

**PROPOSED  
RESOLUTION**  
for submission to the 2019  
NYSUT Representative Assembly



Must be received by Feb. 19  
Return to: NYSUT  
Office of the President  
800 Troy-Schenectady Road  
Latham, NY 12110

If this is a reaffirmation of a prior resolution, please check here.

Resolution title: Expedite Approval and Disbursement of Smart Schools Bond Funds

Submitted by: Half Hollow Hills Teachers' Association

Local or Retiree Council Name  
(See format and guidelines on page 10.)

WHEREAS, our schools must always be a safe haven for our students and staff; and

WHEREAS, the recent proliferation of school violence has exposed vulnerabilities in our schools that compromise their safety; and

WHEREAS, the Tax Cap has restricted the ability of individual school districts to levy the funds needed to improve school safety; and

WHEREAS, in passing the Smart School Bond Act in 2014, New York State promised \$2 billion to support efforts that may expand access to technology and school safety; and

WHEREAS, many districts have submitted applications and are still awaiting funding and/or approval; and

*(over)*

## **Reverse of Proposed Resolution**

WHEREAS, every day districts wait to improve safety of their schools unnecessarily exposes students and staff to manageable risks;

RESOLVED, that NYSUT use the influence of its legislative and educational services departments to petition the State Education Department for more timely responses to district applications for Smart Schools Bond funds.

Mailed 1/14/19

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Resolution title: Save Districts and Taxpayers from Onerous TAN Costs

Submitted by: Half Hollow Hills Teachers' Association

Local or Retiree Council Name  
(See format and guidelines on page 10.)

WHEREAS, the Tax Cap has placed district budgets under significant strain; and

WHEREAS, it is critical for districts to address expenses in their budgets that can be reduced without impact to staff or program; and

WHEREAS, the budget cycle in parts of New York disburses tax revenue to school districts after when they are needed to fund their operations; and

WHEREAS, school districts have to take out short term loans, or Tax Anticipation Notes (TANs), every year, to fund their operations while they wait for their tax revenue; and

WHEREAS, New Yorkers paid, taxed through their school budgets, nearly \$13 million dollars in interest and fees last year to banks that issue these loans to school districts; and

*(over)*

## Reverse of Proposed Resolution

WHEREAS, this amount is destined to increase exponentially due to changes in the economy and interest rates; and

RESOLVED, that NYSUT work with elected leaders to explore ways to restructure the budget cycle and/or financing practices that burden New York districts and taxpayers with TAN interest every year.

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*SEA 2/11/19*

Resolution title: Pass the Paycheck Fairness Act

Submitted by: Half Hollow Hills Teachers' Association

**Local or Retiree Council Name**  
(See format and guidelines on page 10.)

WHEREAS, the landmark Equal Pay Act of 1963 made it illegal for employers to pay unequal wages to men and women who perform substantially equal work and the civil rights laws that followed helped change the workplace and began to combat wage inequality; and

WHEREAS, these laws have not fully closed the persistent gap between women's and men's wages which, as reported by the U.S. Census Bureau, leaves women who work full time earning, on average, only 80 cents for every dollar paid to men; and

WHEREAS, gaps in pay are even worse for women of color: On average, Latinas are typically paid 53 cents, Native American women 58 cents and Black women just 61 cents for every dollar paid to white, non-Hispanic men; and

WHEREAS, the Paycheck Fairness Act would help close these punishing pay gaps by eliminating loopholes in the Equal Pay Act and would make critical changes to the law, including:

*(over)*

## Reverse of Proposed Resolution

- requiring employers to demonstrate that wage differentials are based on factors other than sex;
- prohibiting retaliation against workers who inquire about their employers' wage practices or disclose their own wages;
- permitting reasonable comparisons between employees within clearly defined geographical areas to determine fair wages;
- strengthening penalties for equal pay violations;
- directing the Department of Labor to assist employers and collect wage-related data; and
- authorizing additional training for Equal Employment Opportunity Commission staff to better identify and handle wage disputes; and

WHEREAS, the time has come to make equal pay a reality ensuring that all workers receive equal pay for equal work; therefore be it

RESOLVED, that NYSUT will urge Congress, through legislative lobbying and organizing and mobilizing of its members, to immediately pass Paycheck Fairness Act; and be it further

RESOLVED, that NYSUT will call on other state and national affiliates, including NEA, AFT, NYSAFLCIO, and the AFLCIO, to do the same.

