

RESOLUTION: IRS Section 125 Benefits

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Whereas, many retirees during their years of employment participated in a program that allowed payment of health care services on a pretax basis (cafeteria plan/flex plan); and

Whereas, the retirees are no longer eligible to participate in this pre-tax program; and

Whereas, retirees on a fixed income need assistance to cope with rising health costs; therefore be it

RESOLVED, that NYSUT work with its national affiliates to lobby for legislation that would allow retirees to utilize up to 4,000 pre-tax dollars for qualified health services and products on an annual basis.

1 **RESOLUTION: Increasing Employer Penalties for not Providing Employee Health Insurance**

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3 Whereas, the Patient Protection and Affordable Care Act of 2010 mandates employers and 50 or more
4 employees to provide health insurance coverage to its employees; and

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6 Whereas, NYSUT and its state and federal allies have long sought universal health insurance which has
7 not yet come to pass; and

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9 Whereas, the Affordable Care Act is now the law of the land and has been supported by NYSUT and its
10 state and federal allies; and

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12 Whereas, beginning in 2015, the Patient Protection and Affordable Care Act employer mandate
13 provides the option to either provide health insurance for its employees or to be subject to a penalty
14 for not providing coverage (union employers are grandfathered); and

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16 Whereas, the difference between the lower penalty cost and the cost of providing employee health
17 insurance coverage seems to be an insufficient disincentive, causing many employers to select the
18 penalty option; therefore be it

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20 RESOLVED, that NYSUT and its state and national affiliates seek to increase health insurance coverage
21 for employees by narrowing the gap between employer penalties and the cost of providing health
22 insurance under the Patient and Protection Affordable Care Act of 2010.

In Support of New York's Fast Food Workers

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WHEREAS, many fast food workers make the minim wage--just \$7.25 an hour, or as little as \$11,000 a year and

WHEREAS, most fast food workers earn so little that they qualify for stamps and

WHEREAS, most fast food workers receive none of the employee benefits that provide support for either health care or retirement and

WHEREAS, the large employers like McDonalds, Wendy's Taco Bell, KFC and Pizza Hut are part of a \$200 billion industry and

WHEREAS, these corporations reap huge profits and shower their CEOs with exorbitant compensation and

WHEREAS, anyone who works hard should be able to afford life's necessities, that is, should be entitled to a living wage.

THEREFORE, BE IT RESOLVED THAT, NYSUT supports the organizing campaign of New York's fast food workers for a \$15 per hour wage and the right to unionize without corporate interference and

BE IT FURTHER RESOLVED THAT, in furtherance of the above resolution that NYSUT promote the Fast Food Forward coalition through an education campaign with affiliates and organizational partners.

Teacher Educators' Professional Autonomy and Academic Freedom
Must Be Safeguarded

For more than two decades P-12 public schools, teachers and teacher education programs have been blamed for the purported¹ crisis in public education. No Child Left Behind (NCLB) and Race to the Top (RTTP) legislation have responded to the assumed failures of teachers, public schools, and teacher preparation programs by instituting value-added accountability systems that rely on high-stakes testing measures to track the impact teachers and those who prepare them have on student learning.

The current use of these standardized tests narrows the curriculum, fails to accurately assess student learning, and de-professionalizes teachers. Accordingly, teachers and parents as well as some of their unions and organizations have called for more authentic assessments, greater autonomy for teachers, more resources, smaller class sizes, and the withdrawal of for-profit corporate intrusion into public education.

Requirements placed on teacher education programs by Race to the Top (RTTP) and the Council on Accreditation of Educator Preparation (CAEP) have received less critical attention. Teacher Performance Assessment protocols and exams are now being imposed by state governments (called "edTPA" in New York State) on schools of education and teacher education faculty. Originating from Stanford and designed by teacher educators, much of the content of edTPA contains important components of good teaching and some of the component evaluative methods represent good practice; such as the use of portfolios and multidimensional assessments. edTPA, however, "is designed to be *educative and predictive of effective teaching and student learning.*" (Stanford Center for Assessment, Learning and Equity, 2012)

The central, "predictive" claim of edTPA must be placed within the dominant historical context of the testing regime that pervades federal and state assessment policies. As an assessment measure, edTPA is linked to existent student success measures (high-stakes testing) which are, in turn, used to evaluate teachers. In these circumstances, what edTPA will predict are successful outcomes valued by federal and state policy-makers, and not necessarily successful teachers.

