BOARDED

The Teachers' Union Takeover of NY School Districts

Ken Girardin

November 2023

EMPIRE CENTER

BOARDED

The Teachers' Union Takeover of NY School Districts

by Ken Girardin

EXECUTIVE SUMMARY

Local boards of education have broad responsibility for public school governance across New York. The more than 5,000 mostly unpaid volunteers serving on 676 elected school boards oversee nearly $50 billion in budgeted expenditures—driven primarily by personnel costs, especially those shaped by contract negotiations with teachers' unions.

A review of school board rosters in 45 of New York's largest school districts reveals a significant degree of union influence and potential conflicts of interest:

- More than half of the 343 board members were elected after seeking and receiving support from the local affiliate of New York State United Teachers (NYSUT), the statewide teachers' union.[1]
- NYSUT locals this year funded several candidates' entire campaigns. In 24 of the 45 districts, the teachers' union backed two-thirds of the board's membership—and in four of those districts, *every* board member won with the union's support.
- NYSUT is several years into an effort that goes beyond influencing elections for school board and instead aims to place its own members on them. At least 35 board members in the examined districts were NYSUT members.
- Dozens of board members elected with NYSUT support are now eligible to vote on matters affecting their spouse's employment, their own health coverage, or labor agreements used in negotiating their own terms and conditions of employment in a neighboring school district.

School board members are expected to act in the public interest. But NYSUT and its local chapters exist to put their members' interests above those of all other public education stakeholders. In matters ranging from performance standards and professional discipline to employee compensation, New York teacher unions have taken positions directly at odds with those of students, their parents and taxpayers.

Union control of school boards has been enabled, in part, by a state law requiring districts to collect both union dues and teachers' voluntary contributions to NYSUT's political action funds which lets the union add $11 million annually to its warchest.

NYSUT's involvement in state and federal elections is well-documented, but the low turnout in New York's generally nonpartisan school board elections has given it an even bigger opportunity. The union also isn't stopping with school boards: its electoral efforts involve elevating members to local, state and federal office, positions from which union members could eventually affect every facet of education policy.

The system of campaign finance rules that regulate everything from elections for governor down to town assessors does not cover school board elections. Instead, a sparsely enforced system of reporting exists through local school districts and the State Education Department—neither of which are empowered to enforce reporting or verify spending and donation filings. In the 45 large districts reviewed for this report, candidates

routinely failed to file financial disclosures or filed incomplete forms. Even when reports are filed, they generally are not available to the public before elections.

Given the sweeping powers and responsibilities of school boards, New York's state Legislature should take steps to improve accountability and transparency by:

- making school board membership subject to conflict of interest rules barring elected officials from voting on collective bargaining agreements or employment policies in which they have a pecuniary interest;
- extending existing state Board of Elections regulatory oversight of local elections to include school board campaigns and financial reporting; and
- requiring advance disclosure of proposed contract changes and their long-term financial implications, allowing for public review and comment before board votes.

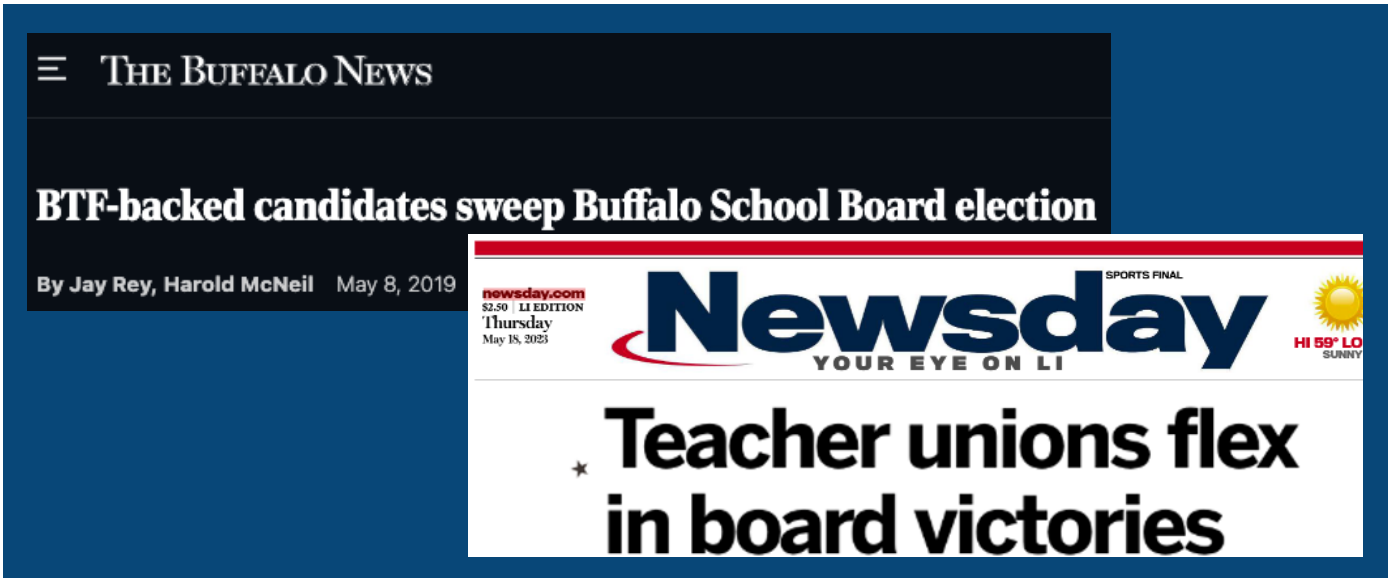
BACKGROUND

The roughly 5,000 elected members of New York's local boards of education have broad responsibility for shaping the educational policies and operations of 676 districts across the state—overseeing nearly $48 billion in public spending, employing more than 300,000 people and overseeing the education of almost 1.5 million students.[2]

As set forth in state Education Law §1709, school board members—unpaid volunteers in all but a handful of districts—have broad authority to shape district policies affecting personnel, curricula, facilities, and other concerns that go into operating the public school system.

