Long Island Association for Supervision & Curriculum Development Legal Update for Administrators

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FOCUS TODAY

- Select Topics/Decisions of Interest
- New State and Federal Statutes and Regulations
- Update on State and Federal Guidance

Student Issues

The Supreme Court Revisits *Rowley* In *Endrew F.*

- The issue before the Court: "What is the level of educational benefit that a school district must confer on children with disabilities to provide them with the free appropriate public education guaranteed by the IDEA?"
  - Key concepts – "FAPE", "educational benefit" - not defined in IDEA.
  - Left to courts to determine; fact-intensive inquiry.
  - Split among federal circuit courts.

The *Endrew F.* Case

- Allegations: At the end of fourth grade, parents contend insufficient progress.
  - Incomplete IEPs, inadequate intervention, abandoned objectives.
  - Failure to provide progress reports.
  - Failure to perform a functional behavioral assessment or create a behavioral intervention plan.
- Parents enroll student in private school with autism focus, great gains made; seek tuition reimbursement, which the district refuses.

District Court and 10th Circuit Rulings

- District Court:
  - The IEPs were at least "minimally effective," the legal requirement in the Tenth Circuit.
  - Significant "informal communication" via email and notes can be substituted for progress reports.
  - Formal BIP irrelevant, District was "at the very least" addressing behavior.
- 10th Circuit
  - Affirms.

SCOTUS Decision

- SCOTUS strikes down the 10th Circuit's interpretation that students with disabilities need only achieve a minimal benefit for a school district to meet its FAPE obligation.
  - The IDEA guarantees a "substantively adequate" education to all eligible children.
  - "…the progress contemplated by the IEP must be appropriate in light of the child's circumstances."
  - "…the essential function of an IEP is to set out a plan for pursuing academic and functional advancement."
  - The child's "circumstances" are comprised of the student's level of achievement, disability, and potential for growth.
  - These elements are paramount to the development of an appropriate IEP tailored to meet the student's needs.

Decision Highlights

- An IEP should be "appropriately ambitious".
- An IEP should provide a child with the chance to meet "challenging objectives".
- Progress Indictors
  - Grade to grade advancement may serve as a retrospective indicator of progress (but alone does not mean that FAPE has been provided).
  - Schools continue to be tasked with documenting a student's current functioning levels and needs, developing challenging and ambitious goals and prospectively identifying strategies and services that are reasonably calculated to enable a child to make progress.
  - Appropriate Progress Standard" rejects the parents' "substantially equal" standard ***and*** the school's "minimal" standard.

Impact of *Endrew F.* Decision

- Stay tuned to IHO, SRO and court decisions.
- Advice:
  - CSEs should ensure that IEPs include all required info, up-to-date functioning levels based on timely evaluations and reports, and measurable goals that are challenging.
  - CSE members should be able and prepared to provide cogent explanations for their recommendations.
  - CSEs should ensure that FBAs are performed as needed and appropriate BIPs are put in place.

IDEA / §504 / ADA

- In *Fry v. Napoleon Community Schools*, 137 S. Ct. 743, decided February 22, 2017, SCOTUS clarified when parents of students with disabilities may bring claims against school districts directly to court.
- Parents brought a lawsuit against the school district seeking damages for alleged violations of the ADA and §504 after the district refused to let a service dog accompany their disabled daughter to school and instead provided her a human aide ("two-legged assistance"). District sought to have case dismissed for failure to exhaust administrative remedies under the IDEA. Lower courts agreed with school district.

Fry v. Napoleon

- Court: Exhaustion of administrative remedies is *not* necessary when the crux of the plaintiff's suit is something other than the denial of the IDEA's core guarantee --- a FAPE.
- Court provided two questions for determining when a claim is based on a denial of a FAPE, or instead disability-based discrimination:
  1. Could the plaintiff have brought essentially the same claim against a public facility other than a school (*e.g.* a public theater or library?)
  2. Could an adult at the school (*e.g.* an employee) have brought essentially the same claim?