The requirements imposed by edTPA policy suffer from many of the same flaws evident in P-12 reforms:

- They fail to take into account the specific communities and populations teacher education programs serve. For example, the regulations imposed by RTTP and CAEP measure teacher education programs by the rates of employment of their graduates and by the default rate on loans taken out by their students, all of which are dependent on economic forces beyond the control of the programs.

- 38 - They focus on high-stakes tests scores, utilizing them to assess performance of
 39 graduates and their students. For example, they establish cut scores on
 40 standardized exams for graduates and hold teacher education programs
 41 responsible for these and for how well the students of their graduates do on high-
 42 stakes exams.
- 43 - Without adequate research to affirm the connection, they assume the validity of
 44 value-added measures based on test scores, and use the model to evaluate teacher
 45 education programs by the impact their graduates have on their students' scores
 46 on tests over time.
- 47 - They ignore or marginalize the expertise of the faculty in these programs. The
 48 regulations force professors to teach a curriculum that is driven by standardized
 49 assessments, rubrics and quantifiable outcomes developed by individuals and
 50 corporations not directly connected to those programs, resulting in violation of
 51 academic freedom and de-professionalization. Professors are required to hand
 52 evaluations over to outside scorers. In particular, edTPA – the performance-based
 53 assessment tool that will be required for all NYS teacher candidates as of May 1,
 54 2014 – turns evaluation over to individuals trained by Pearson, Inc., and even
 55 prohibits valuable professor-student collaborative reflection on assessment
 56 videotapes.

57 Similar to the test-fixated reforms imposed on P-12 public schools by No Child Left
 58 Behind and Race To The Top, RTTP's and the Council on Accreditation of Educator
 59 Preparation's requirements for teacher education programs are being implemented
 60 without pilot studies, without a solid research base and without professional consensus in
 61 the field about their value. To make their case RTTP and CAEP rely on the MET studies,
 62 on the assumed reliability and validity of value-added measures based on test scores, on
 63 what constitute best practices, and on analogies between medicine and teaching. All of
 64 these have been convincingly challenged.ⁱⁱ

65 As professional teacher educators and scholars in our field, we believe that teacher
 66 education programs must be responsible for developing their own local criteria for
 67 evaluating their graduates. These criteria should be developed in collaboration with the
 68 schools and communities that the programs serve and be informed by the knowledge and
 69 professional experiences educators in those programs bring to their work. The mission of
 70 teacher education also consists of helping students become critical participants and agents
 71 for change in the schools where they work. We believe that assessments of programs
 72 should give equal weight to the resources available to the programs to carry out their
 73 mission. Given the increasing responsibilities placed on teachers and the programs that
 74 educate them, such as the need to prepare graduates to teach growing English Language
 75 Learners (ELL), special-needs and immigrant student populations, as well as the
 76 increasing numbers of students who live in poverty, resource standards should be given

77 preeminence in any evaluative system, so that teacher education programs can provide a
78 quality education to future teachers.

79 As experienced, professional educators, and because we are vitally concerned about the
80 education of our future teachers, we cannot in good conscience support assessment
81 systems that narrowly define the preparation of our teacher candidates and encroach on
82 our academic freedom. We, therefore, object to the implementation of the CAEP's
83 requirements in their current form and to RTTP's school profiles and edTPA, and urge
84 that there be further discussions before these are implemented.

85 CAEP requirements and edTPA reduce the practice of teaching to a series of quantifiable
86 behaviors that do not capture the complexity and nuance of teaching. There has been no
87 trial period established for evaluating the effects of edTPA on teacher candidates or
88 teacher education programs. Finally, the cost of edTPA, which is \$300 per candidate,
89 puts an undue burden on our students.

90 We, the Professional Staff Congress of the City University of New York (PSC – CUNY),
91 therefore reject the notion that CAEP in its current form and edTPA constitute
92 appropriate assessments of teacher education programs and teacher candidate
93 performance, and we believe that their rushed implementation will undermine the
94 preparation of teacher candidates in New York State.

