

the PENDULUM

THE OFFICIAL IN-HOUSE PUBLICATION OF THE NEWBURGH TEACHERS' ASSOCIATION



VOL. 48 NO.1
OCTOBER 2017

NY CONSTITUTIONAL CONVENTION 2017: YOUR PENSION AT RISK

BY CAMILLE ALAIMO

This year New Yorkers will vote on whether or not to allow the state Constitution of NYS to be changed. The question, "Shall there be a convention to revise the constitution and amend the same?" will appear on the back of every ballot. While you may not have heard much in the press (probably by design), your future may well depend on how many New Yorkers get to the polls on November 7, turn the ballot over and vote NO. At stake is the future of our public schools, working conditions, environmental issues, healthcare and retirement security for all New York State workers. Most significantly, a YES vote endangers pensions for both retired and active teachers.

The NYS Constitution is the governing charter document of New York. It establishes the manner in which government is organized, how your tax dollars are spent, and your rights as a state worker. Once every 20 years, New Yorkers vote whether or not to allow the Constitution to get revised. A YES vote opens the document for reform, which can include a radical overhaul. A NO vote allows for revision through the use of amendments, as has been the practice for more than two centuries. Year 20 is upon us, and we have much to lose.

In recent years, NYS Governor Andrew Cuomo has been vocal about reducing your pension benefits. These decreases will apply to all NYS teachers including retirees and new hires along with other NYS workers such as firefighters, police officers and healthcare workers. A YES vote will allow Albany politicians unlimited power to alter your pension plan even after years of contributing into the system, and despite the fact that teacher pensions are self-sustaining.

WHY SHOULD YOU VOTE NO?

A YES vote jeopardizes your right to negotiate the terms of your employment, known as collective bargaining. This means unions may be a thing of the past, eliminating your power to have any voice about working conditions. Without your union, there would be no pay increases, no healthcare package, no dental benefits, and no sick days. Think about the past decade in NYS education and the insidiously expensive, harsh changes made to the teacher evaluation system. Without your union, job conditions would be drastically different. It's no secret that Cuomo hates unions and wants to abolish them.

Newburgh Teachers Association member Dan King says, "For Teachers, it is a potential trap because our pensions are not subject to collective bargaining. Only the NYS legislature can change our pensions, so we are playing with fire. They can reduce it and we cannot negotiate for it. We will have to wait 20 years to change the legislation. It's a dangerous climate for teachers. They are trying to get rid of unions. Once they meet, everything is on the table. We are putting ourselves in the crosshairs."

Indeed we need only to consider the fate of employees of large corporations that have not had the benefits of unions. IBM and Kodak, among others, let thousands of employees go with only a fraction of the retirement and health benefits they were promised. They, unlike NYS teachers, did not have a union to represent them. This is likely to happen unless 51% of New Yorkers vote NO.

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NY CONSTITUTIONAL CONVENTION 2017: YOUR PENSION AT RISK CONTINUED

Additionally, a Con Con is estimated to cost taxpayers upwards of \$355 million. More than 200 Albany politicians will be paid a double salary because they are, presumably doing double the work. In addition, these insiders will have full control over every item in the current charter document and unlimited time to execute changes. The longer it takes, the more money they make. NTA member Mark Whelan agrees that "The convention is composed of political types who are selected and funded to discuss reforms that will have to be ratified by the legislature. This promises to be enormously expensive."

A YES vote gives the governor (et al.) substantially more power over tax payer money without requiring the approval of the legislature. We know how fond Andrew Cuomo is about funding special projects, such as charter schools to divert money from public education. Unfortunately, our governor has proved to be hostile towards public school teachers and students, and untrustworthy as evidenced by the colossal failure of APPR to improve public education, despite its rigorous testing and ridiculous price tag. Are we ready for industry to take over public education? Take into account

the Albany corruption scandals of the past few years, and consider which of Cuomo's insiders you can trust.

Undoubtedly, most New Yorkers agree that change in our state government is much needed. For this purpose, amendments have historically proved far more effective and expedient than a

Constitutional Convention. A Con Con is potentially a full rewrite. Amendments, however, continue to allow for needed changes without jeopardizing existing articles. Under the current State Constitution, our pensions are protected. A Meadow Hill School NTA member urges teachers to "Research this Con Con and tell everyone you know to do the same. Don't be passive. Find out all you can." NTA member Jason Luna agrees that researching for oneself is important,

"I trust the people who told me to say no, but I haven't done my own research. While I feel comfortable trusting the collective voices, I will still investigate these issues.

As shiny candidates eagerly await your vote on the very visible front of the ballot, they're hoping you won't see the sneaky, fortuitous question on the back. *Don't forget to turn the ballot over to vote NO on November 7.*

For more information, please refer to the following websites:

- NYSUT
- NEW YORKERS AGAINST CORRUPTION
- NYC BAR ASSOCIATION



CURRENTLY, NYSUT MEMBER PENSIONS ARE PROTECTED BY THE EXISTING NYS CONSTITUTION AND THEREFORE, CANNOT BE REDUCED (ARTICLE, 5, 7).