Student Discipline for Off Campus Conduct

- In *Appeals of A.F. and K.P.* ,Decision No. 16,997 (November 10, 2016) – Commissioner would not uphold suspensions of 2 boys who received and watched on their cell phones a video of two students engaged in sexual activity.
- Commissioner reiterated a school's authority to discipline students for off-campus conduct that creates actual or foreseeable substantial disruption.
- Here, there was no link between the disruption at school and these students' receipt of the video.
  - Students did not:
    - solicit video - were passive recipients of a group text message with the video attached.
    - transmit the video to any other student.
    - show or display the video to anyone at school.

Gender Identity-The Evolving Law

- OCR's original interpretation of Title IX receives a setback.
- But New York's Dignity For All Students Act (DASA) and SED guidance fill the void.

OCR's Initial Interpretation

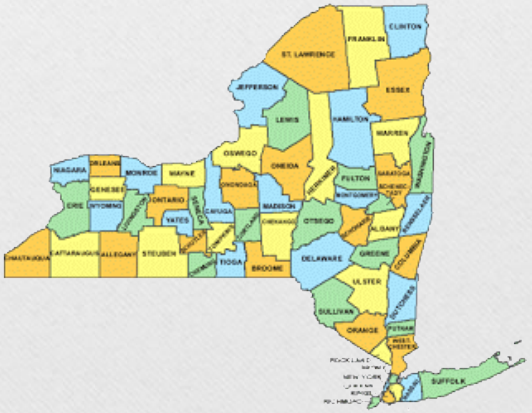
- January 7, 2015 Guidance – law requires districts to "treat transgender students consistent with their gender identity" with respect to access to bathrooms, locker rooms, shower facilities, choice of name/pronoun.
- May 13, 2016 - joint "Dear Colleague" letter from OCR and DOJ is consistent with and expands upon the January 7, 2015 Guidance.

Subsequent Conflicting Court Decisions

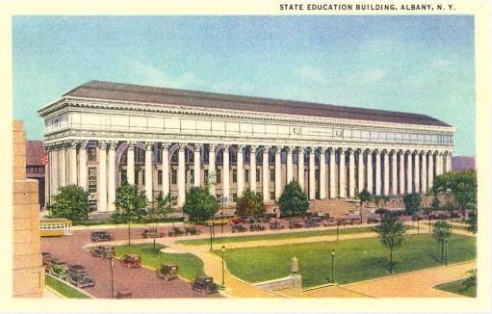
- 4th Circuit US Court of Appeals upholds the federal guidance and defers to DOE's interpretation of its Title IX regulations, *i.e.,* that prohibition against "sex" discrimination is broad enough to include "gender"- based discrimination (*Gavin Grimm* case); SCOTUS was set to hear the case on the school district's appeal.
- Subsequently, (August 21, 2016), a Federal District Court in Texas issued a nationwide injunction preventing the feds from enforcing the guidelines against any school district.
- Then……

The Feds Issue New Guidance

- On February 22, 2017, DOJ and OCR issued a new "Dear Colleague" letter withdrawing the two prior statements of policy/guidance.
- SCOTUS remands the *Grimm* case back to the 4th Circuit, given that its decision in favor of *Gavin Grimm* and against the school district was based on deference to OCR's guidance/interpretation – which is now rescinded by the Trump administration.
- Where does this leave us in New York?



New York Law



- SED and NYS AG issue Joint Statement on February 23, 2017 – aligns with the feds' original guidance.
  - Denying a trans student access to the facilities that match the student's expressed gender can equal sex discrimination under law.
- Relies on previous interpretations of Title IX, NYS Education Law §3201-a and New York's Dignity For All Students Act (prohibits discrimination against students based on gender identity, gender expression and sex).
- Joint letter consistent with SED guidance of July 20, 2015, which was not impacted by the Texas injunction.