¹ See David Berliner et al for discussion of how this crisis was manufactured.

² Berliner, D. (2014). "Effects of inequality and poverty vs. teachers and schooling on America's youth," *Teachers College Record*, Vol. 116, No. 1, 2014. (www.tcrecord.org/content.asp?contentid=16889).

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1 **UPDATING NEW YORK'S TUITION ASSISTANCE PROGRAM (TAP)**

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3 Whereas, New York's primary state-funded financial aid program, the Tuition Assistance
4 Program (TAP), has helped four million New Yorkers afford college since its founding in 1974,
5 and TAP aid is key to maintaining college access for low-income students in New York State; and

6 Whereas, 75,000 students attending colleges or professional schools in the CUNY system in
7 2011-2012 received TAP awards; and

8 Whereas, many students who attend CUNY or aspire to attend CUNY are excluded from
9 receiving TAP or are underserved by TAP because (1) their awards were eliminated or reduced
10 when Albany passed austerity budgets, (2) the sliding income qualification and award scales
11 (called "schedules") that apply to them haven't been updated in 20 years, or (3) they are not
12 the "traditional" straight-from-high-school-to-college full-time students that TAP was designed
13 to serve; and

14 Whereas, the TAP award schedule for independent single students without children—a
15 category which includes foster children, orphans and wards of the state—prevents virtually all
16 poor, single working adults from qualifying for TAP aid by making them ineligible if they earn
17 more than \$10,000 in net taxable income, and limits the maximum grant they can receive to
18 just \$3,025; and

19 Whereas, a requirement that students attend college full-time for a year before becoming
20 eligible for Part-Time TAP limits CUNY students' participation in the program so dramatically
21 that only 90 CUNY students received Part-Time TAP awards in 2011, a year when more than
22 83,000 students were enrolled at CUNY part-time; and

23 Whereas, TAP awards for dependent students range from a minimum of \$500 per year for
24 middle-income students to up to a maximum of \$5,000 per year for low-income students—an
25 amount that falls \$730 short of the current CUNY senior college tuition rate of \$5,730; and

26 Whereas, the NY-SUNY 2020 law of 2011 allowed for five years of consecutive \$300 tuition
27 hikes at CUNY but failed to increase the maximum TAP award, instead requiring CUNY to absorb
28 the difference between the maximum TAP award and tuition for low-income students, thereby
29 forcing the University to forgo millions of dollars in revenue (\$14 million in 2013-2014) that
30 could otherwise go to enhancing students' educational experience; and

31 Whereas, the failure of TAP grants to keep pace with rising college tuition is also contributing to
32 increased student loan debt for those students who are poorly served by TAP; therefore be it

33 Resolved, that NYSUT should seek to enact legislation that updates TAP to give excluded
34 students access to financial aid, to align the program with the current needs of students,

35 including those who attend part-time, to simplify the program's rules and regulations, and to
36 set up processes that continue to make TAP function better; and

37 Resolved, that NYSUT shall advocate for the platform of TAP reforms adopted by the Coalition
38 to Reform the NY Tuition Assistance Program¹ enumerated herein:

39 **Give excluded students access to TAP.**

40 1) Extend TAP to undocumented youth who arrive in the US before age 16 and graduate from a
41 New York high school or pass a New York accredited high school equivalency program.

42 2) Restore TAP eligibility to students in default on federal student loans (eliminated in 2010).

43 3) Restore TAP grants to graduate students (eliminated in 2010).

44 4) Allow currently incarcerated students to once again qualify for TAP grants so that they can
45 earn a college degree (eliminated in 1995).

46 **Realign TAP to the current needs of students and families.**

47 5) Increase the TAP maximum award to \$6,500 for all students.

48 6) Get rid of outdated award schedules and the rule requiring that students' grants be based on
49 the year they enter college.

50 7) Raise the income thresholds on TAP award schedules for independent single students and
51 married students without dependent children, and provide that all schedules incorporate the
52 same maximum grant level of \$6,500.

53 8) End the \$100 per-year cut to students' TAP grants in their last two years of school.

54 9) Eliminate the requirement that students attend college full-time for a year before becoming
55 eligible for Part-Time TAP.

