

Say NO! to Commissioner Elia's Dictate

Say YES! to Smaller Classes and YES! to Public Control

1) It is Dictate, not Negotiation

New York State Commissioner Elia has now imposed a separate "Receivership Agreement" on five of Buffalo's public schools, Burgard and South Park High Schools and BEST, Future's and West Hertel Elementary Schools. She did so without negotiation with, or a vote by, teachers and staff. Her order states her decisions are "effective immediately and need not be submitted to the collective bargaining unit members for ratification."

In justifying her dictate she said she would not even consider proposals by the union, including smaller classes. She admitted class size is an issue that can be negotiated, but she would only consider it if "the superintendent receiver request[s] negotiation of such issues," (p.16). He did not, so she refused. She did so knowing that smaller classes are one of the single most important measures to take to improve the quality of education.

It is not good faith bargaining when, from the very start, the receiver decides what will and will not be bargained and the Commissioner can impose the final agreement with no vote by teachers.

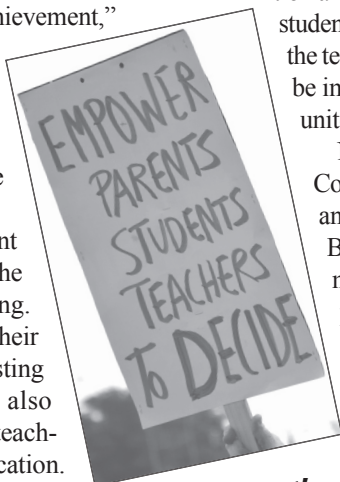
The imposed agreement is dictate, not negotiation, and should be rejected from the start as unfair and harmful to education.

2) Involuntary transfers at any time, including for union delegates

The Commissioner also imposed the demand by the receiver to make ***involuntary transfers at any time***: "The Receiver shall have the discretion and ability at any time and for any constitutionally or statutorily permissible reason to involuntarily transfer teachers at the persistently struggling schools regardless of seniority or status as a union delegate," (p.57).

She states, without evidence, that such transfers are necessary for "accomplishing rapid improvement in student achievement," and that the education law permits it. It is likely then that a future "statutorily permissible" reason is "rapid student achievement." The receiver *alone* decides who is transferred. A Committee, of 3-5, with *one* union representative, decides the replacement.

Involuntary transfers at *any time* means constant uncertainty and instability, which is damaging to the calm and stable atmosphere required for learning. Removing teachers who play important roles in their buildings, as experienced and trusted leaders assisting younger teachers and fostering collaboration, also undermines working conditions. It is harmful to teaching and learning and does nothing to improve education. Specifically targeting union delegates, who are elected by their peers, is a means to disrupt resistance and organizing, especially at the building level where it is most needed.



The problem is not unqualified teachers. The problems are state dictate, state testing and lack of state funding. The solution is Public Control to provide the Equal Right to Education for All

3) Requiring technology instead of smaller classes

The Commissioner's dictate also requires use of technology dictated by the receiver: "The receiver

shall have the discretion and ability to require teachers at the persistently struggling schools to use all technological tools necessary and appropriate to more effectively

communicate with students and parents." Most of the

technology being demanded is related to state testing and all the "number-crunching" involved in the testing related "improvement metrics." It includes "infinite campus" which unfairly tracks students — only negatives can be included and positive activity is excluded!

Instead of using funds for smaller classes and other needed staffing, it will be used for more testing and unneeded technology that benefits corporations, not students.

4) Refuse Receivership and Demand Public Control of Public Schools

The Receivership Agreement is a major attack on the rights of teachers and thus the right to education. It is being imposed undemocratically, through dictate, in order to silence the voice of the teachers, students and parents alike. State takeover is a way to undermine public education and increase privatization, for the benefit of the rich, not the students. We need more democracy not less! We need to empower the teachers, students and parents to decide. This agreement will be imposed on 14 other schools very soon. Now is the time to unite and act!

Now is the time for united action of all to demand Public Control of Public Schools! Refuse receivership, refuse testing, and demand smaller classes and all-round education for all. Buffalo is the only place so far where a receivership agreement has been imposed. The fight we wage will impact people statewide. So Join In NOW!

Speak out at school board meetings, hold meetings and informational pickets at your school to inform students and parents, join emergency actions as soon as the receiver begins the involuntary transfers.

(All quotes taken from Commissioner Elia's November 8, 2015, "Decision and Order," imposing the Receivership Agreement demanded by her receiver in Buffalo, Dr. Cash.)

