

WHERE WE STAND

Gene Goldwasser



As I write this piece, attorneys on both sides of the Affordable Care Act have begun arguing their cases before the Supreme Court of the United States. Three days of arguments have been scheduled with the justices promising to decide the case by some time in June. The central issue is whether the “individual mandate,” the requirement to obtain health insurance, is within the

powers granted by the Constitution. Other issues addressed during the three days of oral argument include: “What should happen if they [the Court] strike down the mandate,” and “whether Congress exceeded its authority in expanding the eligibility and coverage thresholds that states must adopt to remain eligible for Medicaid.” The decision could strike down the law completely or partially or leave it intact. How will people react if some of the better-liked provisions of the Act including extending benefits for dependent children to age 26, or eliminating pre-existing conditions as an impediment for coverage for children or reducing the “donut hole” by half for those without prescription drug coverage are eliminated? The arguments and ultimate decision will directly influence health care in this country for the next decade, if not longer.

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Each of the four remaining Republican candidates have weighed in on the Affordable Care Act stating they will fight to repeal if they are successful in their quest to become president. What options they will provide for the 30 million newly insured Americans? The Affordable Care Act, which had its origins as a Republican-sponsored alternative to the plan devised by Bill and

Hillary Clinton in the 90s, and was enacted in Massachusetts when Mitt Romney was governor, has become the rallying point for Conservative Republicans and Tea Party supporters against the kind of plan on which both sides could and should agree. Or, am I missing something here?

In this issue of the newsletter, John Wallace has written a piece that calls attention to the dangers inherent in calling for a Constitutional Convention in New York State. In a Constitutional Convention everything is open for negotiation, and for retirees that includes health care coverage and pensions. Witness the legislation to create a new Tier 6 that markedly changes pensions from a defined benefit to a defined contribution system. This is more than semantics for those new hires who will be affected by this change. Some may argue that given the economic outlook, it’s time that public employees contribute to their pensions. However, there’s more to the new Tier 6, including: raising the retirement age to 63 and penalizing those who retire before that age, increasing the time period to five years from three to calculate final average salary, changing the pension multiplier to 1.75% for the first 20 years of service and 2% starting in the 21st year, and several other provisions that will impact pensions overall.

Should a Constitutional Convention be organized in New York State, all pensions, not just those in Tier 6 may be fair game. Now is the time for retirees to speak up against holding a Constitutional Convention, and to vote “NO” when it appears on the ballot.

HAVE AN OPINION? Let us know.

E-mail NYSRSAS@optonline.net

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EDUCATIONAL INEQUALITIES

Stu Mortman



I have spent a career working in ethnically and economically diverse schools. This always seemed to be an advantage to all involved. The growth in students went far beyond our standard curriculum. Children seamlessly developed an acceptance of this diversity. It might be more accurate to say this acceptance was always there and we, the adults in their lives, did not teach it away. As a teacher and administrator I always considered myself to be ethnically sensitive and color blind when it came to dealing with my students. Educational expectations and discipline standards were equally high for all. These, I felt, were accepted truths for all stake holders: teachers, students and parents.

I recently read a report published by the U.S Department of Education that gave me pause to reconsider my assumptions. The disturbing facts reported seem to be in disagreement with my expectations. Was I involved with schools that were the outliers in the statistics? Did I make incorrect assumptions and evaluations? Have things changed that dramatically in the few years since my retirement?

Let us take a look at some of the findings from the U.S. Department of Education's "Educational Inequities around Teacher Experience, Discipline and High School Rigor." Among the key findings are:

- African-American students, particularly males, are far more likely to be suspended or expelled from school than their peers. Black students make up 18% of the students in the sample, but 35% of the students suspended once, and 39% of the students expelled.
- Students learning English were 6% of the high school enrollment, but made up 12% of students retained.
- Only 29% of high-minority high schools offered Calculus, compared to 55% of schools with the lowest black and Hispanic enrollment.
- Teachers in high-minority schools were paid \$2,251

less per year than their colleagues in low-minority schools in the same district.

