorganization plan constitutes a matter relating to facility utilization, and that the board acted according to regulation and the district's plan. The appeal was dismissed. *Appeal of Nancy Parker, Linda Morette, Patricia DiVito, and Christine Haten*, #14220, October 12, 1999.

Petitioners allege that respondent board failed to follow its shared decision-making plan by unilaterally implementing curriculum changes without the approval of the District Curriculum Council. The plan states (in part) "2.2 Proposals for curriculum revision may be made by site based teams, district supervisors, teachers, parents or students to the district's curriculum council which will approve, disapprove, or amend such proposals by consensus." Petitioners seek an order directing the respondent to refrain from considering any curriculum proposal unless it has been approved by the District Curriculum Council. The Commissioner found that the record indicates that petitioners sought to prevent respondent from implementing curriculum changes in the district that it deemed necessary. He held that the language of the plan (above) is expressly permissive in nature. The plan does not require, nor can it expressly require, respondent to delegate its obligation for curriculum matters to shared decision-making teams. There is nothing in CR 100.11 that mandates that a board of education must obtain the approval of a school-based planning team before implementing decision. The Commissioner held that while curriculum matters are

appropriate subjects for discussion under shared decision-making, a school district's determination on curriculum matters, which is statutorily required, cannot be delegated to the SDM process. The appeal was dismissed. *Appeal of Robert Zaleski and Tina Gimmi*, #13725, January 31, 1997.

Two separate appeals were consolidated in this Appeal. First, petitioner contends that the building team planned and approved staff development days, but then was informed by the principal that it could no longer plan staff development days in addition to those already built into the school calendar. Petitioner asserts that the team was led to believe that no more staff development days could be scheduled, then respondent school district planned and held such additional days without the input or involvement of the building team. Second, petitioner alleges that the building team had the responsibility for the student discipline code, when respondent introduced a new student discipline code. The superintendent informed the building team that developing the discipline code was a non-delegable duty of respondent. The Commissioner agreed that the school district was within its discretion to schedule the staff development days and to enact a student discipline code. The appeals were dismissed. *Appeals of Moravia Teachers' Association*, #13764, April 29, 1997.

Petitioners appeal the respondent board of education's budget adoption process. A member of the high school shared decision-making team wrote to the superintendent and stated that the junior and senior high school shared decision-making teams wanted to actively participate in the development of the district's budget. "Budget" was listed as one of the issues subject to shared decision-making in the district plan. The board held nine budget discussion sessions between January and April 1995 at which the building teams were represented. The budget was adopted May 4, 1995, and this appeal ensued. The petitioners alleged that the board violated its shared decision-making plan by failing to submit its proposed district budget to the building teams. They sought an order abolishing the budget and asked that it be submitted to the building teams for discussion and recommendation prior to adoption. The Commissioner found that the record showed that the board scheduled five budget sessions which were open to the public and to which representatives from the building teams were invited. A personal invitation was issued by the superintendent to one of the petitioners and the building teams to attend an additional meeting and to review the budget. The Commissioner held that it is the board of education that is required to formulate the school district budget (Education Law 1709, 1716, and 1804), and that obligation is not delegable to a shared decision-making team. The appeal was dismissed. *Appeal of Mary E. Kastberg, Fran Emond, and Anton Kastberg*, #13, 518,

Procedural Issues - General

A strategic plan was developed and adopted by the board of education prior to the implementation of CR 100.11. The board subsequently realized that its plan would not satisfy the requirements of CR 100.11, and stated its intent to not submit it to the Commissioner for approval as the district's shared decision-making plan. The teacher's association appealed anyway on the grounds that it was excluded from participating in the strategic planning process. The appeal was dismissed on the basis that there was no case or controversy. *Appeal of Greg Wilson and Phyllis*

Chapman, #12982, August 4, 1993.

Petitioner appeals several aspects of a shared decision-making plan adopted by respondent board of education. He first contends that the board did not sufficiently inform district residents about the plan; however, the district held numerous public meetings, published information in a district newsletter that was sent to all residents, and made copies of the plan available to the public. Petitioner also contends that the method of selecting parent representatives for each building team is defective, since it was limited to PTSO members, although membership is open to all district parents. Further, he contends that community members should be selected by the board instead of the site-based management teams. The Commissioner held that petitioner provided no basis for deeming the plan to be in violation of law or regulation, only that his ideas were better than those described in the plan. The appeal was dismissed. *Appeal of Frederick M. Cobb, Jr.*, #13216, July 12, 1994.