THESE PROTECTIONS MIGHT END WITH A CON CON. SOME ISSUES PROTECTED BY THE CURRENT DOCUMENT ARE THE:

- RIGHT TO A FREE, PUBLIC EDUCATION (ARTICLE 11, 1)
- RIGHT TO WORKERS' COMPENSATION (ARTICLE 1, 18)
- RIGHT TO BE A MEMBER OF A UNION AND COLLECTIVELY BARGAIN (ARTICLE 1, 17)
- AND REQUIRING THE STATE TO PROVIDE FOR SOCIAL WELFARE NEEDS (ARTICLE 27, 1)


CON CON: HISTORICALLY SPEAKING

BY CAMILLE ALAIMO

Surprisingly, the New York State Constitution of 1777 is ten years older and six times larger than the Federal Constitution. James Madison modeled the Federal Constitution after New York's while delegates were fending off the Revolutionary War.

In the past Constitutional Conventions have been necessary as our young nation grappled its way towards its version of democracy. In its inception, the founders of our nation designed the Con Con as one of several ways to give states a voice over its financial resources. Since the first Con Con in 1776, our predecessors fought to secure educational and environmental privileges. One example is when the NYS Constitution of 1894 added historically significant reforms such as "free and common" schools and the preservation of "Forever Wild" land. We continue to benefit from these decisions as we send our children to public schools and enjoy the beauty of our state parks. In 1938, a Con Con gave us labor rights and protections for the needy, which are still in place today. And upon which amendments have expanded.


While Con Cons of the past have brought us much needed reform, modern times have shown that a rewriting of the constitution jeopardizes those same rights and benefits. Over the past hundred years, voters only approved of a Con Con twice. The last one, in 1967, proved to be an expensive waste of time and taxpayer dollars as state government remained at a standstill unable to agree on key issues. They then decided to avoid any decision for the next 20 years until the next vote as they argued over party politics. Ultimately, proposed bills were passed outside of the Constitutional Convention through the use of amendments.



NEWBURGH TEACHERS' ASSOCIATION

The Newburgh Teachers' Association Official Publication
New York State United Teachers
American Federation of Teachers
Local 2867, AFL-CIO
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HOURS

MON 8am - 3:15pm
TUES 10:45am - 6pm
WED 8am - 3:15pm
THURS 7am - 2:15pm
FRI 7am - 2:15pm



WHAT: COFFEE TALK WITH THE ENGLISH AS A NEW LANGUAGE TEACHERS.

WHERE: NTA OFFICE, 52 PIERCES ROAD, NEWBURGH, NY
WHEN: OCT 3, 2017 @ 4:30 P.M.

WHAT: HEAD DELEGATE MEETING

WHERE: NTA OFFICE, 52 PIERCES ROAD, NEWBURGH, NY
WHEN: OCT. 4, 2017 @ 4:30 P.M.

WHAT: TEACHING ASSISTANT LEADERSHIP CONFERENCE.

WHERE: NTA OFFICE, 52 PIERCES ROAD, NEWBURGH, NY
WHEN: OCT. 14, 2017 FROM 9:30 A.M. UNTIL 2 P.M.

WHAT: NTA CON CON PHONEBANK

WHERE: NTA OFFICE, 52 PIERCES ROAD, NEWBURGH, NY
WHEN: OCT. 30 THRU NOV. 2 2017 FROM 3P.M. UNTIL 6P.M.



KNOW S.A.V.E. FOR SAFETY AND QUALITY OF LIFE

BY DARRELL KUHN

Teachers strive to promote and maintain a safe classroom environment for themselves and their students. The last choice a teacher wants to make is to remove a student from class who is destroying that safe learning environment. However, sometimes teachers have to make those decisions, which are protected by state law.

The Schools Against Violence in Education Act, or S.A.V.E., legally allows teachers to remove students from class if they are interfering with the education and safety of the other students. This law also protects the teacher from unsafe classroom conditions caused by students.

According to the Newburgh Enlarged City School District's Code of Conduct, teachers shall have the authority to remove a student from their classrooms whenever a student substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. The Code of Conduct states that "substantially disruptive" shall mean that the course of instruction has to be discontinued more than momentarily, in a way that is breaks the lesson's continuity, to address the student's disruptive conduct. The Code of Conduct states "substantially interferes" with the teacher's authority over the classroom shall mean that the student has been insubordinate to the teacher in the presence of the class and has failed to obey the teacher's directive to cease and desist (i.e. at least two directives) with wait time unless it involves a physical altercation or the health and safety of students or staff are at risk.

On the elementary school level, the Code of Conduct states that a classroom teacher may remove a student for a minimum of one hour but

not more than the remainder of the day, at the discretion of the teacher, upon the first event, and for an additional day upon the second or third events. For a special class (e.g., art, music, physical education), a teacher may remove a student from the classroom for the remainder of the class upon the first event, and for up to two additional class periods upon the second or third events. Upon the occurrence of a fourth event and every event

thereafter in a semester, an out-of-school suspension for up to five school days shall occur, according to the Code of Conduct.