Board members appoint their districts' chief operating officers, the superintendents of schools; they establish district employment policies, including guidelines for performance evaluations; and they shape, deliberate and vote on districts' annual budgets, in which staff salaries are the largest operating expense.

School boards also have the last word on collective bargaining agreements—contracts—negotiated with unionized employees. Virtually all classroom teachers employed by New York school districts are members of unions or hold positions covered by union contracts. Large numbers of administrators, teachers aides and other support staff also are unionized. New York public employees were allowed to unionize under the state's Taylor Law, which over time has been interpreted to make virtually every component of public employment subject to negotiation.[3]



Labor relations in the private and public sector are fundamentally different. Public-sector unions aren't just labor organizations but political interest groups, bargaining with elected public officials over pay, benefits and other terms of employment supported by public funds.

The negotiation and approval of union contracts are among the most consequential actions of board members. Under New York's unique public-sector collective bargaining law, once a public employer—in this case, the school district—agrees to give up its discretion over any term or condition of employment, it is extremely difficult to get it back.

A provision of the Taylor Law, known as the Triborough Amendment, allows unionized employees to continue getting seniority-based raises indefinitely after their contract has expired. That significantly reduces a union's incentive to agree to givebacks at the bargaining table and instead encourages it to hold out for the best deal possible. Most Buffalo teachers, for instance, continued getting annual raises as the local teachers' union held out more than 11 years after the 2004 expiration of its contract, bristling among other things at the board's demand to stop providing free elective cosmetic surgery.

These negotiations occur behind closed doors, and members of the public rarely have a chance to see the proposed agreements—let alone any associated cost estimates—before the deals are voted upon by school boards. Once ratified by the board, a collective bargaining agreement has the force of law, often extending beyond the elected terms (typically three years) of the school board members who voted on it.

That makes the work of school board members extremely important. And for the unions negotiating with them, it makes the election of those board members important, too.

The organization with the biggest financial stake in the outcome of school board elections across the Empire State is New York State United Teachers (NYSUT), the statewide federation whose local units can claim to represent virtually every classroom teacher in the state (even those exercising their constitutional right to opt-out of union membership). Its locals also represent many other school employees around the state, ranging from paraprofessionals to nurses to bus drivers. NYSUT's membership includes both active employees and retirees.

NYSUT has long defended itself as dedicated to protecting the interests of children, but in practice has lobbied for policies serving its own interests. The union, after all, is a membership organization that has an obligation to the people who pay it. That leads NYSUT to push for things such as legislation that would make it more difficult for school officials to discipline employees, even if such a change could have a negative effect on the well-being and safety of students. In one extreme case, the union fought a years-long legal battle to stop a Long Island school district from taking back salary from a teacher who admitted he had sexually abused multiple elementary students during school hours.[4]

The union has also fiercely opposed accountability policies designed to measure and improve student outcomes. Through its state government lobbying, it has been the primary source of opposition to all forms of school choice, including charter schools, that provide parents with an alternative to underperforming district-run schools. (Ironically, back in the 1980s, NYSUT founding father Albert Shanker was an early backer of the charter school concept.)

A 2022 Manhattan Institute study found a correlation between a local teachers' union political activism and the amount of time students spent learning remotely or in a

hybrid arrangement during the coronavirus pandemic.[5]

NYSUT has played a major role in a statewide campaign to convince parents to have their children "opt-out" of state assessments, weakening the state's ability to measure outcomes. The union has claimed it opposes "over-testing" and "high-stakes" testing, but the weakening of performance measures inevitably also dilutes accountability for NYSUT members.

Although NYSUT is the biggest player in school board races, it is not alone. Other unions representing school district employees, such as Civil Service Employees Association (CSEA) representing clerical employees and Teamsters locals representing bus drivers and other support staff, also have endorsed and supported candidates for school boards with which they negotiate, though on a far smaller scale.

ELECTING THE BOSS

The link between local politics and public-sector union priorities was summed up nearly a half-century ago by Victor Gotbaum, a top New York City labor leader of that era. "There's no question about it—we have the ability, in a sense, to elect our own boss," he said.[6]

This report focuses on NYSUT's impact on the 343 board seats in the 45 largest districts with elected school boards (those with enrollments of at least 6,000 students). Together, these districts educate about one-third of the students outside New York City and Yonkers, whose boards are appointed and not elected. (See Appendix, page 17.)

In these largest districts' 2023 board elections, NYSUT's local associations endorsed or otherwise supported at least 68 candidates for 115 seats, 62 of whom were successful.

FIGURE 1: NYSUT activists with state Senator John Mannion. Image Credt: X.com (Twitter)

Nineteen large-district candidates in 2023 reported direct contributions and in-kind expenditures from NYSUT locals totaling more than $51,000. The actual total is likely much higher, however, as campaign finance disclosure rules are weak and unenforced.

To be sure, even a much larger figure would pale in comparison to the millions of dollars NYSUT has poured into statewide and legislative races in recent cycles. But unions get much more bang for fewer bucks in school district elections. A small investment in lawn signs, text messages, direct mail and weekly newspaper ads can go a long way to move the needle in low-turnout, low-voter awareness school board campaigns. Unions also provide volunteers for phone banks and canvassing and promote candidates via social media.

At the high end, our review of large districts showed NYSUT locals picked up $10,000 or more in campaign expenses for an entire slate of board candidates. At least 10 of the school board members elected or re-elected this year had 100 percent of their campaign costs picked up by NYSUT.

Some of the more notable examples of union muscle-flexing:

- In at least four districts—Brentwood, Central Islip, Ken-Ton and Wappingers—every school board member was elected with NYSUT support.
- In another 20 districts—Arlington, Buffalo, Greece, Kingston, Levittown, Liverpool, Longwood, Middle Country, North Rockland, North Syracuse, Patchogue-Medford, Rochester, Sachem, Schenectady, Shenendehowa, Syracuse, Webster, West Seneca, White Plains, and Williamsville—at least two-thirds of board members won with NYSUT backing.
- In three additional districts—Great Neck, Massapequa, Saratoga Springs—a majority were elected with NYSUT support.