Petitioner appeals several aspects of a shared decision-making plan adopted by the respondent board of education. She first contends that the board did not sufficiently inform the residents of the district about the plan; however, the district held numerous public meetings, published information in a newsletter that reached nearly all district residents, and made copies of the plan available to the public. She further contends that the method for selecting parent members of each building team is defective because membership is limited to PTSO members, yet such membership is open to all district parents. She also appeals that the PTSO is permitted to establish a process defining how parent members are selected, and that the process for amending the plan is defective because suggested changes from a building team are reviewed by a steering committee before being presented to the board. The Commissioner found no basis in law or regulation for any of her contentions, only that she disagreed with the plan and contends that her ideas are better. The appeal was dismissed. *Appeal of Adelaide Thompson*, #13259, September 14, 1994.

Petitioners appeal respondent board's implementation of a shared decision-making plan. Two separate but nearly identical appeals were merged into one for review. Petitioners allege that the board's method of selecting parent representatives was inappropriate, that all school-related parent organizations were not included. It was also alleged that teacher representation was insufficient. The board used an already-existing district-wide committee as its vehicle for forming a shared decision-making subcommittee, which was charged with developing a district plan for school-based planning and shared decision-making. The Commissioner found that the board's handling of shared decision-making was flawed, in that neither the manner in which parent members were selected nor the process by which the plan was adopted conforms with the letter or spirit of the law. The board did not reach out to individual parent organizations, but instead utilized an umbrella organization which was not acting with the authority of its member units with regard to shared decision-making and parent selection. The Commissioner also found that the procedure used to adopt the shared decision-making plan did not conform with CR 100.11, since its development was delegated to an existing entity with other membership criteria and another purpose. The process whereby the shared decision-making subcommittee initially developed the plan, referred it to another committee to resolve disputed issues, and that committee's eventual

return of the plan to the board when agreement could not be reached was improper. The Commissioner also found that the board failed to collaborate with the designated members on representation and other disputed issues. The appeal was sustained in part. It was ordered that the board submit the plan which it previously sent to SED to the District Compact Committee that included parents selected by school-related parent organizations or by an umbrella organization of school-related parent organizations with the authorization of members units consistent with this decision. After fully consulting with the committee and seeking its endorsement, the board must readopt the final plan and forward it to SED for review in accordance with CR 100.11. *Appeal of Dorothy Fitch; Appeal of Walter Tice, #13391, April 5, 1995.*

Petitioner appeals respondent board's issuance of a memorandum to community school districts and high school superintendencies regarding the implementation of CR 100.11, contending that the memorandum is invalid because it fails to incorporate the mandates of the Commissioner's November 1, 1994 letter; petitioner also contends that the memorandum violates CR 100.11 because it does not adequately describe the mandated process for the selection of parent representatives, the mandated participation of parents, or the mandated contents of the plan. Petitioner further alleges that the memorandum does not adequately address the relationship between the Chancellor's SBM/SDM regulation or existing SBM/SDM councils. The Commissioner found that: the November 1, 1994 letter essentially denied the Chancellor's request to extend the time period to file the SDM plan; CR 100.11 does not specifically require the issuance of guidelines; the Chancellor and central board did provide at least some guidance to community school boards and high school superintendencies regarding the implementation of CR 100.11; and, there was no evidence that the Chancellor's memorandum resulted in a lack of involvement by parent groups. The appeal was dismissed. *Appeal of Parent's Coalition for Education in New York City, #13398, April 7, 1995.*

Petitioner appeals the failure of the Chancellor and the NYC BOE to issue guidelines regarding the implementation of CR 100.11; petitioner also objects to the manner in which the final version of the plan was developed and adopted by CSB 1. Lastly, petitioner objects to the actions of CSB 9 regarding the composition and operation of its planning committee. An Assistant Commissioner from SED informed the Chancellor that it would be helpful to issue a guidance circular to each community school district board and high school superintendency, and that the central board was not precluded from providing such guidance to the districts in the development of their plans. The Commissioner found that although guidelines might have been helpful, they are not expressly required by CR 100.11 or Education Law; he also found that there was no evidence that member of the UFT were excluded from meaningful participation in shared decision-making as a result of the failure to issue guidelines. These claims were dismissed. The claims against CSB 1 were sustained by the Commissioner, who found that the board adopted the plan without consultation and full participation of the designated representatives, as a result of the short meeting notices provided by the board. The claims against CSB 9 were dismissed; however, while the Commissioner noted that the appointment of board members to the planning committee violated CR 100.11, there was no evidence that this defect required the annulment of the district plan. The Commissioner further held that CR 100.11 does not designate an exact number of representatives

from each constituent group, nor does it require that the board consult with constituent groups when establishing the committee. The appeal was thus sustained in part. *Appeal of United Federation of Teachers, Local 2, American Federation of Teachers AFL-CIO*, #13403, April 13, 1995.