The Litigation Continues

- 7th Circuit decision in *Whitaker v. Kenosha Unified School,* found that the gender discrimination based on gender identity or sex stereotypes violates Title IX regulations.
- "A policy that requires an individual to use a bathroom that does not conform with his or her gender identity punishes the individual for his or her gender non-conformance, in violation of Title IX."

The Litigation Continues

- Unlike in the *Grimm* case, the court in *Whitaker* did not rely on or give deference to the fed's guidance—as it had already been withdrawn; court independently interpreted Title IX broadly enough to include "gender" discrimination.
- Likely that this issue of Title IX interpretation will reach SCOTUS as circuit courts result in conflicting interpretations.

Immunization and School Attendance

- *Appeal of K.M. and T.M.*, Decision No. 17,095 (June 13, 2017) upholding religious exemption to immunization.
- In seeking religious exemption for her children, mother cited to biblical texts and religious materials and explained the origin of her beliefs, *e.g.* "Secular society seeks to place trust in vaccines over trust in God …. To believe that vaccination is going to save us from disease is to put vaccines in the place of God."

Appeal of K.M. and T.M.

- On October 7, 2016, Commissioner granted petitioners' stay request ordering district to admit children to school without immunizations while appeal pending.
- District went to court and on November 17, 2016, obtained a decision/order from Supreme Court, Albany County, vacating the stay issued by the Commissioner. Judge found insufficient evidence that petitioners' objection stemmed from a genuine religious belief, finding it significant that the children were initially immunized and then immunizations were discontinued.
- On June 13, 2017, Commissioner issued final decision in appeal and found that record sufficiently demonstrated that petitioners' opposition to immunization was based on sincerely held religious beliefs. Ordered district to grant religious exemption.

Dignity for All Students Act ("DASA")

- *Appeal of R.E.*, Decision No. 17,003 (November 22, 2016) – Petitioner claimed district administrators, a teacher and a guidance counselor violated DASA in the manner in which they handled a student's late assignment and grading of the assignment.
- Commissioner dismissed appeal, upheld District finding that there was no DASA violation: no evidence that respondents bullied, harassed, discriminated and/or retaliated against the student.
- Commissioner stated DASA does not preclude a policy that requires an appeal at the local level (*i.e.* exhaustion) before bringing a Commissioner's appeal.
  - But district policy which states that a parent "may" appeal at the district level is permissive, not mandatory.

Federal and State Guidance

Undocumented Students In Public Schools

- *Plyler v. Doe,* 457 U.S. 202 (1982) – SCOTUS held that students who cannot establish that they are in the USA legally are nevertheless entitled to the same free public education as other resident students, regardless of immigrant status.
- *Plyler* means:
  - Schools should not take actions that would discourage enrollment or success based on immigration status.
  - Schools should not ask about immigration status.
  - Schools should not request documentation that might pertain to immigration status.

Undocumented Students In Public Schools

- On February 27, 2017, NYS AG and SED issued a joint press release highlighting a new guidance letter.
- Letter reminded districts of rights of undocumented students to attend public school, and limits on schools' ability to inquire as to legal status.
- Advised that accessing records or allowing interviews without parental consent may expose schools to liability.
- Advised districts to contact their attorneys if fed officials (including ICE) show up to access student records or interview students.

Undocumented Students In Public Schools

- NYSASA and NYSSBA reps - follow up with SED and AG. What exactly should attorneys' advice be?
- Can AG offer something stronger than "call your attorney"? Nope.
- Some pointers from us:
  - If ICE comes to school to interview a student, staff should take his/her contact information and advise that someone will get back to him/her promptly.
  - Don't release student information or make a student available on the spot.
  - Don't confirm that student is in attendance.

Revised SED Guidance – State Aid 180-Day Requirement

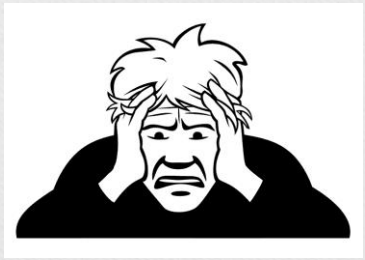
- On April 5, 2017, SED updated guidance on State aid requirements.
- Update does not appear to substantively change existing guidance - but conveys an intent to strictly enforce requirements going forward ("recent review of school district calendars" language).
- General rule: to be eligible for State aid, districts must be in session at least 180 days, including up to 4 superintendent conference days.
- SED states that certain half-days don't count toward 180 (for example, ½ days on any "end of year" days before regents exams, before scheduled vacation days, for K students enrolled in a district's full-day K).