NYSUT has bragged about how it "turned around a hostile school board" in Newburgh and how it took over a "problematic board" in Williamsville.[7] The union endorsed at least 28 of the 45 board presidents who serve these large districts as of September 2023. Five of these board presidents are themselves NYSUT members, and another is a NYSUT employee.

In recent years, NYSUT locals have taken efforts to elect their own bosses to another level. In 2015, the union launched the "NYSUT Pipeline Project," which "encourages and trains local union members to step up and seek political office," especially school board seats.[8] The union, in short, set out to seat union members on both sides of the table when it negotiates contracts.

NYSUT officials by 2017 could boast that the Pipeline Project and related efforts had elected 27 members to local school boards,[9] and "at least 29" in the May 2018 elections.[10] In 2022, the union announced 65 of its members had won election or re-election to a school board that May.[11] The figure climbed to 75 members this year.[12]

In the 45 largest districts, at least 35 of 343 board members were identified through union documents, social media and other public records as NYSUT members. Another 34 board members indicated they either worked or retired from a NYSUT-represented position in another district. This would bring the share of NYSUT-linked board members in these large districts to 20 percent.

NYSUT's 'pipeline' efforts meanwhile were never limited to school board elections.

"We're going to use the thousands of local offices—village board, town board, school board—to create a farm team of local leaders," former NYSUT president Andy Pallotta said in 2015, "and help position them to run for higher office down the road."[13]

The union has since helped dozens of its members, across every region of the state, win races for local offices including mayor, town

board, and county legislature. NYSUT officials have credited the Pipeline Project with the election of at least four members[14] to the state Legislature. This includes state Senator John Mannion of Onondaga County (Figure 1, page 8), a former NYSUT local president who announced he will seek the 2024 nomination for a congressional seat.[15]

TURNING SCHOOLS INTO SPIGOTS

NYSUT's political fundraising begins in every school district's payroll office.

State law forces districts to collect not only NYSUT dues but also voluntary contributions to NYSUT's political action committee, Voice of Teachers in Education/The Committee On Political Education, better known as VOTE-COPE. It is through VOTE-COPE that the union funds its campaign contributions and much of its lobbying.

Via payroll deductions, VOTE-COPE collects about $11 million per year from New York public school teachers and from State University and City University faculty and staff whose unions are NYSUT affiliates. Even after retiring, educators can continue to feed the union's political war chest by approving automatic deductions from their taxpayer-guaranteed pensions.

Payroll deductions spare NYSUT the considerable expense it would otherwise have to incur in soliciting contributions from its members and processing credit card payments or paper checks. Where credit card deductions would need to be periodically reauthorized, VOTE-COPE deductions can continue uninterrupted for an entire career. In the case of pensioners, this arrangement allows NYSUT to keep getting PAC contributions from former teachers even in cases where they otherwise no longer can consent.

For each dollar a NYSUT member donates to the statewide PAC, up to 40 percent is "rebated" to that member's local union for "local activities such as school board races and for passage of school budgets."[16]

It isn't immediately clear how much NYSUT rebates to districts in a typical year because state campaign finance filings do not show transactions between VOTE-COPE and local union campaign funds.

However, there is consistently a gap between the amount of money NYSUT officials say VOTE-COPE raises in a year and how much NYSUT tells the state Board of Elections that VOTE-COPE has raised. It is possible the difference—approximately $4 million per year—represents the amount rebated.

NYSUT's three largest locals—in New York City, SUNY and CUNY—do not participate in school board elections, meaning their rebates should not be considered in terms of NYSUT's influence on school board elections. And, as noted, not all of the funds rebated to other school districts are being used for school board elections.

FEWER VOTERS, MORE OPPORTUNITY

NYSUT's success at influencing school board elections stems from needing fewer votes to win those elections.

Turnout in May school elections, when virtually all school board members are elected, has fallen in recent years.[17]

Between 2003 and 2011, turnout fluctuated between about 11 and 15 percent of all registered voters. The 2011 enactment of New York's property tax cap appears to have dulled voter enthusiasm as large tax increases became less common: ballots cast in May school votes plunged from 877,000 (13 percent) in May 2011 (the last school vote before the cap took effect) to a record low of 508,000 (less than 8 percent) in May 2018.

Turnout in May school votes has remained below 650,000 almost every year since 2013.

FIGURE 2a: NYSUT officers in a Mohonasen classroom with students. Image credit: NYSUT

FIGURE 2b: NYSUT president Karen Magee tours a Utica classroom. Image credit: NYSUT

The one exception was 2020, when voters were automatically sent absentee ballots due to the coronavirus pandemic.

Participation has been an issue among candidates as well as voters: the New York State School Boards Association in 2018[18] and 2023[19] estimated about half of all school candidates had run unopposed. In a small portion of districts, there were more seats up for election than there were candidates on the ballot.

Campaign spending by NYSUT isn't even necessary in some cases. In the examined districts, at least 44 sitting board members were elected without opposition; seventeen of those were backed by NYSUT.

THE OUTCOME

This electoral influence has a chilling effect on school administrators who are responsible for disciplining employees and enforcing district policies. Many administrators privately acknowledge NYSUT has sufficient reach to prevent them from getting jobs in the future and that this discourages them from asserting managerial prerogative in routine district operations.

NYSUT's influence over school district operations is best measured in terms of the impunity with which it operates inside New York's public schools:

- Union officials have repeatedly used classrooms—and students—for photo ops. It is not clear parents authorized—or knew about—the use of their children for this purpose (Figure 2, page 8 & 11).
- NYSUT local officers routinely use taxpayer-funded district email systems to promote the election of political candidates and other political purposes.
- Union officials sometimes force administrators to leave the room during new-hire orientation as they presumably pressure new teachers into joining and paying dues.

CONFLICTS

NYSUT's involvement has heightened the potential for conflicts of interest on school boards, in part by recruiting and supporting people who have a significant financial interest in school district business.

A review of the 343 elected members of the largest districts revealed numerous conflicts that are significantly attributable to NYSUT's recruitment and support for candidates.