Mailed 1/25/19

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Resolution title: Certified School Librarians and School Libraries Throughout New York State

Submitted by: Half Hollow Hills Teachers' Association

**Local or Retiree Council Name**  
(See format and guidelines on page 10.)

Whereas, based on the research findings of the Information Brief: The Impact of School Libraries on Student Achievement published by the NY Comprehensive Center (August, 2011); and

Whereas, with the shift to the Next Generation Standards and a commitment to five key elements of the Regents reform agenda, school libraries with certified school librarians play an important role in student achievement, curriculum development and instruction; and

Whereas, there currently exists an inequity across NY state in which many elementary and middle school students are denied access to a certified school librarian; and

Whereas, each school is required per Commissioner's Regulations Section 91.1 to maintain a school library, a certified school librarian is needed to maximize the effectiveness of the resources contained therein and meet the needs of the pupils ; and

*(over)*

## Reverse of Proposed Resolution

Whereas, the final report of the Regents Commission on Library Services, July 14, 2000, recommendation 2 stated that all NY state students have access to school libraries with certified professional staff; and

Whereas, there has not been a New York State Regents Commission on Library Services for 18 years yet standards, curriculum and assessments have changed numerous times; and

Whereas, the New York State Regents Advisory Council on Libraries recommended to the New York State Boards of Regents in the Creating the Future: a 2020 Vision Plan for Library Service in New York State to expand the existing Commissioner's Regulations (91.2) to require an elementary school librarian in every school to strengthen instructional leadership in meeting the P-12 Common Core Learning Standards, and enforce library staffing regulations in all public schools ; therefore be it

RESOLVED that NYSUT advocate to NYSED for the creation of regulations to mandate full time certified school librarians at every school library; and be it further

RESOLVED that NYSUT advocate to NYSED to include school librarians on the Curriculum and Instruction section; and be it further

RESOLVED that NYSUT advocate to NYSED to establish a Regents Task Force on school libraries and librarians; and be it further

RESOLVED that NYSUT advocate to NYSED to adopt the Empire State Information Fluency Continuum as the statewide school library standards.



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*Sent 2/15*

Resolution title: Payment of Owed Foundation Aid

Submitted by: Half Hollow Hills TA

**Local or Retiree Council Name**  
(See format and guidelines on page 10.)

Whereas, The Campaign for Fiscal Equity (CFE), an organization created by parents, filed a lawsuit against the State of New York, stating that the State was not fulfilling its duty to provide a sound education to all students in the State of New York; and

Whereas, in 2006, the New York State Court of Appeals agreed, and ordered an increase in funding. Schools were to receive \$5.5 billion increase in basic operating aid (also known as Foundation Aid) statewide over a four year period from 2007 to 2011; and

Whereas, The Foundation Aid formula was created in response to the CFE ruling to distribute state aid based on student need. It accounts for the ability of the school district or city to raise money from local property taxes and was intended to close the spending gap between districts and create an equitable education system for all students; and

Whereas, in 2009, due to a state budget crises, the legislature halted new CFE funding for two years and changes the timeline from four years to seven; and

Whereas, in 2010, Governor Patterson cut \$1.4 billion in school aid statewide with Gap Elimination Adjustment (GEA), taking funds from Districts across the state to help fund the budget crises; and

(over)

## Reverse of Proposed Resolution

Whereas, from 2010 to 2016, substantially more funds were put towards the GEA, while insufficient funds were put towards Foundation Aid, forcing many Districts across the state to make deep cuts into programs, services, and staffing; and

Whereas, in 2016 legislation fully eliminated the GEA; and

Whereas, today, many Districts continue to suffer cuts due to the State not complying with the commitment made, due to court order, in 2006 to create an equitable education system for all students; and