Revised SED Guidance - State Aid 180 Day Requirement

- Districts can continue to use a combined instructional and Superintendent's conference day toward 180.
  - Total day: must meet minimum contact requirement of 5 hours for elementary, 5.5 hours for secondary.
  - Conference portion of the day must not cause the total annual superintendent conference time to exceed 4 days.
  - Supers conference time must be used for development activities related to implementation of high learning standards and assessments.
  - Each day must be based on a planned schedule adopted by the board at the beginning of the school year.

Revised SED Guidance – State Aid 180 Day Requirement

- Still the rule that up to 4 "shortened instruction days" per semester can be used to hold parent teacher or staff conferences for part of the day.
- To count toward the 180, must be minimum of 25 hours of instruction/week for elementary, and 27.5 for secondary, excluding lunch.
- Caveat: to comply, districts cannot take unilateral action to address contractual deficiencies - these must be bargained.
- What to do?



Employment Issues

Recall and Seniority

- *Appeal of DeRosa*, 56 Ed Dept Rep, Decision No. 17,028 (January 19, 2017) – Does the calculation of seniority for recall purposes (*i.e.* service in the system) include long-term substitute service that did not lead to a probationary appointment in the same tenure area?
- Commissioner: Yes – long-term, regular substitute service should be counted even when the teacher's work as a substitute did not lead to a probationary appointment in a tenure area.

Seniority decision

- Commissioner: In determining the recall rights of teachers on a PEL, length of service in the system is used, not length within a particular tenure area.
- Commissioner: "Respondent has not articulated any compelling policy reason why long-term substitute service that did not lead to a probationary appointment should not be counted for recall purposes when the law is clear that service in another tenure area may be counted."

FMLA: Who Is A "Parent" For FMLA Purposes?

- FMLA allows eligible employees up to 12 weeks of unpaid leave for their own medical needs or to care for a child or parent.
- In *Lin Coutard v. Municipal Credit Union,* an employee asked for FMLA leave to care for the medical needs of his 82-year old grandfather. Employer denied: FMLA doesn't cover "grandparent".
- Employee terminated when he stayed home for 2 consecutive days to care for grandpa. Employee sued.
- District court dismissed suit because employee failed to reference in *loco parentis* relationship when he requested leave (his grandfather had raised him after his father died).

Who Is A Parent Under the FMLA?

- Appeal to 2nd Circuit – Employee: employer did not inform him that an in *loco parentis* relationship could qualify for FMLA leave.
- Court: If the eligible employee provides sufficient information for the employer to reasonably determine that the requested leave may qualify as FMLA, the employer must specify whether and what additional info is required to make such eligibility determination.
- District court wrongly ruled that an employee must provide at the time of the request all relevant details to make an FMLA determination. Employee provided sufficient notice that his leave to care for his grandfather might qualify as FMLA.

Medical Exams of School Employees

- In *Appeal of P.P. v. Auburn City School District*, Decision No. 16,991 (November 3, 2016), Commissioner rejected a Principal's claim that a 913 exam to determine her physical and/or mental capacity to perform her job did not violate her right to privacy.
- Reaffirmed a district's statutory right to require such exam.
- District's actions were reasonable in light of principal's many health complaints that were allegedly caused by the conditions of the school, her absences, and the district's need to have a principal present.
- Under these facts, employees have a diminished expectation of privacy re: ability to perform the job.
- District had no obligation to provide additional explanation.