An early effort by the Legislature to manage these conflicts has been weakened, through both legislative and administrative action.

Spouses

At least eight school board members in the largest districts were positioned to vote on the union contract covering their spouse's job. Since these contracts cover pay and benefits, this would directly affect the board member's personal finances.

It's not clear how regularly members are recusing themselves, if at all, but the message from state education officials has been that they need not recuse at all.

New York in 1964 enacted a sweeping law designed for policing conflicts of interest in local governments and school districts.

Lawmakers at the time were clear in their declaration of policy that they were setting a floor, not a ceiling, for local governments, and that school boards could hold members to a higher standard. "Law cannot in itself create moral fiber," the sponsors wrote, "nor can law quicken the civic conscience."[20]

However, the 1985 Court of Appeals decision in *Stettine v. Suffolk* weakened the conflict of interest rules by explicitly allowing officials to, in this case, negotiate union contracts which also affected their own benefits.[21] Among other things, the Court of Appeals held that

union collective bargaining agreements weren't "contracts" as the Legislature had considered them two decades earlier.

Prior to *Stettine*, the Office of the State Comptroller as late as 1983 had advised local school board members that they had a "prohibited interest" in a collective bargaining agreement that affected their own health coverage.[22]

The State Education Department, citing *Stettine*, has treated that lower floor as a ceiling, saying district-level efforts to block people from voting on union contracts in which they have a personal interest "conflicts with express exemptions in the General Municipal Law."[23]

Until the Legislature intervenes, school board members can continue to vote with impunity for union contracts that directly affect their personal checking accounts, health insurance and other shared benefits.

The findings gleaned from our review of 45 school districts only scratch the surface on the extent to which familial conflicts of interest exist in New York school boards. For example:

- A 2015 *Newsday* investigation found 40 percent of Suffolk County school board candidates, and 28 percent of Nassau candidates, were "active or retired public school employees themselves, or had immediate family members who were."[24]
- A Schenectady board member in 2010 voted to reinstate his wife in a district job after she'd gone years without taking the necessary civil service exam.[25] Subsequent reporting by the Albany *Times Union* found at least three other Schenectady board members had relatives employed by the district.[26]

The extent to which board members face conflicts of interest from the employment of their children, parents, or other relatives is a separate question.

NYSUT Members

Most large school districts offer continuing employee health insurance coverage to their retirees, an increasingly rare benefit in the private sector. Unlike public pension benefits, retiree health coverage is not guaranteed by the state Constitution.

Districts outside New York City have set aside little to pay for future benefits, and typically pay for retiree benefits on a pay-as-you-go basis, essentially as part of the budget. Those districts face a combined unfunded liability of about $72 billion.[27]

Retiree health coverage is, however, tied to the health coverage offered to active employees. Under a 1994 law that was made permanent in 2010, school districts can't reduce their level of retiree health coverage below what's offered to current employees.[28] That is to say, retiree coverage can't be changed without also negotiating the health coverage terms in union collective bargaining agreements—on which board members have the last word.

At least 29 of the 343 board members examined for this report are positioned to vote on collective bargaining agreements that could affect their own health insurance because they serve on the board in the district from which they retired. On Arlington's nine-member board, at least four people appear to be eligible for retiree healthcare from the district—and able to vote on it.

The New York State Education Department (NYSED) has ruled a board member "has no conflict of interest when [he or she] is covered by a health insurance plan paid by the district pursuant to a [union contract]."[29]

Taken together with the eight or more spouses voting on their partner's pay and benefits, more than 10 percent of board members may be personally financially interested in union contracts on which they vote.

