



NYSUT RA 2010

**38th Annual
Representative
Assembly**

2010

**Resolutions Proposed
for Reaffirmation**

**April 29 - May 1, 2010
Marriott Wardman Park
Washington, DC**

2010 Proposed Reaffirmations

Educational Issues

Reaffirmation #1

Financial Disclosure of Charter Schools

Submitted by: Associated Teachers of Huntington, Avon Teachers Association, Bloomfield Professional Education Association, Canandaigua Teachers Association, Carle Place Teachers Association, Deer Park Teachers Association, East Meadow Teachers Association, East Williston Teachers Association, Farmingdale Federation of Teachers, Freeport Teachers Association, Great Neck Teachers Association, Half Hollow Hills Teachers Association, Hempstead Teaching Assistants Association, Herricks Teachers Association, Hicksville Congress of Teachers, Lawrence Teachers Association, Livonia Teachers Association, Marcus Whitman Teachers Association, Marion Teachers Association, Mineola Teachers Association, Monroe #1 BOCES; BOCES United Professionals, Monroe #1 BOCES; BOCES United Support Staff, New Hyde Park-Garden City Park Teachers Association, Newark Central School Paraprofessional Association, North Babylon Teachers Organization, North Shore Schools Federated Employees, Phelps-Clifton Springs Faculty Association, Pittsford District Teachers Association, Plainedge Federation of Teachers, Plainview-Old Bethpage Congress of Teachers, Port Washington Teachers Association, Professional Staff Congress, Red Jacket Faculty Association, Retiree Council 1, Retiree Council 2, Retiree Council 4, Retiree Council 5, Retiree Council 6, Retiree Council 7, Retiree Council 8, Retiree Council 9, Retiree Council 10, Retiree Council 11, Retiree Council 12, Retiree Council 13, Retiree Council 14, Retiree Council 15/16 Westchester/Putnam, Retiree Council 17, Retiree Council 18, Retiree Council 19, Retiree Council 20, Retiree Council 21, Retiree Council 22, Retiree Council 23, Retiree Council 37/38, Rochester Teachers Association, Rockville Centre Teachers Association, Roslyn Teachers Association, Rush Henrietta Employees Association, Sewanhaka Federation of Teachers, South Huntington Teachers Association, Syosset Teachers Association, United Teachers of Island Trees, Victor Teachers Association, Wantagh United Teachers, Warsaw Educators Association, Wayne Finger Lakes Association of School Support Personnel, Wayne Teachers Association, Webster Teachers Association, West Babylon Teachers Association, West Hempstead Educational Association, Westbury Teachers Association

Whereas, the New York State Court of Appeals ruled, on Thursday, July 2, 2009, that the 2005 amendments to the state education and municipal law that call for the state comptroller to audit charter schools is unconstitutional; and

Whereas, this ruling, in reversing a lower-level court decision, states that, because charter schools are not political subdivisions, they are not subject to comptroller audits nor should they be linked to the audits of the public school districts whose limited funds are tapped to fund them; and

Whereas, in its ruling, the Court of Appeals cited oversight of the finances of the state's more than 140 charter schools as the responsibility of the New York State Board of Regents; and

Whereas, the state's public schools are accountable, not only to the Board of Regents, but to the commissioner of education, the state Legislature, the attorney general, as well as to the general public; therefore be it

RESOLVED, that NYSUT seek full disclosure by the Board of Regents of the finances of all of New York State's charter schools, opening the fiscal income and expenditures of these schools to the same public information and scrutiny as the state's more than 700 public school districts.

Reaffirmation of Existing Policy

In accordance with the Rules of Procedure for the 2010 NYSUT RA, resolutions adopted by previous NYSUT Representative Assemblies that are reaffirmed prior to their expiration do not have their life span extended. Any resolution which reaffirms existing NYSUT policy within the four-year active period will be published and provided to all delegates. These resolutions will be deemed reaffirmed by virtue of their publication and no committee deliberation or floor discussion will take place.