Petitioners appeal the adoption of shared decision-making plans by CSB 1 and CSB 14. Specifically, petitioners contend that CSB 1 violated CR 100.11 and acted arbitrarily and capriciously when it unilaterally modified and added to the plan submitted by the planning committee without further consultation with and participation of the planning committee, and without seeking the endorsement of the planning committee. These issues and facts are substantially the same as those contained in *Appeal of United Federation of Teachers, Local 2, American Federation of Teachers, AFL-CIO* (#13403, above), and the Commissioner once again held that the process used by CSB 1 seems to have vitiated any possibility of thoughtful consideration and debate as required by the regulations. Petitioners contend that CSB 14 violated CR 100.11 when it adopted the district plan over the objections of the CSA representatives on the planning committee; they further allege that the adopted version of the plan gives the superintendent veto power over the plan. They also allege that the plan fails to provide a process for dispute resolution at the local level. The Commissioner found that although the CSA representatives object to portions of the plan, endorsement of the plan only need be sought, and not received. The section on dispute resolution was found to be in compliance with CR 100.11, although petitioner disagrees with the language. The section on accountability was found to be in violation of CR 100.11, where the superintendent was given the authority to direct the principal to reconvene the planning team and alter or reconstruct the plan. In essence, this gives the superintendent veto power over the plan. Petitioners further claim that CR 100.11 was violated when the flawed plans of CSB 1 and CSB 14 were incorporated into the central board's plan. The Commissioner held that the central board is authorized by CR 100.11 to decide how the City will incorporate the plans of the community school districts and high school superintendencies into its plan. The appeal was thus sustained in part. *Appeal of Council of Supervisors and Administrators, by its president, Donald Singer, Leonard Golubchick, and Philip Nastasi*, #13404, April 14, 1995.

Roles/Responsibilities of Committee Members

Petitioners appeal the decision of the school district to employ a home and careers/health teacher upon the recommendation of the district's shared decision-making committee. They allege that the recommendation of the committee to the superintendent to hire this teacher violated CR 100.11 since the district had not yet adopted the final versions of its shared decision-making plan. The appeal was dismissed, with the Commissioner stating that the decision to involve the committee in the hiring decision before the district adopted its final shared decision-making plan was not only laudable, but that it was consistent with the overall goal of shared decision-making to foster greater involvement of parents, teachers, and school administrators in decisions affecting them. *Appeal of Constance Reed, Donna Hitt, Paul A. Deysenroth III, and Katherine Wheeler*, #13029, October 21, 1993.

Selection of Committee Members

Petitioner appeals from respondent district's refusal to appoint him to a shared decision-making committee. The parent organization which he represented did not exist at the time that the parent representatives were selected for the committee, and thus it could have no role in the selection process. The Commissioner found that the district did not act arbitrarily or capriciously in accepting the parent representatives selected by the Student Parent Teacher Organization, and the appeal was dismissed. *Appeal of Ronald V. Santicola*, #13011, September 17, 1993.

Petitioner alleges that the parent representatives on the district-wide shared decision-making committee that were selected by the respondent board of education are not parents or otherwise appropriate representatives under CR 100.11. The petitioner also alleges that the board altered the final plan before its adoption without the full participation of and consultation with all of the representatives. The district in question is a special act district whose boundaries wholly encompass a residential facility, and there are no school-related parent organizations from which to select representatives for the shared decision-making committee. The board thus appointed eight administrators from the Children's Village acting *in loco parentis*. In addition to those eight, the board also included all natural and surrogate parents on the shared decision-making committee, who expressed interest. The appeal was dismissed, both as untimely and on its merits. *Appeal of Greenburgh Eleven Federation of Teachers*, #13425, June 7, 1995.

Petitioner appeals the selection of a "pupil personnel support" representative to the building team. The plan first seeks volunteers to fill open positions on the building team, and then the bargaining unit nominates and selects its representatives. The superintendent is empowered to select the non-bargaining unit representatives of the building team. Petitioner informed the respondent of its selection for the "pupil personnel support" teacher slot, and this was rejected by the superintendent on the grounds that the person nominated was a school psychologist and not a teacher. He therefore commenced to fill the slot, on the basis that the association had not done so. Petitioner alleges that respondent violated CR 100.11 by unilaterally altering the plan without the approval of the designated representatives, and that this action was taken due to the respondent's longstanding animosity toward school psychologists. The Commissioner dismissed this appeal as moot, since the record indicated that the committee representative resigned from the building team and that the association subsequently appointed a speech teacher to that position. *Appeal of Arthur Jaffee*, #13441, June 29, 1995.