Whereas, schools are currently owed \$4.2 billion in foundation aid; and

Whereas, NYSUT members across the state are working in many Districts struggling to provide services to our students due to lack of funding; and

Whereas, NYSUT members' working conditions are deteriorating due to increased class size, lack of resources, such as materials, supplies, current technology; and

Whereas, NYSUT members and their children are being placed in unsafe conditions due to lack of structural repair, appropriate and adequate classroom furniture, inadequate heating and cooling, inadequate staffing, and inadequate security; therefore be it

Resolved that, NYSUT educate its members across the state on the Foundation Aid; and

Resolved that, NYSUT educate legislators on the Foundation Aid; and

Resolved that, NYSUT lobby for the payment of all outstanding Foundation Aid owed to New York State school districts; and

Resolved that, NYSUT continue to work with legislators to develop a public school funding formula that provides for equity in education in New York State.

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*sent 2/5*

Resolution title: Respect for School Related Professionals

Submitted by: *Heif Keller Hills TA*

Local or Retiree Council Name  
(See format and guidelines on page 10.)

- Whereas, NYSUT represents professionals in education, healthcare and human and social services; and
- Whereas, NYSUT's School-Related Professionals number nearly 100,000; and
- Whereas, NYSUT supports respect for its professionals; and
- Whereas, SRPs continue to be marginalized in many school districts; and
- Whereas, this marginalization may include, lack of appreciation and lack of respect; and
- Whereas, NYSUT has shown it values SRPs in a variety of ways; and
- Whereas, NYSUT's support of SRP issues has resulted in improving the lives of SRPs, including but not limited to higher wages, safer working conditions and a voice on the job; therefore be it

(over)

## Reverse of Proposed Resolution

RESOLVED, NYSUT continue to examine and expand upon ways in which the union can be mindful of SRP concerns, including informal presentations and official communications; and be it further

RESOLVED, that at NYSUT events where there may be SRPs, speakers be mindful to use inclusive language and discuss topics of interest to SRPs; and be it further

RESOLVED, that NYSUT explore the feasibility of creating and disseminating a print and electronic materials in multimedia format to support this respect SRPs concept; and be it further

RESOLVED, that NYSUT continue its work highlighting the value of SRP members in all schools and worksites, including pre-K through college and in the private sector.

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*Sent 2/5*

Resolution title: Work-Related Injury Sick Days

Submitted by: Malp Hollow Hills TA

**Local or Retiree Council Name**  
(See format and guidelines on page 10.)

Whereas, New York State Workers Compensation law provides certain benefits for employees injured on the job; and

Whereas, employees injured on the job are currently forced to use their own sick and personal days for doctor visits related to that injury until a certain threshold of consecutive, full days out are met, and

Whereas, this may put an undue monetary burden on school employees; and

Whereas, the school district should be held responsible for said injury, since it happened due to either its students, personnel or facilities; therefore be it

RESOLVED, that NYSUT examine the feasibility of seeking legislation to ensure the injured employee should be compensated by the employer for any time lost due to that injury without using their own sick or personal time, including partial days off, doctor visits or workdays until such time as Workers' Compensation may commence; and be it further

RESOLVED, that NYSUT consider advocating for legislation to amend the civil service law to ensure all public employers continue health insurance benefits for all workers covered by Workers' Compensation on the same basis prior to being on Workers' Compensation.

(over)

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*Seat 2/5*

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Resolution title: Toileting

Submitted by: Mary Helen Hill 7A

Local or Retiree Council Name  
(See format and guidelines on page 10.)