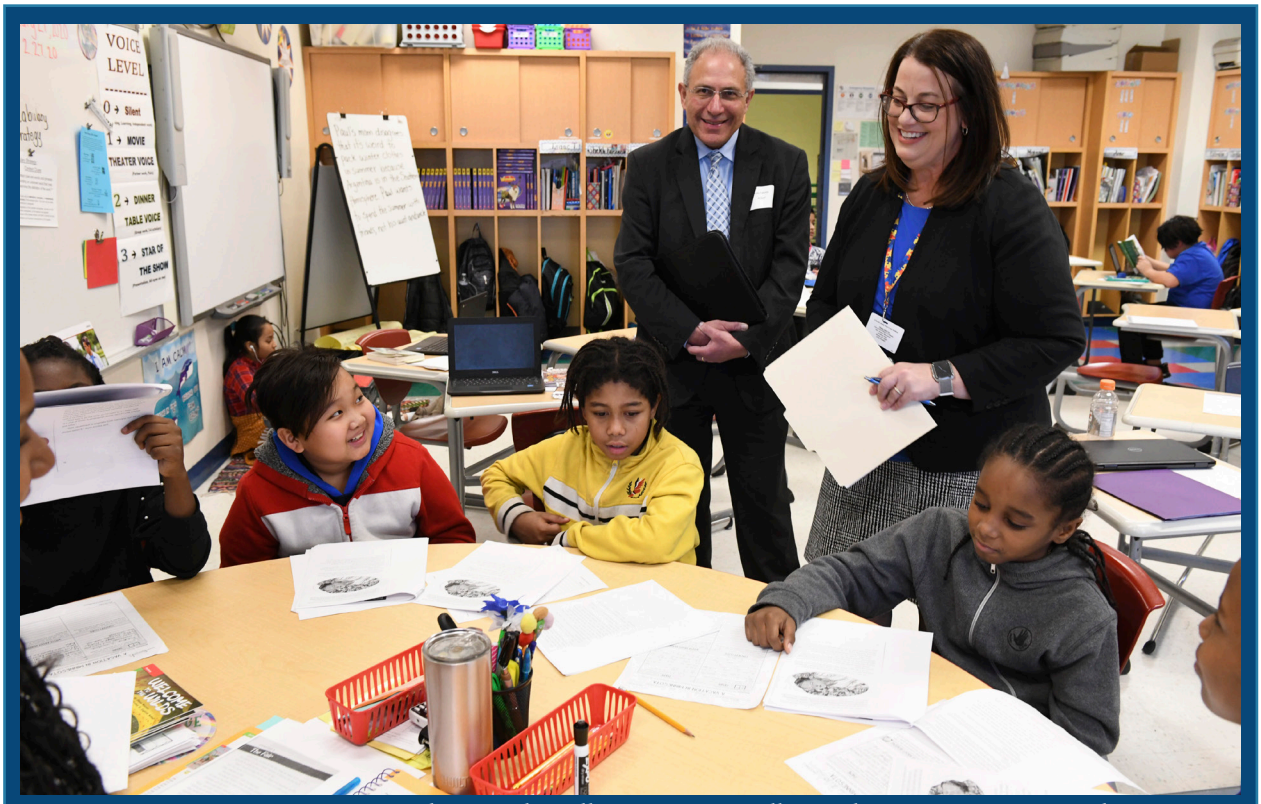
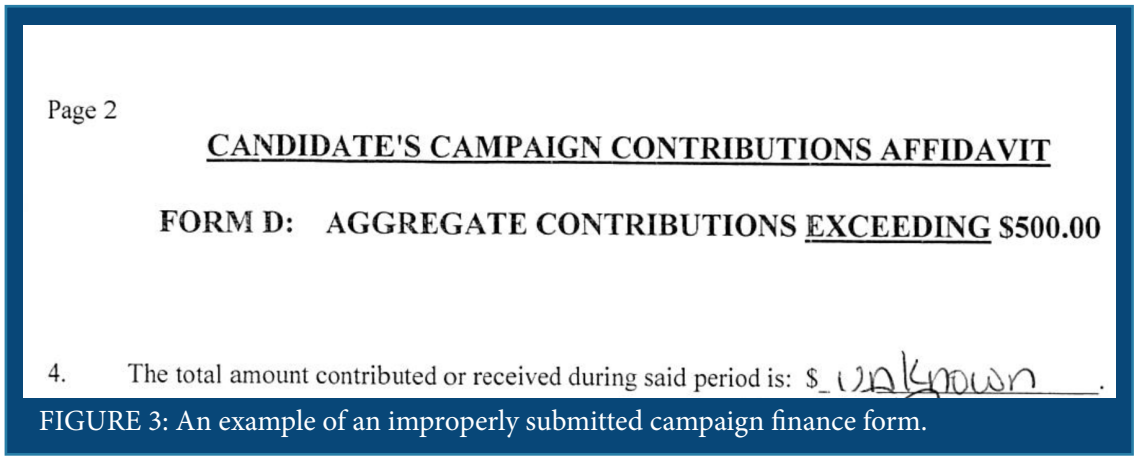


FIGURE 2c: Former NYSUT president Andy Pallotta tours an Albany classroom. Image Credit: NYSUT

FIGURE 2d: NYSUT vice pres. Jolene DiBrango poses with Watertown student. Image credit: NYSUT



Page 2

CANDIDATE'S CAMPAIGN CONTRIBUTIONS AFFIDAVIT

FORM D: AGGREGATE CONTRIBUTIONS EXCEEDING $500.00

4. The total amount contributed or received during said period is: $ unknown .

FIGURE 3: An example of an improperly submitted campaign finance form.

Retirees

State law bars district employees from serving on the board of the district where they work, but it doesn't prevent them from sitting on boards in neighboring districts where they live.

A potential for conflicts of interest still exists. Nearby districts are routinely cited as "comparables" in support of union demands for higher pay and more generous benefits. This gives NYSUT-affiliated school board members an incentive to approve generous contract deals even in districts where they are not directly employed.

Based on the one-in-five proportion of NYSUT employees and retirees elected to boards in the largest districts, there are probably hundreds of NYSUT members serving on other school boards.

For some school board members, the relationship with NYSUT is closer than just membership: Schenectady board president Bernice Rivera is employed by NYSUT[30] as a $148,000 per year aide while North Syracuse board president Paul Farfaglia is also co-president of the NYSUT local in the nearby Jordan-Elbridge school district.

THE CAMPAIGN FINANCE RULES

The state Legislature in 1978 adopted restrictions and reporting requirements for candidates seeking election to a school board.

Article 32 of New York Education Law (§1528-31) requires each candidate to file a "sworn statement" with the district clerk listing "all moneys or other valuable things, paid, given, expended or promised by him or her, or incurred for or on his or her behalf with his or her approval" in support of his or her candidacy, or in opposition to another's. Candidates must also send these reports to NYSED if they raise or spend over $500.

Nearly all school districts have developed forms candidates can fill out to comply with the law. In some cases, the district files with NYSED on the candidates' behalf.

Candidates must file by three dates: 30 days before the election, five days before the election, and 20 days after the election.

The law, however, doesn't lay out penalties for non-filing or task anyone in government with verifying filings. It relies entirely on the assumption candidates will be kept honest by the prospect of criminal charges for filing false statements.

A district clerk has no powers to enforce the filing requirement or to verify the accuracy of filings—and neither do state officials: NYSED has been peppered with complaints about noncompliance, but has repeatedly said it

lacks jurisdiction to investigate or prosecute.

Instead, the law says a candidate, or group of five residents, can sue in state court to compel a candidate to file—and even then, doesn't lay out any penalty for non-filing.

A review of filings made to districts and NYSED during the 2023 elections revealed widespread noncompliance by both candidates and district officials:

- Candidates regularly failed to file forms as required by law, and district officials regularly accepted incomplete or improperly completed forms—including forms that are not notarized (Figure 3).
- Candidates in at least five out of 45 districts—including 2023's highest-spending campaign among examined districts—failed to notify NYSED about spending exceeding $500, reflected in their district-level filings.
- Candidates claimed support from ad hoc organizations, which likely concealed significant financing from the NYSUT local. For instance, Webster candidates reported "Friends of the Webster Board of Education" as their only donors, while "Middle Country for a Better Tomorrow" has been the largest spender on behalf of candidates—and using NYSUT-style rhetoric—without making filings with the district.
- Districts did not preserve records for three years as required by Education Law §1529(4).
- NYSUT locals sometimes attributed a portion of their campaign spending on behalf of candidates to promoting passage of the budget, making their total spending on candidates' behalf appear smaller. For instance, if a local mails a postcards supporting two candidates and the passage of the budget, those candidates will report a third of the total expenditure—rather than half.