Petitioners appeal respondent board's "clarification" of the shared decision-making plan and the method by which teachers would be selected to serve on school-based councils. The teachers had initially provided that teachers elected to school-based committees must be tenured and must teach a minimum of .6 FTE at the local site. Respondent board subsequently clarified a provision of its shared decision making plan, stating that the plan was not intended to restrict candidates elected to the school-based committees, in order to develop councils as diverse as the population as possible. Petitioners subsequently converted its resolution to a recommendation, and appealed. Petitioners allege that respondent had no right to "clarify" the existing shared decision-making plan and that such clarification violates CR 100.11 because respondent failed to consult or collaborate

with constituent groups. Petitioners also contend that since the association is the exclusive bargaining agent of teachers in the district, it has the right to decide how teachers in the district will be elected to school-based committees. The Commissioner held that the record showed no formal resolution or amendment made to the shared decision-making plan by the board, and did not find such "clarification" improper since it did not alter the plan in any way. He further found the CR 100.11 is silent concerning the method used to select representatives for school-based management teams once a district's plan is developed and adopted. The appeal was dismissed. *Appeal of Les Roby*, #13442, June 29, 1995.

Petitioners appeal alleged amendments to a shared decision-making plan. A teacher building-team member was involuntarily transferred to another building, and the team asked the district-wide committee for assistance in determining if that teacher could be replaced. The committee was unable to reach consensus and referred the matter to an outside facilitator. In the interim, the board passed two resolutions: one disbanded the district-wide committee, and the other provided a mechanism for the filling of vacancies that are caused by the involuntary transfer of a building team member. The Commissioner found that there is no express or implied requirement in CR 100.11 that the district-wide committee continue to exist once the plan is adopted by the board, and therefore did not find the board's action in this matter to be improper. The second resolution he found to amend the district plan with respect to involuntary transfers. Since CR 100.11 requires that any amendment of a shared decision-making plan must be developed and adopted in the same manner as the original plan, the Commissioner held that the second resolution was invalid. The appeal was sustained in part, with the Commissioner ordering that the respondent fully consult with its designated representatives concerning the proposed amendment to the district plan and seek their endorsement. Upon adoption of any amendment to the district plan, respondent must forward the amendment to SED. *Appeal of Port Jefferson Station Teacher's Association, William Hippner and Mark West*, #13443, June 29, 1995.

Petitioner appeals the implementation of a shared decision-making plan, which states (in part) that "Each stakeholder group elects its representative(s). . . . the stakeholders in each building will select their own representatives at a site-based faculty meeting conducted during school time. Each principal will be responsible for assuring that the election is put on the agenda of one of their faculty meetings." Petitioner alleges that respondent violated CR 100.11 by failing to allow stakeholders to choose their representatives in accordance with the plan. Respondent maintains that it requested representation, got none, and therefore selected its own. The Commissioner found that the record clearly supports petitioner's contention that respondent violated the plan by failing to allow stakeholders to select building team representatives. The appeal was sustained. The Commissioner ordered respondent to permit the petitioner to conduct the election of special area teacher representatives to the building teams at a faculty meeting scheduled at its earliest convenience. *Appeal of Greenburgh Eleven Federation of Teachers*, #13551, February 5, 1996.

Petitioner board of education appeals the refusal of its teacher's association to appoint teacher representatives to shared decision-making building teams. Petitioner has requested, both orally and in writing, the names of teacher representatives to serve on the building teams. In a

memorandum, respondent's president informed petitioner that the teacher's association would not be making any appointment to the building teams but that current representatives to the district-wide committee would participate in the biennial review of the district plan. At that meeting, none of respondent's members were present. Petitioner asks the Commissioner to order respondent to appoint the required number of teacher representatives to the respective building teams, and also seeks to compel respondent to appoint members to the district-wide shared decision-making committee. The Commissioner held that a collective bargaining organization is not a "school authority" within the definition of Education Law 310, and therefore dismissed the appeal on jurisdictional grounds. However, he also found that it was apparent that respondent was obligated under the plan to appoint teacher representatives but has failed to do so, and its argument that its policy is to solicit volunteers instead of requiring participation was a poor excuse for not participating in the shared decision-making plan. *Appeal of the Board of Education of the Hoosick Falls Central School District*, #13614, June 5, 1996.

Petitioner appeals that the Board of Education failed to comply with the District Plan requirements for selection of committee members. The plan provides a process for selection of community representatives for the District's Shared Decision Making Committee. When the terms of the current committee members expired, the District failed to comply with the process, and instead, solicited community representatives through newspaper advertisements. The appeal was sustained. *Appeal of Tanya Marquette, Fred Bunt, Margaret Wade-Lewis, Susan Zimet and Kate Hymes-Flanagan*, #14568, April 27, 2001.