Whereas, NYSUT SRPs and teachers are increasingly being required to lift, toilet and diaper students; and

Whereas, there are no current regulations or official guidance outlining adequate or appropriate safeguards to protect the health and safety of staff and students engaged in toileting or diapering in public schools; and

Whereas, this additional work is often done out of title; and

Whereas, the demand to toilet or diaper students is often made of school employees without providing proper training to ensure the health and safety of both student and NYSUT member are in compliance with state regulations; and

Whereas, this requirement is often made without necessary protective garments, gloves, masks and other equipment, which puts the employees at risk for serious disease transmission; and

Whereas, lack of appropriate lifting, changing and toileting facilities puts SRPs at risk for physical injury, especially with dealing with special needs students, some of whom may be larger and heavier than the employees; and

Whereas, the conduct or character of an employee forced to lift, toilet and diaper a student may be falsely called into question; therefore be it

*(over)*

### **Reverse of Proposed Resolution**

RESOLVED, that NYSUT advocate for the adoption of regulations or the enactment of legislation that stipulates that paired employee diapering/toileting of student become the required minimum standard of care and that IEP or 504 plans indicate that the student requires to be lifted. And that SRPs and teachers not be required to perform these duties alone; and be it further

RESOLVED, that NYSUT examine the existing contract language of all locals to identify language for consideration by every local to outline appropriate training, protocols and procedures to ensure the health and safety of all staff charged with lifting, toileting and diapering students; and be it further

RESOLVED, that NYSUT share its findings from the contract search along with any recommendations on standard contract language with the NYSUT Regional Staff Directors and Labor Relations Specialists and that the LRS staff share such recommendations and work with their locals to negotiate agreed upon protocols to protect members and students on this issue.



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*Sent 2/5*

Resolution title: Trespassing

Submitted by: Half Hollow Hills TA

Local or Retiree Council Name  
(See format and guidelines on page 10.)

Whereas, school property and buildings should be a safe haven for our staff and students; and

Whereas, New York Penal Law § 140.10: Criminal trespass in the third degree include school property, and

Whereas, this law places the burden on staff to ask unauthorized persons to leave; and

Whereas, since school buses are not considered school property, unauthorized persons cannot be charged with criminal trespass; and

Whereas, school buses should be treated as an extension of the school buildings since they transport our students and protected accordingly; and

Whereas school shootings have occurred when the perpetrators have been able to enter school property unimpeded and place bombs, guns and other weapons of destruction within the building; therefore be it

*(over)*

## Reverse of Proposed Resolution

RESOLVED, that NYSUT examine the feasibility of encouraging the State of New York amend current law to prohibit unauthorized persons from accessing school property without having school business; and be it further

RESOLVED, NYSUT advocate for legislation to include school buses as school property as they currently are not and persons boarding them without permission cannot be charged with a crime; they should be treated as an extension of the school buildings since they transport our students and protected accordingly; and be it further

RESOLVED, that NYSUT consider creating a public awareness campaign about not trespassing on school property; and be it further

RESOLVED, that NYSUT examine best practices and methods to communicate same to school districts, including but not limited to the posting of "No Trespassing" signs on school property.

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*Sent 2/15*

Resolution title: School Bus Drivers and the DMV CDL

Submitted by: Malcolm Holloway 7A

Local or Retiree Council Name  
(See format and guidelines on page 10.)

Whereas, NYSUT has many SRP members who are dedicated and skilled school bus drivers; and

Whereas, there is a newly created Department of Motor Vehicles (DMV) Commercial Driver License (CDL) test, which is significantly different from the previous test; and

Whereas, the new DMV CDL test is significantly longer and includes testing for skills irrelevant to school bus drivers; and

Whereas, during the closed range portion of skills test, the school bus driver must demonstrate skills typically not used by school bus drivers, such as rear alley backing, offset backing to the right or left and parallel parking on the left; and

Whereas, many of these requirements do not accurately reflect what is required of school bus drivers, and

Whereas, school bus driver passage rates have significantly declined with the new test, requiring drivers to take the test as many as seven times; and

*(over)*

## Reverse of Proposed Resolution

RESOLVED, that NYSUT advocate for a specific and distinct test for school bus drivers; and be it further

RESOLVED, that NYSUT consider examining the test and its implementations across New York State; and be it further

RESOLVED, that NYSUT look into best practices for school bus driver training in New York State; and be it further

RESOLVED, that NYSUT consider facilitating the creation of or sharing of bus driver training materials; and be it further

RESOLVED, that NYSUT consider examining whether this test is arbitrary and capricious; and be it further

RESOLVED, that NYSUT consider ways to correct these issues by working with the appropriate state agencies and with school districts.