The failure of the system makes it impossible to provide a complete accounting of NYSUT's involvement in school board races.

For instance, in the Greece school district near Rochester, NYSUT boasted about its 2023 campaign against challengers who had, among other things, criticized teacher tenure and "questioned equity and inclusion policies." According to NYSUT's own news account of activity by union activists:

> They posted campaign signs, mailed over 16,000 pieces to NYSUT-represented staff, retirees and households with school-aged children, sent over 7,000 texts and had nearly 50 volunteers canvassing local communities and making phone calls.[31]

However, none of the three supported candidates disclosed this or other publicized expenses, which together would have amounted to thousands of dollars in spending. All three candidates submitted sworn affidavits indicating they did not receive assistance valued at more than $500. One candidate was photographed (Figure 4, page 14) holding what appears to be a NYSUT flyer supporting his candidacy.

A FAILURE IN TRANSPARNECY

The errors and omissions in candidate filings would likely be detected and addressed far more often if the public could easily access them.

The current system is meant to foster transparency around school board campaign spending, and the law requires filings to be "open to public inspection."[32]

However, none of the 45 districts reviewed for this report appeared to post the records online. If an individual cannot visit a school district during business hours, records instead must be obtained through the Freedom of Information Law (FOIL). While FOIL requires public officials to turn over readily available records within five business days, the FOIL process routinely takes several weeks.

FIGURE 4a: Candidate Todd Butler passing out what appears to be a union-produced flyer. Image Credit: Facebook.

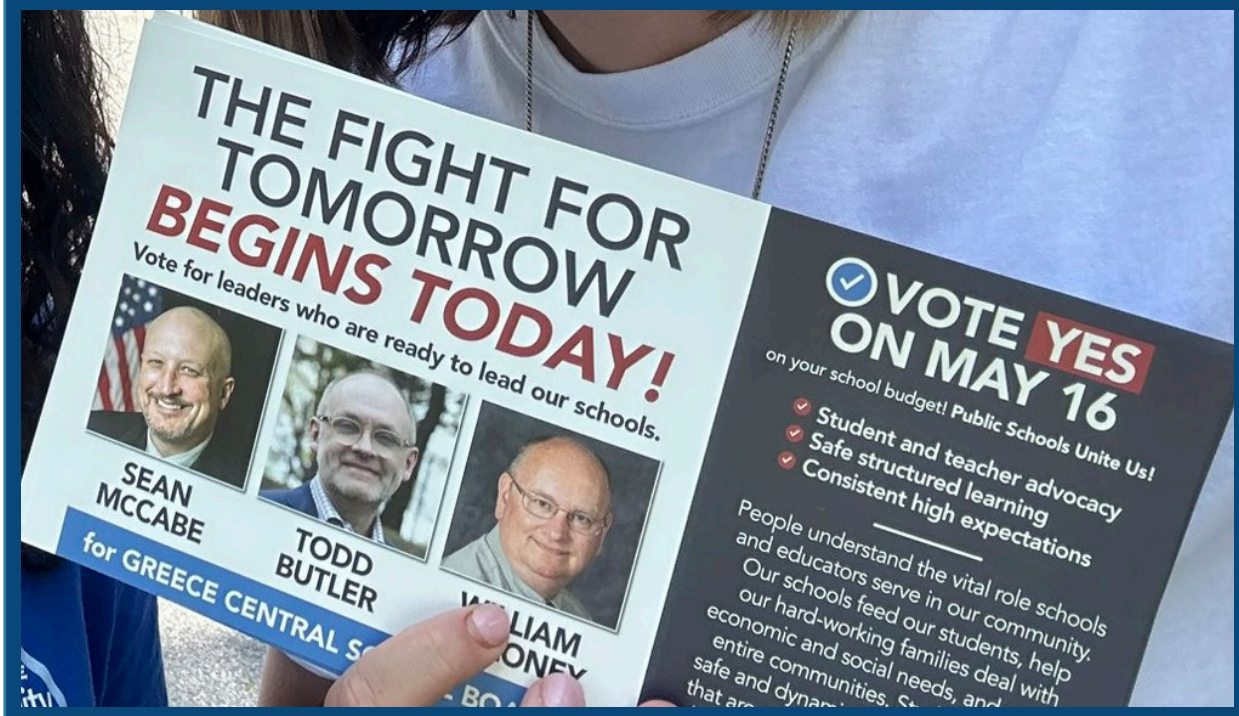


FIGURE 4b: Union=provided mailer for the McCabe slate. Image credit: Greece Teachers' Association.

RECOMMENDATIONS

NYSUT is increasingly sitting on both sides of the bargaining table in New York schools, leaving less room for the interests school districts are designed to serve. It is essential that public policy adapt to meet this challenge.

Restore Conflict of Interest Safeguards

The Legislature should prohibit elected officials from voting on union contracts and any other policy in which they have a personal financial interest. In the case of NYSUT members, that financial interest extends to any union contract for a position comparable—under the Taylor Law—to his or her own.

State law should also explicitly prohibit school board members from voting on their own retiree health coverage, including any related collective bargaining agreement.

Give the NYS Board of Elections Oversight of School Board Campaign Finances

The system established by the Legislature in 1978 is broken beyond repair. It is one of numerous disparate mandates that state government has imposed on school district clerks without funding or statutory powers to fulfill the mission.

First, the system should be placed under the purview of the state Board of Elections (BOE), an agency that does all of what the statute now requires hundreds of district clerks to superintend. More importantly, the BOE has investigative powers that can ensure complete and accurate disclosure by candidates in a way school boards cannot.

This would not be the first time the Legislature has tasked the BOE with supervising a new cohort of office-seekers. New York in 2005 began requiring local government candidates to file campaign finance disclosures with the state Board of Elections.[33]

Assemblywoman Sandra Galef, who sponsored the bill making the change, explained it served two purposes: to improve public access to campaign finance records, and to address the fact that violations were "virtually impossible to track." The BOE, she said, could "better monitor and enforce" contribution limits than county election boards.