Title VII and Sexual Orientation

- *Christiansen v. Omnicrom Group, Inc.*, 852 F.3d 197 (2d 2017).
- Plaintiff, an openly gay man, sued his employer alleging he was discriminated against due to his failure to conform to gender stereotypes, *i.e.,* that his direct supervisor engaged in a pattern of harassment targeting his effeminacy and sexual orientation.
- Lower court dismissed, construing his Title VII claim as an impermissible sexual orientation discrimination claim. Second Circuit reversed finding that that plaintiff had sufficiently alleged a Title VII claim based on a "gender stereotyping" theory of sex discrimination and remanded for further proceedings.

Health Insurance Buyouts

- *Plainview-Old Bethpage Congress of Teachers v. NYSHIP, et al.*, 140 A.D. 3d 1329 (3rd Dept. 2016), *lv. to appeal den'd,* 29 N.Y. 3d 910 (June 6, 2017).
- Policy memorandum 122r3, issued in May 2012 by the New York State Department of Civil Service, relating to health insurance buyouts declared null and void.
- Impact?

Duty to Bargain

- *Matter of Lawrence Teachers' Ass'n v. PERB*, 152 A.D. 3d 171 (3d Dept. 2017).
- School district implemented a universal pre-K program under Education Law §3602-e. The district unilaterally contracted with an outside agency to staff/operate it. Teachers' union filed an IP charge with PERB alleging district violated the Taylor Law's duty to negotiate by the outsourcing of work.

Matter of Lawrence

- PERB concluded outsourcing was not a mandatory subject of bargaining. NYS Supreme Court disagreed and reversed.
- On appeal, the Appellate Division held that the clear language of Education Law §3602-e (5)(e), which authorizes a school district "to enter any contractual arrangements necessary to implement" a Pre-K program "notwithstanding any other provision of law", clearly indicates that negotiation is not required, and thus no IP found.

Boards of Education

Confidentiality of Executive Sessions

- *Application of the Bd. of Educ. of the Buffalo City School Dist.*, Decision No. 17,147, (August 17, 2017).
- Commissioner removed Carl Paladino from the Buffalo Board of Education on the ground that he willfully disclosed confidential information re: collective bargaining negotiations obtained during a properly convened executive session of the board.

Paladino Decision

- In *Application of Nett and Raby*, Decision No. 15,315 (2005), the Commissioner had held that a school board member violates the law, his oath of office and his fiduciary duty by unilaterally disclosing the content of executive sessions, finding that a single school board member cannot undermine the effective functioning of the school board, which, through a majority vote, acts as a body corporate.

Paladino Decision

- General Municipal Law §805-a (1)(b) states that a municipal officer shall not "disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests."
- In *Nett and Raby*, the Commissioner held that within the context of the public school system, "confidential" means information that is meant to be kept secret.
- In *Paladino*, the Commissioner reiterates that it is the sole province of the Commissioner to define the meaning of the word "confidential" within the public school system and to insure its uniform application in this context. In doing so, the Commissioner explicitly and unequivocally rejected the Committee on Open Government's narrower interpretation of "confidential."

Paladino Decision

- The Commissioner found it was of no import that the facts of the Buffalo teachers' contract were made public, "it was the revelation of among other things, the board's internal discussion regarding negotiating strategies during executive session" that was problematic.
- Case serves as a reminder that the intentional and willful disclosure of confidential information obtained during an executive session of the board can result in a removal from office by the Commissioner or the board itself.

Elections and Budget Votes

Voter Propositions

- In *Appeal of McNamee,* Decision No. 17,103 (June 20, 2017), the Commissioner upheld the refusal of a school board (by a 3-2 vote) to place a proposition on the ballot to increase the # of board seats from 5 to 7.
- Petitioner: decision was arbitrary/capricious.
- Commissioner: Appeal is moot because election is over. However, comments on merits:
  - The # of seats on a board can be changed by approval of a proposition to increase the # at the annual meeting, *followed by* a special election to elect the new board members.
  - Petitioner was timely advised of the cost of holding a special election ($45,000), but failed to identify any cost in the proposed voter proposition.
  - The district properly rejected the proposition under the Education Law and district policy for failure to include a specific appropriation.

