

MOVED: That although NYSUT has rejected a call for a lawsuit against NYSED/NYS, the BTF Executive Committee and Council of Delegates call upon NYSUT to reconsider its decision contained in the October 11, 2013 memo to the NYSUT Board of Directors (Document VI A) and proceed with legal action(s) against NYSED/NYS within 60-90 days.

The rationale for said legal action may include but is not limited to the following:

- Tests imposed upon our students by NYSED are an invalid measure of their academic achievement and of teachers' performance.
- Some testing experts indicate that they should not be used to measure teacher performance.
- The APPR process and associated required standardized tests impose disproportionate hardships, pressures and expectations on English Language Learners, Students with Disabilities and students being raised in poverty.
- The hundreds of hours of testing, pre-testing, and associated paperwork is depriving students of their constitutionally required right to a "sound basic education".
- The millions of dollars wasted on the APPR process that is not reimbursed by NYSED/NYS, is disproportionately impacting poor school districts and preventing students from receiving their New York State constitutional right to a "sound basic education".
- The premature imposition of the Common Core Standards prior to the development of curricula, materials, professional development, and test validation, etc., amounts to professional malpractice.
- The Commissioner/NYSED have violated NYSED's mission "Our mission is to raise the knowledge, skill, and opportunity for all people in New York. Our vision is to provide leadership for a system that yields the best educated people in the world." (emphasis added)

NYSUT is also called upon to proactively provide locals/local leaders with legal avenues to challenge APPRs, SLOs, etc. based upon local issues.

Should NYSUT continue to refuse to take state-wide and local action(s) against NYSED/NYS on behalf of its members and ultimately our students, BTF either alone or with other interested locals, will hire outside counsel to pursue said legal action(s). The projected funding and costs of outside counsel will be brought to the Executive Committee and Delegates for approval.

Recommended By: Philip Rumore, President

Moved: Edith LeWin, Vice President

Second: Barbara Bielecki, Treasurer