On the secondary school level, a teacher may remove a student for the remainder of the class upon the first event, for two days of class upon the second event, and for three days of class upon the third event, the Code of Conduct explains. Upon the occurrence of a fourth event and every event thereafter in a semester, from any class, an out-of-school suspension for up to five school days shall occur.

Newburgh Teachers Association President Stacy Moran said Former New York State Governor George Pataki signed S.A.V.E. into a law on July 24, 2000. Moran said it is vital for teachers to know the S.A.V.E. legislation.

"Teachers, through the union, New York State United Teachers, pushed to have the legislation passed to improve school safety," Moran said.

The Code of Conduct states that once a teacher determines that the student has been substantially disruptive or has substantially interfered with the teacher's authority over the classroom, the teacher must inform the student in class (or within 24 hours of the removal where the student is unmanageable at the time of the initial removal) of the reason(s) for the removal. Prior to the classroom removal (or within 24 hours of the removal

ACCORDING TO THE NEWBURGH ENLARGED CITY SCHOOL DISTRICT'S CODE OF CONDUCT, TEACHERS SHALL HAVE THE AUTHORITY TO REMOVE A STUDENT FROM THEIR CLASSROOMS WHENEVER A STUDENT SUBSTANTIALLY DISRUPTS THE EDUCATIONAL PROCESS OR SUBSTANTIALLY INTERFERES WITH THE TEACHER'S AUTHORITY OVER THE CLASSROOM.

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MAKING STRIDES AGAINST BREAST CANCER WALK



THINK PINK
October is
Breast Cancer
Awareness Month!

**SUPPORT
THE
FIGHT!**

**Sunday, October 15th, 2017
at Woodbury Commons Outlet**

- Registration begins at 7:30 am
Walk starts at 9am.
- Coffee, Tea & snacks after registration
at the NYSUT tent.
- To join the Newburgh Teachers and
Teaching Assistants Team, sign up the
day of the walk at
Woodbury Commons.



KNOW S.A.V.E.

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where the student presents an ongoing threat of disruption or a continuing danger at the time of removal), the teacher shall inform the student of the basis for the removal and allow the student to informally present his or her version of the relevant events.

The principal or administrative designee, according to the Code of Conduct, must be notified immediately by the teacher, in writing, using the Multi-Purpose Referral Form, of the student's removal from the teacher's class. Through the NTA's advocacy, the new procedure states that the principal or designee must be notified immediately or as soon as practical thereafter, but no later than the end of the school day in writing. The principal or the administrative designee must inform the student's parents of the removal and the reasons for it within 24 hours of the student's removal. Upon request, the student and his or her parent must be given an opportunity for an informal conference with the principal or administrative designee to discuss the reasons for the removal. If the student denies the charge(s), the principal or administrative designee must provide an explanation of the basis for the removal and allow the student and/or his or her parent an opportunity to present the student's version of the relevant events within 48 hours of the student's removal.

The Code of Conduct explains that the principal or administrative designee may not set aside the removal unless he or she finds that the charges against the student are not supported by substantial evidence, or that the student's removal otherwise violates law, or that the conduct warrants suspension from school and a suspension will be imposed. The principal or administrative designee's determination on whether or not to support the teacher's removal of the student shall be made by the close of business on the day succeeding the 48-hour period within which the informal principal's removal conference should take place. The teacher who causes the removal may be required to attend the principal's conference at the principal's discretion, according to the Code of Conduct.

Moran urges NTA members to contact their head delegate if there are any questions about a S.A.V.E. issue or the S.A.V.E. process.

FIGHT AGAINST ELECTION DAY DISASTER

BY DARRELL KUHN

It should be clear to Newburgh Teachers Association members how disastrous a New York State Constitutional Convention could be for our professions. The event could mean that educators will lose more than merely their professional voice in public education.

If that is not horrible enough, it could drastically alter working conditions in public schools, with no adherence to health and safety standards and work hours. Unions could get destroyed. Contracts could become worthless. Educators' pensions could get gutted.

New York State residents will vote on whether to approve of a Constitutional Convention this upcoming Election Day, November 7, 2017. Such a convention could happen if people do not take a stand against it beforehand. NTA members have a chance to do exactly that.

The NTA organized Con/Con phone banks at its headquarters, 52 Pierces Road in the Town of Newburgh, on September 25-28 and on October 2 from 3 p.m. until 6 p.m. NTA members reached out via phone to rally support for people to vote NO for the Constitutional Convention.

NTA President Stacy Moran explained in her September 15, 2017 President's statement that we must not only get out and vote NO ourselves, but we must also convince other local New York State United Teachers union members to vote against holding a Constitutional Convention.

"Let (other NYSUT members) know that they must VOTE NO to stop the politicians from taking away our rights to join a union, to collectively bargain, and to retire with a pension," Moran stated.

More such phone banks will take place on October 30, 2017 and November 2, 2017 from 3 p.m. to 6 p.m. at the same location. The NTA will provide dinner to those who participate in the phone bank.

In order to cast a NO vote on the Constitutional Convention, one must turn the election ballot over on its back to see this referendum. It is imperative to turn the ballot over and VOTE NO because leaving it unanswered could be nearly as effective as a YES vote.



**NEWBURGH
TEACHERS'
ASSOCIATION**

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