State and Federal Statutes

Every Student Succeeds Act (ESSA)

- Signed into law in December 2015. Reauthorizes the federal Elementary and Secondary Education Act of 1965, replacing NCLB.
- New York State ESSA Plan approved by Regents on September 11, 2017 to be submitted to USDOE by September 18, 2017 deadline. Final approval of State Plan expected by early 2018.

McKinney-Vento Homeless Assistance Act

- Changes made to McKinney-Vento as a result of Every Student Succeeds Act (ESSA); effective October 1, 2016.
- NYS Budget bill (Part C of Ch. 56 of the Laws of 2017) amended Education Law §3209 to conform State law to federal law changes.
- In May 2017, the Regents adopted emergency regulations to come into compliance with the new homeless requirements. Revised emergency regulations adopted September 12, 2017.

Key Changes

- School of Origin: Definition of school of origin expanded to include preschool and feeder schools.
- School Selection and Best Interest Determinations: LEAs must presume that keeping the student in the school of origin is in the student's best interest unless it is contrary to the wishes of the parent or youth (in the case of an unaccompanied youth).
- Awaiting Foster Care Placement: "Awaiting foster care placement" will be eliminated from the definition of homeless as of December 10, 2016.
- Enrollment Deadlines: LEAs must immediately enroll children and youth who are homeless even if they have missed application or enrollment deadlines during any period of homelessness.

Key Changes

- Dispute Resolution: LEAs must continue enrollment and transportation during any dispute involving eligibility, school selection, or enrollment pending final resolution of all available appeals.
- Award Full or Partial Credit for Completed Coursework: LEAs must remove barriers that prevent homeless youth from receiving appropriate full or partial credit for coursework completed while attending a prior school.
- Ensure Access to Academic and Extra-Curricular Activities: LEAs must ensure that students who are homeless and meet the relevant eligibility criteria do not face barriers to accessing academic and extra-curricular activities, including magnet schools, summer school, career and technical education, advanced placement courses, online learning and charter schools.
- Eliminate Barriers Related to Outstanding Fees, Fines, or Absences: LEAs must review and revise policies to remove barriers to identification, enrollment, and retention of children and youth who are homeless, including barriers to enrollment and retention due to outstanding fees or fines or absences.

Key Changes

- Provide Transportation for the Remainder of the School Year: LEAs must provide transportation to the school or origin through the remainder of the school year in which the student becomes permanently housed.
- College Readiness: LEAs must provide youth who are homeless with assistance from counselors to advise such youth and improve their readiness for college.
- Student Privacy/FERPA: LEAs may not disclose the address where the student is temporarily living or the temporary housing status of a student who is homeless to a third party without the consent of the parent.
- McKinney-Ventro Liaison Responsibilities: Liaison responsibilities expanded to include connecting young children to additional early care and education programs such as Head Start and Early Intervention; posting public notice of the educational rights of students who are homeless in a manner and form that is understandable; training other school district staff on McKinney-Ventro; and ensuring that unaccompanied youth are enrolled in school and are informed of their independent status and receive verification of such status from the liaison for the Free Application for Federal Student Aid (FAFSA).

Key Changes

- Affirm Eligibility for HUD Homeless Assistance: McKinney-Ventro liaisons who have received training on the HUD definition of homeless may affirm eligibility for students and their families for homeless assistance programs funded by HUD if the liaison has determined that they are homeless under HUD's definition.
- Coordinate Special Education Services: LEAs must coordinate special education services for students protected under McKinney-Vento and the IDEA.
- Collect Data: LEAs must collect and provide data to the Department on students experiencing homelessness.
- Improve Identification of Children Experiencing Homelessness: LEAs must review and revise policies that may act as barriers to the identification and enrollment of children and youth experiencing homelessness and give special attention to ensure the identification and enrollment of children and youth experiencing homelessness who are not currently attending school.

