

Resolution # 17

Repeal New York State's Draconian Receivership Law and Defend Collective Bargaining Rights as Enshrined in New York State Law

Committee recommends concurrence, as amended:

Whereas, New York law establishes Receivership for schools that have been or will be categorized as persistently failing and struggling and that these schools are identified as the schools in the lowest 5% state-wide on NY Common Core assessments will mean there will always be failing schools and schools in Receivership; and

Whereas, Receivership uses developmentally inappropriate and unreliable Common Core aligned test and punish and evaluation regimes to categorize failing schools; and

Whereas, 144 public schools serving mostly low income students from Buffalo to Albany, Utica to New York City, Yonkers to Rochester have fallen into Receivership; and

Whereas, Receivership law states that the Receiver "may abolish the positions of all teachers and pedagogical support staff, administrators and pupil personnel service providers" of or any or all Receivership schools and can do so without cause, and require them to reapply if they choose; and

Whereas, Receivership requires a "Staffing Committee" to determine whether senior former staff at Receivership schools are qualified to return to the school and those who are not rehired from their school are denied "bumping/seniority rights" and must be placed on a preferred eligibility list regardless of their teaching experience; and

Whereas, Receivership further undermines collective bargaining by granting a Receiver broad power over budget, curriculum and programs, discipline, testing, class size, teaching conditions, length of the school day and year for each individual Receivership school; and

Whereas, Receivership erodes local control of schools by allowing a superintendent or independent Receiver to supersede decisions and policies established by an elected Board of Education; and

Whereas, Receivership denies due process and other forms of fair employment practices for educators and administrators by allowing the law and commissioner's regulations to set up a timeframe and process for different agreements with each Receivership school that ensures these "agreements" give expression to the will of the commissioner without ever having to prove how imposed agreements will improve the quality of education; and

Whereas, Receivership law requires "failing/struggling" schools to improve in two years but provides ZERO/NO additional resources or funding to those schools; and

Whereas, Receivership does not address the great inequality in funding for urban schools, as the Tax Cap and GEA have helped to de-fund New York State's Public Schools since 2010, but rather Receivership doubles down on those districts by defunding them year after year, labelling them failures and giving them one or two years to "improve" without additional resources in most cases;

Whereas, New York State's recently adopted receivership law perpetrates a failed test-and-punish system that egregiously mislabels schools, students and educators using discredited metrics based on flawed state standardized tests, and

Whereas, the 144 schools in 17 school districts targeted as receivership schools are in fact owed over \$2.7 billion from the state, penalizing them as the most underfunded districts in the state, and

Whereas, the receivership law persistently mislabels schools, students and educators based on discredited state test scores without acknowledging the significant strengths and progress of students and educators in those school communities, and furthermore egregiously and wrongly singles out educators instead of addressing the state's failure to provide the resources and support these schools deserve, and

Whereas, the Commissioner's action seeking to override collective bargaining rights in Buffalo receivership schools is an affront to working people in New York State and across the nation and would violate the individual due process rights of every teacher affected by the abrogation of collective bargaining; and

Whereas, such action contravenes collective bargaining rights that are enshrined in decades of law by the solemn intent of the state Legislature and contract rights protected by the United States Constitution; and

Whereas, the long and successful history of labor-management collaboration as a key factor in school success is well documented across New York State and the nation; and

Whereas, collective bargaining is in fact essential in ensuring the collective wisdom of teachers and school-related personnel is brought to bear in advocacy for what students need and what parents want, without fear of reprisal or retribution; and

Whereas, any action seeking to curtail collective bargaining rights perpetrates the perilous trend of power concentration in the hands of an appointed few to the detriment of democracy, and further endangers the voice of all working people in New York State and the nation and; therefore be it

RESOLVED, that NYSUT reaffirms its vehement opposition to the state receivership law and will use every legal and legislative means to effectuate its immediate repeal; and be it further

RESOLVED, that NYSUT calls upon the state to immediately adopt the state aid plan developed by the Educational Conference Board to begin to address the shameful shortfall in state funding to the districts affected and penalized by the receivership law; and be it further

RESOLVED, that NYSUT will continue to support its locals in using the collective bargaining process to advocate for student-centric solutions to the challenges facing persistently mislabeled schools, including reducing class size, combating absenteeism and addressing other essential teaching and learning conditions, including but not limited to after-school programs, access to counselors, mentoring services and other supports that advance student success; and be it further

RESOLVED, that NYSUT commits to any and all actions necessary to defend collective bargaining rights for our members and working people across New York State and the nation and calls upon our national and international affiliates to stand in solidarity with us in this important cause.

RESOLVED, that NYSUT vigorously oppose Receivership and encourage our regional and statewide NYSUT affiliates to pass similar resolutions demonstrating solidarity against New York Receivership law; and be it further

RESOLVED, that NYSUT exhaust all legal means to change and to challenge in court any attacks on due process, collective bargaining and other fair labor practices are a consequence of receivership; and be it further

RESOLVED, that NYSUT develop a plan/outline to advise members on how they should respond to the demands of receivership and that NYSUT plan meetings to educate and activate members about said plan – especially those in receivership schools who develop a SIP plan, sit on a Staffing Committee, or are assigned to CET, SBMT, and/or any other member interested in the impacts of receivership; and be it further

RESOLVED that NYSUT send an electronic copy of this resolution to all local presidents; that a copy of this resolution be readily available for all NYSUT members on www.nysut.org and that NYSUT's opposition to the receivership law be highlighted in writing to the entire New York delegation in the State Legislature.