According to the U.S. Department of Education's Office for Civil Rights minority students across America face harsher discipline, have less access to rigorous high school curricula, and are more often taught by lower-paid and less experienced teachers. This self-reported data was gathered from a national survey of more than 72,000 schools serving 85% of the nation's students.



So where are we? What can we learn from this new data? Where do we as educators go from here? I spent quite a while pondering these findings and reflecting

on my career and experiences. The one thing that stands out, for me, is that my schools were always diverse (ethnically, socially and economically). This diversity presented a cross sampling of who students are. It was very difficult to have preconceived (and possibly erroneous) notions of who these students were and what they were capable of when they were all standing there right in front of me. It was my good fortune to be in schools that presented diverse populations, but this in turn caused me to feel that most other schools were this same way. The statistics prove this not to be the case and the problems resulting from isolated student populations are exposed.

Are our expectations greater when our students come entirely from an affluent neighborhood than from an inner-city neighborhood? Are our discipline standards affected by race and economics? Does more money buy better education?

I know I have asked difficult, sometimes soul searching questions. I would be interested in hearing your feedback (constable@aol.com).

THE REFLECTIVE RETIREE—GET A MOVE ON

Corine Lipset-Huberman.

I spend a lot of time reading articles and news briefs about health. That doesn't mean I necessarily follow the advice given, although I recognize the wisdom and common sense inherent in it. Everything I've read in the past 25 years, at least, has stressed the value and importance of daily exercise or, if not daily, then at least three times weekly. Whenever I come upon the advice to exercise, my thoughts turn back to memories of how nice it is to:

- curl up with a good book on a comfortable sofa
- snooze in a hammock on a warm summer's day
- sit on the porch chatting with a friend, sipping a glass of iced tea
- relax at the movies, reclining in a comfortable chair
- sit in a recliner, watching TV and munching on popcorn
- sit in a rowboat, drifting along with the current

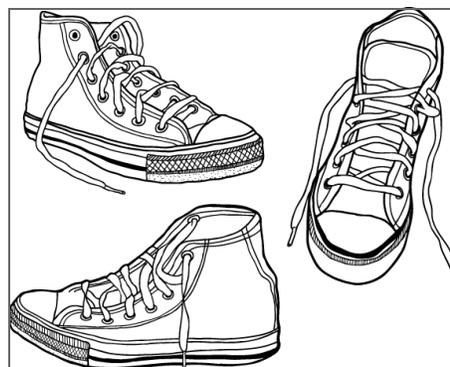
Now, please take note that not one of my memories had anything to do with moving my body other than a few inches. As a child, my favorite pastime was reading. I read whenever I could during the day and under the covers with a flashlight at night. As a high school student, it took monumental effort to pass the swimming test -- for me equal to the task of swimming the English Channel. In college, I played bridge and avoided required physical education classes as much as possible without failing them. An elective physical education class never found its way into my program. As a young mother, I regret to say that my children never had more than an eighth of a mile ride in a stroller. In my professional career, I made use of intercoms, telephones, faxes, cell phones, and to my delight, e-mails. Walk? Well, when I absolutely

had to!

So now I'm a retiree with knees that are failing me. "Walk," said my internist. "Exercise or else!" threatened my orthopedist. "Honey, you really need to exercise," pleaded my loving husband. "Mom, get with it," sighed my daughter. "You have *Curves* right near you, the Y, *New York Sports Club*, or play Jane Fonda's workout tape and exercise with her. You can do it!"

"Walk," said my internist. "Exercise or else!" threatened my orthopedist. "Mom, get with it," sighed my daughter.

With all the support, encouragement, threats, cajoling, pleading and finally insistence (from my husband), I joined the local Y. I noticed that it was near a little park with benches. I haven't visited its gym yet, but I have a bag packed with sneakers, a towel (and a book) all ready to go. Maybe next week....