Reaffirmation #2

Monitoring Compliance of 80.56

Submitted by: Albany Public School Teachers Association, Capital Region BOCES, Corinth Central Teachers Association, Elmira Instructional Support Educational Association, Guilderland Teachers Association, Hempstead Teaching Assistants Association, Johnson City Employees Association, North Warren Teachers Association, Retiree Council 23, Sachem Central Teachers Association, Saratoga Adirondack BOCES Employees Association, Scarsdale Association of Educational Secretaries, Somers School Related Personnel, Syracuse Teachers Association, Union-Endicott Maintenance Workers Association, United Teaching Assistants of Harborfields, Valhalla Teachers Association, Whitehall Teachers Association

Whereas, teacher aides often perform the duties that are specific to teaching assistants; and

Whereas, teacher aides are not appropriately compensated to perform instructional duties; therefore be it

RESOLVED, that NYSUT strongly encourage the commissioner of education to institute provisions to monitor compliance of 80.56 of the Commissioner of Education Regulations.

Reaffirmation #3

Reaffirm Support for New York State Teacher Centers Funding

Submitted by: Albany Public School Teachers Association, Capital Region BOCES, Corinth Central Teachers Association, Fort Edward Teachers Association, Guilderland Teachers Association, North Warren Teachers Association, Salem Washington Academy, Saratoga Adirondack BOCES Employees Association, Shenendehowa Teachers Association, South Glens Falls Faculty Association, Whitehall Teachers Association

Whereas, NYSUT and its national affiliates, the AFT and NEA have long endorsed and worked to promote, design and implement programs providing research-based, ongoing, comprehensive staff development activities for teachers and school-related personnel; and

Whereas, NYSUT has continually and unceasingly fought for the maintenance and growth of New York State's unique and highly successful network of Teacher Resource and Computer Training Centers (Teacher Centers); and

Whereas, maintaining a professional license to teach in the State of New York requires that new teachers pursue 175 hours of professional development every five years; and

Whereas, all school-related professionals are encouraged and teaching assistants are mandated to take relevant professional development to update their skills; and

Whereas, Teacher Centers are highly effective in providing professional learning designed by teachers, for teachers to support the continued learning needs of those who perform vital functions in our efforts to narrow the achievement gap and help all students succeed; and

Whereas, the New York State mandate requiring a mentored experience for all new teachers requires a high level of professional development made available to all mentor teachers and their mentees; and

Whereas, federal legislation - the No Child Left Behind Act - requires highly qualified teachers in every public school classroom; and

Whereas, improved student achievement is supported by the use of data to inform instructional decisions; and

Whereas, the demands on public schools to make adequate yearly progress towards 100 percent proficiency for all students tested by 2013-14 will rely heavily on effective, high-quality professional development in the years to come; and

Whereas, in New York State, Teacher Centers are a primary vehicle for the cost-effective delivery of voluntary; research-validated staff development activities; therefore be it

RESOLVED, that NYSUT continue and reaffirm its long-standing and successful advocacy of Teacher Centers by using whatever means (including, but not limited to, legislative activity) to attain the goal of maintaining and furthering the Teacher Center program in our state; and be it further

RESOLVED, that NYSUT seek to maintain funding for New York State Teacher Centers.

Reaffirmation #4

Support For a Cap on The Number of Charter Schools in New York

Submitted by: Hempstead Teaching Assistants Association, Port Washington Teachers Association, Retiree Council 17, Retiree Council 18, Retiree Council 19, Retiree Council 20

Whereas, the original innovative purpose of the charter school as envisioned by Albert Shanker has been transformed into selective private schools funded by public money but unaccountable to the public; and

Whereas, some private entities and for-profit organizations (religious, ethnic, business) have challenged the existence of public education by creating private charter schools that seek exemption from public and governmental oversight and the right of teachers to organize collectively in unions; and

Whereas, the nationwide proliferation of charter schools has caused severe financial harm to the public schools as well as unacceptable teaching space problems in many cases; and

Whereas, continued unrestricted growth of the charter school as it now exists threatens the future of the union and the future of public education; therefore be it

RESOLVED, that NYSUT continue its demand for accountability and transparency from the charter schools; and be it further

RESOLVED, that NYSUT continue to stand firm in its opposition to increasing the current cap on the number of charter schools in New York State.