Reserve Funds-Amendments to Education Law

- Sections 1608(7)(a) and 1716(7)(a) - Property Tax Report Card must contain a schedule of reserve funds, with names, description, purpose, balance and statement explaining plans for the ensuing school year.
- Section 3653 – Requires a Board resolution to authorize the deposit of monies to increase the funding of a reserve fund.
- Section 2116-a(3-b) – Districts must post on their websites the annual external audit report and corrective action plan prepared in response to external audit or comptroller's audit.
- Section 2022(7) – Districts must post on their websites the final annual budget and any adopted multi-year financial plan.

Chapter Amendments

Laws of

Health Education

- Ch. 390 amends Education Law §804 to require health education to include a component on mental health.
- Must cover "the relation of physical and mental health so as to enhance student understanding, attitudes and behaviors that promote human dignity.
- Codifies in statute requirement in State regulations that mandate mental health as part of health program.

Health Education

- At press time re: this presentation, Governor signed a bill authorizing school district nutrition advisory committees to address health risks associated with students' weight, asthma and other chronic respiratory diseases, and allowing for a diabetes risk-analysis exam as part of a student's health certificate.

Student Health

- At press time for this presentation, Governor signed a new law enabling bus drivers who are not school employees to administer epinephrine to students experiencing a severe allergic reaction.
- Effective in late December 2017.
- SED and DOH to issue regulations.
  - Previously, only school district employees were legally permitted to administer EpiPen.

Cyberbullying

- Chapter 50 appropriated $300,000 to support the prevention of cyberbullying initiative.

Recovery of Penalty- Capital Projects

- Ch. 59 Part YYY §11 – establishes a multi-year process under which the Commissioner can recover a penalty for a late final cost report on a capital project.
- The penalty may be recovered from the district as deductions from aid payments due over a period of 10 years.
- No interest penalty may be assessed.

Universal Pre-K

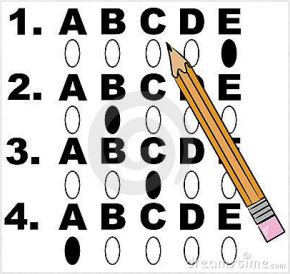
- Ch. 59:
  - Requires programs to meet curriculum standards consistent with NYS pre-K early learning standards.
  - Sets minimum weekly time requirements at 25 hrs. (FT) and 12.5 hrs. (PT).
  - School districts receiving funds for universal pre-K must adopt approved quality indicators within 2 years, including valid & reliable quality measures.
  - Provides an exemption to the cert requirement for teachers in full day pre-K programs for the 2017-18 year if such teacher has a written plan to obtain cert and has registered with the ASPIRE workforce registry as required by OCFS regulations.

Students With Disabilities

- At press time for this presentation, Governor signed a new law requiring SED to issue a guidance memo to all districts and BOCES about the educational needs of student with diagnoses of dyslexia, dyscalculia and dysgraphia.

Student Records

- At press time for this presentation, the Governor signed a new law that makes it a misdemeanor to knowingly alter any official student record.
- This new law expands current protections to include test results.

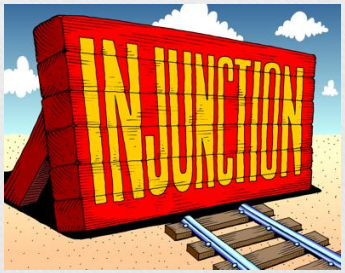


Current Law Extensions Under Ch. 59

- One year - building aid to install metal detectors, security cameras, security devices, for expenses made prior to 7/1/18.
- One year – the ability to make conditional and emergency conditional appointments while waiting criminal history reports.
- Extends through 11/30/22 the ability of non-citizen immigrants who are permanent residents to become permanently certified if they meet the requirements other than citizenship.

Current Law Extensions

- Ch. 65 – extends the ability of school districts to make certain short-term investments under GML §11 to 7/1/20.
- Ch. 70 – extends the ability of public employees to obtain injunctive relief before PERB for an improper practice.



Thank you for attending our annual review!

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