**There are 1,440 minutes in every day.
Schedule 30 of them for physical activity!**

IT WOULD HAVE BEEN FAIRER TO TRY TO HELP HIM TEACH ANOTHER LESSON

HOWARD PIERSON

I began my professional career of teaching English in a Brooklyn junior high in 1948. Our only supervisor was the principal, who observed me and then taught a demonstration lesson before one of my classes. A skilled teacher and established writer of textbooks, she taught me how (and how not) to teach, also how to spell Jesse James (not Jessie). Then, after over 40 years in teaching and in working as a chairman and principal, I wrote a retrospective monograph on what I had eventually learned about teaching students and supervising teachers. A copy is in the Bobst Library Archives of New York University, my alma mater. It is no exercise in braggadocio but an account of learning from my mistakes, of which there were many.

In 1961, when I was first made English chair at Syosset, NY, High School, a new teacher, Allen Goodson

(pseudonym), arrived after teaching sixth grade in one of the district's elementary schools. I welcomed him and briefed him about our students, practices, and materials of instruction. I also said I would observe one of his classes after he had settled into his own routines. In due course, I sat in on a lesson. He was with a freshman class of middle ability and was asking pupils to answer workbook exercises like: 1. My cousins and I (are, am) in the same school. 2. (Her, She) and John rode their bikes to school. 3. Sally wants to come with you and (I, me). The right answers are 1. are; 2. She; 3. me.

When a boy said "are" is the right answer for number 1, Allen commented, "Yes, because no one says 'am.'" Another pupil answered "Her" for number 2, and Allen agreed. For exercise 3, another said "I," about which Allen observed, "Yes, it's 'I come,' not 'me come.'" The class listened politely, and Allen had them give answers for the remaining exercises, asking no student to explain his/her choice. I was puzzled by Allen's evident unfamiliarity with the terms and conventions of basic grammar, with how to talk about words and sentences.

After the lesson, I met with Allen. He said that he had intended to teach a short story but, when I arrived,

that I was not sure that there had been sufficient previous teaching and learning to review. I explained the correct answers and urged him to consider taking a grammar course. I also alerted Nick, the assistant principal, of my observation and suggested that he also observe a lesson to see if he shared my impression. (I believe that a serious allegation of incompetence should be verified by a second supervisor, rather than a colleague, who

may be fearful of giving offense.)

Nick did so, and Allen was not reappointed for the next year. I never found out why he had moved up, but his principal may have encouraged Allen to leave elementary teaching.

It would have been fairer to try to enable Allen to improve by helping him to prepare and teach another grammar lesson, using ex-

amples from his students' writings and focusing on subject-verb agreement, subjects and objects of verbs, or objects of prepositions. But this may have been beyond his previous experience, if any, with parts of speech (nouns, pronouns, verbs, adjectives, adverbs, conjunctions, and prepositions) and parts of sentences (phrases, clauses). Must supervisors teach subject matter to teachers?

During the late 1960s and early 1970s, many English teachers felt that it was no longer relevant to teach writing and its elements related to grammar, punctuation, and spelling. These aids in expression and communication have made a comeback since. In 1996, the National Council of Teachers of English urged members to teach standard English, "the language of wider communication," and accepted language conventions, like grammar, punctuation, and spelling. If I live long enough, I may even see the teaching profession return to its respected status it had when I was a schoolboy.

Any reader who wishes to set me straight or ask a question can e-mail me at howardpierson@gmail.com.



IS THERE REALLY A NEW YORK STATE CONSTITUTION?

John Wallace

Everyone seems to know the basic ideas set forth in the United States Constitution, which was adopted after the weak Articles of Confederation proved to be a disaster for the newly formed nation. The U.S. Constitution has been a dynamic document with only 27 amendments, court decisions, and laws passed by Congress and signed by the president helping it meet the needs of the 21st century. New York State had a constitution ten years before the delegates met in Philadelphia, initially to strengthen the Articles of Confederation.

Why are most New York residents ignorant about most aspects of the New York State Constitution? First of all, there have been four separate New York State Constitutions enacted-1777, 1821, 1840, and 1894. Some consider the extensive amendments made in the 1938 convention as a new constitution too. Secondly, the New York State Constitution is very specific in all aspects of government on the state, county, town, village, and other government entities in the state. If one wanted to read the entire New York State Constitution, it would be a formidable and undoubtedly laborious task as it is about six times as long as the U.S. Constitution.