56 10) Add two semesters of TAP eligibility for students who are identified by the State as
57 educationally disadvantaged, but are not enrolled in New York's limited Educational
58 Opportunity Programs (i.e. SEEK, College Discovery, and HEOP), which extends TAP for two
59 additional semesters.

60 11) Increase the number of semesters of TAP eligibility for all students recognizing that the
61 majority of students take more than four years to complete a baccalaureate degree. The federal
62 Pell Grant program recognizes this need and provides the equivalent of two additional years.

63 12) Increase TAP grants for students who come from families with multiple family members
64 attending college at the same time.

65 **Simplify the rules and regulations, and improve TAP administration.**

66 13) Revise the TAP definition of independence to match the federal Pell Grant criteria.

67 14) Let financial aid administrators make changes to students' grants as is allowed under
68 federal aid programs including Pell Grants. The current program does not allow for necessary
69 adjustments when students are confronted with serious life changes such as a major loss of
70 income or the death of a parent.

- 71 **Continue to make TAP function better.**
- 72 15) Create a system that periodically reviews the effectiveness of TAP to ensure that the
- 73 program remains up to date.
- 74 16) Require further training for TAP certifying professionals.

¹ The following groups contributed to development of the platform of the Coalition to Reform the NY Tuition Assistance Program:

Cabrini Immigrant Services

CUNY Coalition for Student with Disabilities (CCSD)

Demos

The Education from the Inside Out Coalition (EIO)

Fiscal Policy Institute

Goddard Riverside Community Center

New York Public Interest Research Group (NYPIRG)

New York State Association for College Admission Counseling (NYSACAC)

New York State Disability Services Council (NYS DSC)

New York State Financial Aid Administrators Association (NYSFAAA)

New York State Higher Education Political Action Committee (NYSHEPAC)

New York State School Counselor Association (NYSCSA)

New York State Youth Leadership Council (NYSYLC)

New York Students Rising (NYSR)

Professional Staff Congress – CUNY (PSC)

University Student Senate – CUNY (USS)

United University Professions –SUNY (UUP)

*Some formal endorsements of the final platform are pending as of 12/12/13

Over 100 student organizations from around the state have endorsed the platform.

1 **Resolution to Support Appeal of Legal Decision on Pensions in Detroit**
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5 Whereas, in light of the December 13, 2013 decision by federal court judge Steven
6 Rhodes that Detroit is allowed to enter into Chapter 9 bankruptcy protection and that
7 pensions of city employees and retirees may be cut as part of the reorganization; and
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9 Whereas, Judge Rhodes' decision nullifies the protection that members of the pension
10 system believed they had under the state constitution which says “. . . the accrued
11 financial benefits of each pension plan and retirement system of the state and its political
12 subdivisions shall be a contractual obligation thereof which shall not be diminished or
13 impaired thereby.” And
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15 Whereas, it is the practice of pension systems to invest annual employee and employer
16 contributions to the retirement system in equities and fixed income instruments. and
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18 Whereas, most state and local municipalities were making solid progress toward funding
19 their pension systems until the bursting of the dot.com bubble and collapse of assets in
20 2008, leaving many systems with unfunded pension liabilities, Detroit's being in the
21 billions; and
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23 Whereas, the Rhodes' decision establishes a precedent that can be used by states and
24 municipalities to abrogate contractual obligations to public employees, and
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26 Whereas, the decision calls into question the validity of contracts made between state and
27 local governments and their public workers; thereby removing any sense of security that
28 public workers may have; and
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30 Whereas, the Rhodes' decision represents yet another attack on public workers, who
31 made contributions into the pension system that were then jeopardized by the willful
32 malfeasance of financial institutions; therefore
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34 Be it resolved, that New York State United Teachers (NYSUT) join with the other state
35 affiliates of the American Federation of Teachers (AFT) to support the appeal of the
36 Rhodes' decision underway by Detroit's unions; and
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38 Be it further resolved, that NYSUT engage with New York State Comptroller Thomas
39 DiNapoli to ensure that appropriate measures are in place to maintain the solvency of the
40 New York State and Local Retirement System (NYSLRS) and that Annual Required
41 Contributions (ARC) of all municipalities are made each year.