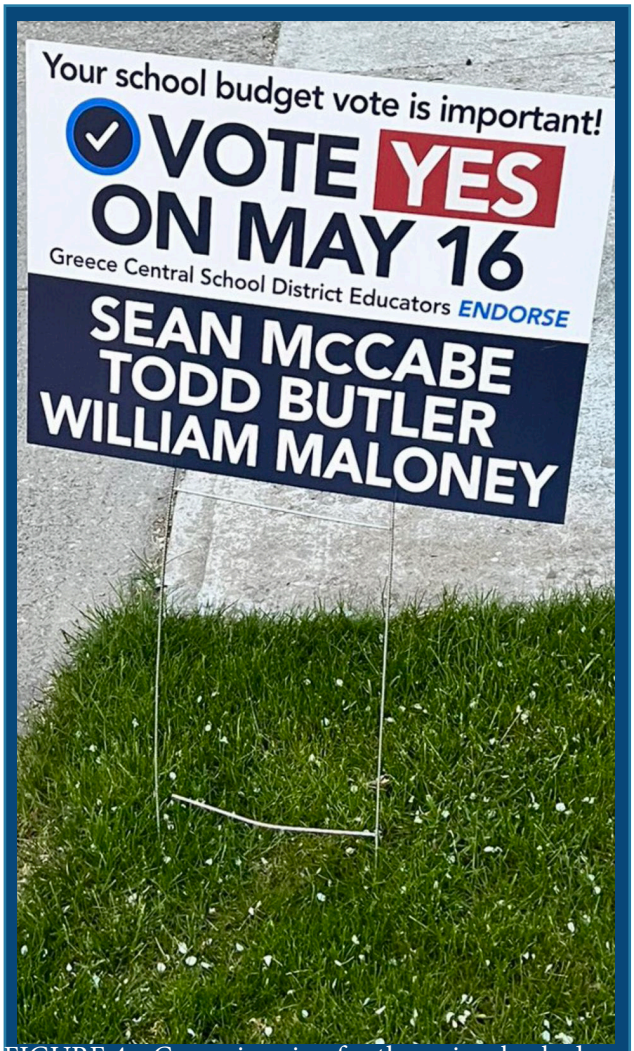


FIGURE 4c: Campaign sign for the union-backed McCabe slate. Image Credit X (Twitter).

Using the state's online disclosure system, Galef added, "would improve public access to campaign finance records to the level that the public has come to expect."

All of these concerns apply to the broken disclosure regime the Legislature set out to create with Article 32.

Having candidates report to the state Board of Elections would spare district clerks (and State Education Department personnel) of one of numerous administrative burdens imposed by state government, and would make data instantly accessible to the public through the BOE's website.

In moving campaign finance reporting from districts to the BOE, the Legislature should protect small donors by designating a contribution amount below which candidates need not disclose an individual contributor's name, since forced disclosure can have a chilling effect on speech.

It is also unrealistic to expect candidates to be aware of spending on their behalf. The BOE's independent expenditure rules place the onus for disclosure on the individual or group spending money, not the candidate perceived to benefit.

End Payroll & Pension Deductions for Union Political Action Committees

The privilege New York's public employee unions enjoy in having their PAC contributions collected would not be granted to any other political group.

Government payroll agencies and public pension systems shouldn't be making deductions to benefit a political organization. There is no public interest served by this practice; it goes on because unions demanded it, and union-aligned elected officials agreed to it.

Ensure Greater Transparency Around Collective Bargaining

Public-sector collective bargaining, by its nature, works against the public interest in several key respects.

Among other things, the costs and effects are not immediately visible, and public officials have an incentive to push costs and other negative effects into the future. NYSUT's involvement threatens to exacerbate this dynamic.

Public-sector contracts are negotiated and crafted behind closed doors. Notwithstanding the extent to which that practice goes against the public interest, there are steps local school boards can take to shield the public from labor deals that go against the public interest:

- School boards should set an official policy requiring the district to immediately publish tentative contracts—and cost estimates—on the internet and wait at least two weeks before voting to ratify them. While state law has been interpreted to force local officials to take negotiations behind closed doors if the union demands it, it does not require contracts to be ratified immediately after a tentative agreement is reached.
- Districts should publish online all grievance adjustments, settlements between the union and the district related to how the contract is. These documents are themselves agreements to which future school board members will be bound.
- School districts should develop and publish long-term financial plans, showing where spending is headed compared to revenues prior to any negotiated changes in pay or benefits.

Appendix

School District	Elected Members	Endorsed by NYSUT	NYSUT Members
Albany	7	0	0
Arlington	9	8	3
Brentwood	7	7	1
Buffalo	9	7	1
Central Islip	7	7	0
Clarkstown	7	2	0
East Meadow	7	2	1
East Ramapo	9	0	0
Freeport	5	0	0
Great Neck	5	3	1
Greece	9	7	1
Half Hollow Hills	7	1	0
Ken-Ton	5	5	0
Kingston	9	7	2
Levittown	7	6	1
Liverpool	9	6	3
Longwood	7	5	2
Massapequa	5	3	0
Middle Country	9	7	2
Middletown	8	1	0
Monroe-Woodbury	9	0	0
Mount Vernon	9	2	1
New Rochelle	9	1	0
Newburgh	9	3	0
Niagara Falls	9	3	0
North Colonie	9	3	0
North Rockland	7	5	1
North Syracuse	9	8	4
Patchogue-Medford	7	6	0
Rochester	7	5	1
Sachem	9	7	4
Saratoga Springs	9	5	1
Schenectady	7	5	0*
Shenendehowa	7	5	0
Smithtown	7	3	1
Syosset	9	0	0
Syracuse	7	6	0
Uniondale	5	1	0
Utica	7	3	0
Wappingers	9	9	1
Webster	6	5	2
West Seneca	7	5	0
White Plains	7	5	1
William Floyd	7	0	0
Williamsville	9	8	1
Total	**343**	**187**	**36**

*Data notes: Boards with NYSUT-endorsed majorities highlighted. *Schenectady's board president is a NYSUT employee.*

ENDNOTES

1 While teachers and school employees are technically members of a local that is affiliated with NYSUT, very few locals retain much autonomy. NYSUT employees often represent locals in official business and provide other back-office support to union operations. Even if every NYSUT member in a district wanted to, NYSUT rules effectively prevent their local from seceding.