Why should we be concerned about the status of the New York State Constitution? New York State law mandates that there should be a Constitutional Convention every twenty years. The next convention is supposed to take place in 2017. The convention would be very costly with estimates now ranging upwards of at least \$50 million. The delegates could decide to make a completely new constitution, which could negatively affect the lives of millions of New Yorkers! Public pension beneficiaries presently are guaranteed that their pensions will not be changed or ended. A new constitution could end this protection. States such as Wisconsin and Ohio have taken away rights for workers. This could also happen in New York. Civil rights, women's rights, environmental protections, especially the "Forever Wild" provision as it pertains to sections of the Adirondack Mountains could be effected. Some groups want a new constitution because they do not like the way in which New York legislative districts for the Assembly and Senate are drawn in a gerrymandering fashion. Others maintain that the amendment process is too cumbersome. A proposed amendment has to be passed by the Assembly and Senate twice with an election in between. Then, the amendment has to be approved by the voters.

Most of the arguments for a Constitutional Convention could be addressed in an efficient and positive man-

ner if the governor and state legislative leaders worked cooperatively and looked at the interest of New Yorkers instead of partisan survival. Therefore, we all should be proactive to make sure there is no New York State Constitutional Convention before 2017 or in 2017. This year, 2012, offers an opportunity to help make certain that New York voters chose state senators and assembly men or women who do not support a constitutional convention. It is particularly difficult this year because of the focus on the presidential election in November. *****

DIRECTORY UPDATE

Please note the following corrections to the NYSRSAS Membership Directory issued in December, 2011:

Gelzer, Austin

385 Ocean Ave. Apt 5T, Long Branch, NJ 07740
732 228-1185

Gural, Stan (inadvertently entered according to first name)

Howard, Marcia (Summer phone **631 368-6918**)

Lerner, Sidney (Land line **516 889-6266**)

Murphy, Donald (e-mail **kane50@aol.com**)

Quinn, Joe (e-mail **jquinn54@optonline.net**)

Quinn, Robert J (e-mail **rjvaq@hotmail.com**)

Rosenberg, Ruth

4 Gerret Court, Northport, NY 11768
631 261-4054 (e-mail **stoneadjunct@aol.com**)

Sigelakis, William (e-mail **billsig39@gmail.com**)

In Memoriam

We mourn the passing of our colleagues, **James Costa** and **Frank Moore** and offer our condolences to their families.

WHO?

Marvin Kreutzberger

Who will be the biggest name in this week's headlines?

Tim Tebow? No, just another layer of Jets' dysfunctionality.

Peter King? No, It's over. May God bless and keep the king—far away from us.

Mitt Romney? No. Etch-A-Sketch is neither more or less than an electronic flip-flop.

Rick Santorum? No. What might he possibly come up with to top his positions on social issues?

Paul Ryan? No. Nothing newsworthy here. He's re-introduced a warmed over version of his previous budget blueprint in which the super wealthy make out like bandits and the middle class pays the bill. The Greed Over Poverty party has taken the Norquist pledge.

Roscoe Filburn? BINGO!!!

Good ol' Roscoe was an Ohio wheat farmer in the '40s whose harvest exceeded the yield permitted per acre. His penalty for over-producing was a fine of 49 cents per acre based upon the *Agricultural Adjustment Act*. Mr. Filburn got himself a lawyer and challenged that penalty and, by extension, the constitutional limits of the entire *Act*. The basis for the Court's decision was that wheat grown on the Filburn farm sufficiently affected the national economy to permit federal regulation of Mr. Filburn's crop. Roscoe was not alone. Millions of other farmers were similarly affected. Think of Roscoe the next time you pour a bowl of *Wheaties*.

...wheat grown on the Filburn farm sufficiently affected the national economy to permit federal regulation of Mr. Filburn's crop.