Reaffirmation #5

Opposition to Merit Pay In Any Form

Submitted by: East Meadow Teachers Association

Whereas, NYSUT has endorsed the concept of merit pay for teachers in various forms; and

Whereas, merit pay encourages divisiveness; and

Whereas, standards for merit pay are dubious, subjective and rely on uncontrollable variables; and

Whereas, the teaching profession is unique insofar as it deals exclusively with human factors as embodied in all students; and

Whereas, despite being "at the table," merit pay should never be part of any rationale discussion; therefore be it

RESOLVED, that NYSUT take the public position of opposing merit pay in any form.

Legislative/Political Action

Reaffirmation #6

Universal Health Care for All Members of New York State

Submitted by: Associated Teachers of Huntington, Avon Teachers Association, Bloomfield Professional Education Association, Carle Place Teachers Association, Deer Park Teachers Association, East Meadow Teachers Association, East Williston Teachers Association, Farmingdale Federation of Teachers, Freeport Teachers Association, Great Neck Teachers Association, Half Hollow Hills Teachers Association, Hempstead Teaching Assistants Association, Herricks Teachers Association, Lawrence Teachers Association, Livonia Teachers Association, Marcus Whitman Teachers Association, Marion Teachers Association, Mineola Teachers Association, Monroe #1 BOCES; BOCES United Professionals, Monroe #1 BOCES; BOCES United Support Staff; New Hyde Park-Garden City Park Teachers Association, Newark Central School Paraprofessional Association, North Babylon Teachers Organization, North Shore Schools Federated Employees, Phelps-Clifton Springs Faculty Association, Pittsford District Teachers Association, Plainedge Federation of Teachers, Plainview-Old Bethpage Congress of Teachers, Port Washington Teachers Association, Red Jacket Faculty Association, Retiree Council 1, Retiree Council 2, Retiree Council 4, Retiree Council 5, Retiree Council 6, Retiree Council 8, Retiree Council 9, Retiree Council 10, Retiree Council 11, Retiree Council 12, Retiree Council 13, Retiree Council 14, Retiree Council 15/16 Westchester/Putnam, Retiree Council 17, Retiree Council 18, Retiree Council 19, Retiree Council 20, Retiree Council 21, Retiree Council 22, Retiree Council 23, Retiree Council 37/38, Rochester Teachers Association, Rush Henrietta Employees Association, Sewanhaka Federation of Teachers, South Huntington Teachers Association, United Teachers of Island Trees, Victor Teachers Association, Wantagh United Teachers, Warsaw Educators Association, Wayne Finger Lakes Association of School Support Personnel, Wayne Teachers Association, Webster Teachers Association, West Babylon Teachers Association, West Hempstead Educational Association, Westbury Teachers Association

Whereas, considerable numbers of New York State residents, including many young people as well as working families and the elderly, are without health insurance protection; and

Whereas, states like Massachusetts and Vermont have implemented plans to protect their residents; and

Whereas, a number of states are considering the adoption of plans to protect their residents; therefore be it

RESOLVED, that NYSUT support Universal Health Care for all citizens of New York State.