2 School board members in New York City and Yonkers are selected by the mayor.

3 McMahon, E.J. and Terry O'Neil, "Taylor Made," Empire Center, 2018. empirecenter.org/publications/taylor-made

4 Locust Valley Cent. Sch. Dist. v. Benstock, 144 A.D.3d 758

5 Hartney, Michael T. " Still the Ones to Beat: Teachers' Unions and School Board Elections," Manhattan Institute, Oct 22. media4.manhattan-institute.org/sites/default/files/still-the-ones-to-beat-teachers-unions-and-school-board-elections.pdf

6 "Union Financial Power and Municipal Financial Trouble in Strong Union Town," The New York Times, 9 Jun 75, p. 36

7 Hoskin, Ned, "Grooming Union Friendly Candidates," NYSUT United, July 2015, nysut.org/news/nysut-united/issues/2015/july-august-2015/grooming-union-friendly-candidates

8 Hoskin, Ned, "NYSUT pipeline produces more political hopefuls," NYSUT United, Oct 2017, nysut.org/news/nysut-united/issues/2017/november-december-2017/nysut-pipeline-produces-more-political-hopefuls

9 Hoskin, Ned, "We are the 99 percent who approve of public education," NYSUT United, June 2017. nysut.org/news/nysut-united/issues/2017/june-2017/we-are-the-99-percent-who-approve-of-public-education

10 NYSUT press release, 16 May 18. nysut.org/news/2018/may/at-least-29-nysut-members-elected-to-school-boards-statewide

11 "Celebrate union victories," NYSUT, 31 Aug 22. nysut.org/news/2022/august/union-victories

12 NYSUT press release, 17 May 23. nysut.org/news/2023/may/media-release-school-voting

13 Davis, Maia, "Pallotta: A union united will never be defeated," NYSUT, 2 May 15. nysut.org/news/2015/may/ra-2015/pallotta-a-union-united-will-never-be-defeated

14 Hoskin, Ned, "NYSUT Pipeline Project: The world would be a better place if you ran for office," NYSUT United, March 2019. nysut.org/news/nysut-united/issues/2019/march-april-2019/nysut-pipeline-project-the-world-would-be-a-better-place-if-you-ran-for-office

15 Parsnow, Luke, "State Sen. John Mannion to run for CNY House seat in 2024," Spectrum News 1, 13 Jul 23. spectrumlocalnews.com/nys/central-ny/politics/2023/07/13/state-sen–john-mannion-to-run-for-cny-house-seat

16 "About VOTE-COPE," NYSUT, nysut.org/resources/special-resources-sites/legislation/vote-cope

17 Buffalo, Rochester and Syracuse do not submit budgets for voter approval. However, Buffalo holds school board elections

in May. Rochester and Syracuse hold elections in November, with candidates first running in the June partisan primary.

18 "Media Backgrounder: Facts about School Board Elections 2018," NYS School Boards Assn, 2018. nyssba.org/clientuploads/nyssba_pdf/Press-Release/sbe-2018-backgrounder.pdf

19 "NYSSBA analysis illuminates statewide results and trends from 2023 school board elections," NYS School Boards Assn, 31 May 23. nyssba.org/index.php?src=news&submenu=-press_releases&srctype=detail&category=-Press%20Releases&refno=4787&srctype=press_release_detail_2019

20 Ch. 946 of the Laws of 1964

21 105 A.D.2d 109 (N.Y. App. Div. 1984)

22 Opns St Comp, No. 83-122

23 Decision No. 13,914, NYS Education Department, Office of Counsel. 10 Apr 1998. counsel.nysed.gov/Decisions/volume37/d13914

24 Hildebrand, John, "Educators, family ties in LI school board elections raise issues of objectivity, ethics," Newsday, 15 May 15. newsday.com/long-island/suffolk/educators-family-ties-in-li-school-board-elections-raise-issues-of-objectivity-ethics-u13939

25 Stanforth, Lauren, "School contract moves draw ire," Times Union, 23 Jun 10. timesunion.com/news/article/School-contract-moves-draw-ire-562194.php

26 Stanforth, Lauren, "NYSUT employee to run for school board," Times Union, 8 May 13. timesunion.com/local/article/NYSUT-employee-to-run-for-school-board-4500629.php

27 Warren, Peter, "New York's Growting Debt Iceberg," Empire Center, 21 Nov 21. empirecenter.org/publications/new-yorks-growing-debt-iceberg

28 Ch. 729 of the Laws of 1994

29 Decision No. 12,599, NYSED, Office of Counsel, 21 Oct 1991. counsel.nysed.gov/Decisions/volume31/d12599

30 FY22 NYSUT form LM-2, U.S. Department of Labor – olmsapps.dol.gov/query/orgReport.do?rptId=849191&rptForm=LM2Form

31 Smith, Kara, "Greece coalition helps elect pro-education school board," NYSUT United, 15 Jun 23. nysut.org/news/2023/june/greece-coalition

32 Education Law §1529(4)

33 Ch. 406 of the Laws of 2005

The Empire Center for Public Policy, Inc. is an independent, non-partisan, not for profit think tank dedicated to making New York a better place to live and work by promoting public policy reforms grounded in free-market principles, personal responsibility, and the ideals of effective and accountable government.

Nothing in this paper is to be construed as necessarily reflecting the views of the Empire Center, or as an attempt to influence the passage, defeat, approval or disapproval of any legislation or any other matter before the State Legislature, the Governor, or any other state or local agency.

The Empire Center is a 501(c)3 not for profit organization. Contributions are tax-deductible to the fullest extent of the law. EIN #46-1987418