Such is the legal precedent that may determine the Court's ruling on the Patient Protection and Affordable Care Act. Law professors teach that the ruling has become so foundational that any plausible understanding of the commerce power must come to terms with the ruling.

Keep in mind that our president knows something about constitutional law and he was aware of Roscoe Filburn when the Affordable Care Act was introduced. His administration will argue that the Filburn decision justifies how much leeway the federal government has under the

individuals make in matters affecting the national economy. If the government can make farmers choose between growing crops on their own land and paying a penalty, it can tell people that they must obtain health insurance or pay a penalty. The decisions of millions of people to go without health insurance have a demonstrably negative impact on our national economy raising other person's insurance rates and forcing hospitals to pay for the emergency care for those who cannot afford it.

The opposition holds that it is one thing to encourage farmers to buy wheat by punishing them for growing their own. It is another to require people to buy insurance or face a penalty, as the health care law does.

So set aside the logic of the Affordable Care Act. Ignore that it benefits tens of millions of Americans. In their brief, the Obama attorneys make the argument that *the health care law merely regulates the way in which the uninsured finance what they will consume in the market for health care services in which they participate.*

Since the Supreme Court rules unanimously against Roscoe Filburn, its decision has withstood every attempt to limit Congress' power under its commerce clause. As a precedent and settled law ever since, the Court recognizes that Congress can regulate every form of economic activity if it so decides.

Justices Scalia and Kennedy and Rosco Filburn will decide whether Congress can mandate health insurance. For the sake of tens of millions of Americans, let's hope the Court remains true to its word.



Save the Date!

NYSRSAS

ANNUAL LUNCHEON MEETING

WEDNESDAY, June 20, 12-2 P.M.

PORT CITY PONDERINGS

JOE MARCHESE

Much continues to be written about the current attitudes, morés, and behavior of many of today’s young people which, in turn, reflect those of society in general. Accounts abound of students, and even parents, attacking teachers and administrators, not only verbally but physically,. and of a general disrespect for authority. At the high school graduation ceremony of one of my granddaughters last June, I was happy to hear the featured speaker, a successful alumnus of the school, emphasize to the graduates the importance of maintaining one’s moral compass as they make their way in the world.

Last October I was pleasantly surprised to receive an email inviting me to the 50th Reunion of the Half Hollow Hills High School Class of ’61. As I expressed to the co-chair of the reunion committee, “It is difficult for me to think of all of you as senior citizens. In my mind’s eye you are still bright, enthusiastic teenagers in a time when good manners and mutual respect were the characteristics of our society. I can still remember with fondness the people listed on your reunion committee as well as many others of your class whom I had the privilege to teach.” It struck me that this was one of the last high school classes to graduate before the advent of the “Age of Aquarius” with its emphasis on drugs, sex, lack of propriety and a philosophy of “if it feels good to you and makes you happy, it’s right.”

I was unable to attend the reunion, but a month later I received in the mail a commemorative booklet of the

celebration. Rather than the usual stapled pages of information about the class one receives on these occasions, this was a mini-yearbook containing not only the anticipated pages of biographical profiles, but also photos from the members’ earliest elementary school days through high school and from their 20th, 25th, 40th, and 45th reunions. There was also a memorial page of all members of the class who were deceased. As the school’s former yearbook adviser, I was well aware of the time and effort that went into this project.

The class members had many and varied careers. They were teachers and administrators — K-12 and university, lawyers, engineers, systems analysts, social workers, psychologists, pilots, accountants, career members of our U.S Armed Forces, owners of their own businesses, and others. One woman was an ordained Lutheran pastor. After serving in the U.S. Coast Guard, the committee co-chair had a 40 year career with the NYC Fire Department, retiring as Deputy Assistant Chief Of Operations. Both he and his son, now a lieutenant in the NYFD, were at the World Trade Center collapse. I wrote to him noting how impressed I was with the achievements of the class and hoping that we teachers played some part in their accomplishments. He replied, “What you guys did made a difference! Our successes were yours too!”

I hope that fifty years from now today’s generation of students will come to regard their teachers with the same gratitude and respect.