Reaffirmation #7

Permanent Health Insurance Moratorium

Submitted by: Associated Teachers of Huntington, Avon Teachers Association, Bloomfield Professional Education Association, Canandaigua Teachers Association, Carle Place Teachers Association, Deer Park Teachers Association, East Williston Teachers Association, Farmingdale Federation of Teachers, Freeport Teachers Association, Great Neck Teachers Association, Half Hollow Hills Teachers Association, Herricks Teachers Association, Lawrence Teachers Association, Livonia Teachers Association, Marcus Whitman Teachers Association, Marion Teachers Association, Mineola Teachers Association, Monroe #1 BOCES; BOCES United Professionals, Newark Central School Paraprofessional Association, North Babylon Teachers Organization, North Shore Schools Federated Employees, Phelps-Clifton Springs Faculty Association, Pittsford District Teachers Association, Port Washington

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Whereas, health insurance continues to be a critical factor for all retirees in New York State; and

Whereas, the current provision of a One-Year Moratorium is no longer viable; and

Whereas, it is time for the Legislature and the governor of New York State to adopt a Permanent Health Insurance Moratorium; therefore be it

RESOLVED, that NYSUT continue to support the protection offered and guaranteed by the current Health Insurance Moratorium for all retirees and to make this protection permanent.

Reaffirmation #8

Make Excess Cost Aid Fair To Districts

Submitted by: Albany Public School Teachers Association, Capital Region BOCES, Rensselaer-Columbia-Greene BOCES Teachers Association, Saratoga Adirondack BOCES Employees Association

Whereas, the state provides aid to school districts for the education of special education students primarily through Excess Cost Aid; and

Whereas, currently the state's Private Excess Cost Aid is more favorable to some school districts than the Public Excess Cost Aid formula; and

Whereas, this drives public schools away from BOCES as the providers of choice for special education services; and

Whereas, left unaddressed, the situation will result in an increased migration of special education students away from BOCES in favor of private placements where students often are in isolated private settings and are educated by less-prepared teachers and support staff; therefore be it

RESOLVED, that NYSUT support legislation to make state Excess Cost Aid to school districts the same, whether a student is placed in a private or public setting. This will encourage a broader range of choices and the increased competition for services will result in both reduced costs and improved quality of services to students and their families.

Reaffirmation #9

Support for Legislation to Provide a Ratio of School Nurse to Number of Students

Submitted by: Middle Island Teachers Association, Patchogue-Medford Congress of Teachers, Riverhead Central Faculty Association

Whereas, students' social, emotional, behavioral and medical needs have become more intense; and

Whereas, federal civil rights and special education laws, i.e. Individuals with Disabilities Education Act, guarantee students the right to an education; and

Whereas, there has been an overwhelming increase in the number of special education students with physical disabilities that require special services as incorporated in the Individual Educational Programs; and

Whereas, the medical conditions requiring registered nurse intervention, i.e., nebulizer treatments, ostomy care, tracheotomy suctioning, catheterizations, severe allergic reactions, have increased substantially, along with medication administration, screenings and emergency care; and

Whereas, the responsibilities of the registered nurse have increased due to a rise in the rate of uninsured students, increased pregnancy rate, increase in substance abuse, violence in schools; and

Whereas, the mandated reporting has expanded to include BMI reporting, H1N1 reporting, as well as immunizations; therefore be it

RESOLVED, that NYSUT include in its legislative program a bill that mandates all public school districts in New York State to employ at least one (1) registered nurse in each building; one (1) full-time RN in every building with 250-500 regular education students, and 1/10th of RN services for every 50 students over 500. In buildings with fewer than 250 regular education students, there should be at least one (1) Part-Time RN and 1/10th of RN services for every additional 25 students, when K-12 schools are in session. It is recommended that this bill should include provisions for adapting the RN services to safely provide health care to the student population with complex health care needs and/or require daily professional nursing services, considering the unique needs of the community. It is also recommended that this bill should include a provision that New York State provide funding for these positions to offset the costs that school districts have endured as a result of unfunded mandates.

Reaffirmation #10

Worker's Compensation Reform

Submitted by: United Federation of Teachers

Whereas, registered professional nurses, occupational therapists, physical therapists, school nurses and paraprofessionals are injured on the job each day due to their work in patients' homes, hospitals, schools and offices, as well as results of equipment failure, human error, visitors and other work-related factors; and

Whereas, registered professional nurses, occupational therapists, physical therapists, school nurses and paraprofessionals sustain various on the job injuries ranging from fractures, bites, infectious diseases and other serious trauma resulting in a work-related injury; and

Whereas, worker's compensation is the benefit applicable to compensate these workers for their on the job injuries; and

Whereas, New York State has the lowest maximum weekly benefit as a percentage of state average weekly wage (SAWW) in the northeast region and in the entire nation; and

Whereas, it is currently at 45 percent of SAWW and is one of only four states that has failed to index the benefit to the state average weekly wage; therefore be it

RESOLVED, that NYSUT work with other unions and the state AFL-CIO to influence government officials and the state Legislature to raise the maximum weekly worker's compensation benefit without in any way reducing current statutory benefits to injured and disabled workers.

Pension/Retirement

Reaffirmation #11

Private School Teaching Service Credit

Submitted by: Bellmore-Merrick United Secondary Teachers, East Meadow Teachers Association, Farmingdale Federation of Teachers, Massapequa Federation of Teachers

Whereas, members of the New York State Teachers Retirement System who have taught in private or parochial schools have not been given credit for that service; and

Whereas, these professionals are often teachers who must remain well past the normal retirement age; and

Whereas, many New York State teachers have had teaching experience in private and/or parochial schools; and

Whereas, these teachers hold teaching certificates issued by New York State; and

Whereas, parochial and private schools follow the New York State teaching standards; therefore be it

RESOLVED, that NYSUT seek legislation that would permit all members of the New York State Teachers Retirement System to claim retirement credit for private and/or parochial school teaching service, regardless of when service was rendered.

Reaffirmation #12

Retirement Credit for Out-of-State Service

Submitted by: Owego Apalachin Teachers Association

Whereas, the New York State Teachers Retirement System provides for the purchase of out-of-state service credit for Tier I members, it is discriminatory to not provide for the purchase of service credit to members of other tiers; and

Whereas, it is difficult for school districts that border adjoining states to attract teachers across state lines; and

Whereas, school districts in New York State that border adjoining states lose teachers to those states because the adjoining states allow for the purchase of out-of-state credit; and

Whereas, some Tier IV members have service in out-of-state public schools; and

Whereas, there is a need in New York State to hold onto its highly qualified and experienced teachers; therefore be it

RESOLVED, that NYSUT continue to seek and support legislation that will allow public school teachers in Tier IV who have prior service in out-of-state public schools to purchase retirement credit.

Reaffirmation #13

Maintain Retiree Benefit Protections for Public Employees

Submitted by: United University Professions

Whereas, the desire to contain or reduce costs has caused many public employers to abandon their long-standing policy of providing health insurance coverage for retirees throughout their retirement years; and

Whereas, because retirees are not represented in the collective bargaining process, they are powerless to stop legislation that would unilaterally depreciate or even eliminate retiree health insurance benefits once the contract under which they retired has expired; and

Whereas, unexpected changes to health insurance coverage can have a dramatic impact on one's ability to afford adequate coverage; and

Whereas, the impact is even more acute for retirees who must somehow make ends meet on a fixed income with only a moderate annual cost-of-living adjustment; therefore be it

RESOLVED, that UUP requests that NYSUT recommends to the New York State Legislature and executive branch that they carefully consider and fully explore any changes in the long-standing public policy of providing health insurance coverage for ALL public employee retirees; and be it further

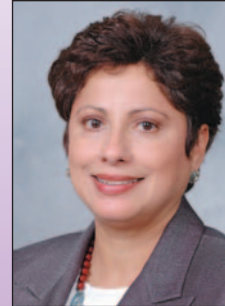
RESOLVED, that the New York State Legislature and executive branch require careful consideration and full exploration by knowledgeable experts as well as by the affected parties themselves in their considerations; and be it further

RESOLVED, that UUP ask NYSUT to advocate for legislation that will prevent the unilateral diminution or elimination of ANY public-sector retirees' health insurance benefits, unless there is a corresponding diminution of such benefits of in-service employees.

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