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THE SOFT BIGOTRY OF LOW EXPECTATIONS IN CALIFORNIA'S HIGHER EDUCATION

By Keith Law



and community college systems. In our community colleges we also no longer test high school graduates for English language literacy and instead allow those who graduated high school with at least a grade-point average of a high "C" to enroll in college-level courses, including English composition. We used to provide remedial courses

Readers of this editorial may recall the story of Jaime Escalante (1930–2010) from the 1988 film *Stand and Deliver* starring Edward James Olmos (who was nominated for an Academy Award for his portrayal). Escalante taught math from 1974 to 1991 at Garfield High School in East Los Angeles, which at the time had a 99% Latino student population. Escalante refused to accept that his students couldn't excel at higher math.

Through the hard work of Escalante, other of his colleagues, and his students, Garfield was in the top 25% regarding seniors completing requirements for the University of California, and it ranked in the top 10% of schools with student bodies of comparable socioeconomic status.

Contrast the above story with current trends in California where completion rates as measured by college transfers, diplomas, and certificates have been historically low for black and Latino students. In the face of this disappointing data, instead of working harder to help these students excel, in the name of

equity we are increasing graduation rates by simply lowering academic requirements in order to make it easier to pass. I suspect California is not the only state taking this route.

In other words, in Escalante's world education was the key to success, and by the standards of our current misguided education leaders, the key is to grant diplomas with or without

W. Bush in a 1999 speech regarding his proposed education policy. I have profound disagreements with Gerson and Bush regarding their political beliefs generally, and education policies specifically; however, they were correct about this point. As Bush shared:

"No child in America should be segregated by low expectations,

"No child in America should be segregated by low expectations, imprisoned by illiteracy...some say it is unfair to hold disadvantaged children to rigorous standards. I say it is discrimination to require anything less — the soft bigotry of low expectations"

having achieved an actual college education. This is another way of saying that we are turning our public colleges into diploma-mills in the image of market-driven schools like The University of Phoenix and Arizona State University.

Republican speechwriter Michael Gerson first coined the term "soft bigotry of low expectations," which was then used by President George

imprisoned by illiteracy...some say it is unfair to hold disadvantaged children to rigorous standards. I say it is discrimination to require anything less — the soft bigotry of low expectations."

One recent example of the lowering of expectations in higher education occurred when intermediate algebra pre-requisites were dropped in the California State University (CSU)

for those who needed to improve their basic skills before they took transferable college courses.

To put this into perspective, I started my college education on the GI Bill after serving in the military. I tested at my local community college into remedial courses in both math and English, and I was pleased to have the opportunity to improve these basic skills in order to achieve my college education. Recently, by twisted logic, offering remedial math and English courses to help students improve became a form of discrimination, and cutting those resources and herding students into courses for which they are ill-prepared is now an exercise in civil justice.

One spokesperson for the lowering of expectations is California Community College Chancellor Eloy Ortiz Oakley who shared that intermediate algebra and remedial English courses are barriers for students of color. Another, former dean of the UC Berkeley School of Law Christopher Edley, considered removing the intermediate algebra requirement a [Continued on page 4](#)

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CPFA TALKS TO SENATORS FEINSTEIN & HARRIS & CALRTA ABOUT ELIMINATING THE WEP & THE GPO



By David Milroy

On Friday, June 28, 2019, members of the CPFA Executive Committee met with representatives for Senators Diane Feinstein and Kamala Harris regarding the Windfall Elimination Provision (WEP) and the Government Pension Off-set (GPO). These two regulations, which apply to Social Security payments, wreak financial havoc on public employees who receive a pension from work in the public sector (teachers, police, fire

fighters, etc.) that is not covered by Social Security. The Social Security Fairness Act of 2019, HR 141, is designed to address two provisions that reduce or eliminate Social Security benefits paid to public service employees (and their spouses) who spend most of their careers working for employers that do not participate in Social Security. HR 141 currently has 195 co-sponsors, with 43 from California. 290 is the magic number for co-sponsors because of a new rule put in place in January 2019 that states "...if a bill has 290 co-sponsors, it will automatically be up for consideration in committee and have a path to the House floor." Both Senators Feinstein and Harris have signed on as co-sponsors of H.R. 141, as have 40 Democratic and 3 Republican California representatives in the House.

Following the meeting with the Feinstein and Harris staffers, CPFA traveled to Sacramento where they met with the California Retired Teachers Association, CalRTA, which has been a major voice in the national movement to eliminate the WEP/GPO through legislation since the 1980s. The California [Continued on page 3](#)



(l to r) Kristie Iwamoto, Debra Dahl-Shanks, Rick Baum, Sue Broxholm, Carol Whaley, David Milroy, and John Martin at Dianne Feinstein's office.

WHAT IS THE WEP?

By David Milroy

The Windfall Elimination Provision was enacted in 1983 as part of major amendments designed to shore up the financing of the Social Security program. The reduction of the 90% factor to the 40% WEP formula factor was the result of a compromise between a House bill that would have substituted a 61% factor and a Senate proposal that would have substituted a 32% factor. The reason why Congress enacted the WEP was because Social Security benefits replace a percentage of pre-retirement earnings and that this benefit is weighted toward lower-paid workers. The formula provides individuals with low average lifetime wages a proportionally higher rate of return on their contributions to Social Security than do individuals with relatively high average lifetime wages. As a result, a lower-paid worker will receive a Social Security benefit equal to about 60% of their pre-retirement earnings. By contrast, a higher-paid individual has an average replacement rate of about 25%, because the more you earn, the smaller the percentage that SSA replaces.

Under the WEP, the 90% factor in the first bracket of the formula (\$1-\$926) is reduced to as low as 40%. The effect is to greatly lower the proportion of earnings in the first bracket that are converted to benefits. The maximum

WEP reduction for workers who become eligible in 2019 is based on the number of years of substantial earnings covered by Social Security. With 20 years or fewer, it is the maximum reduction of 40%. At 21 years = 45%, 22 years = 50%, 23 years = 55%, adding 5% per year to the formula until you hit 30 years or more when there is no reduction from the full 90% SSA rate on the first \$926. After \$926, SSA pays 32% of earnings over \$926 up to \$5,583, and 15% on everything over \$5,583 up to the maximum SSA tax level of \$132,900.

Before the WEP, workers who were employed for only a portion of their careers in jobs covered by Social Security—even highly paid ones—also received the advantage of the weighted formula, because their few years of covered earnings were averaged over their entire 35 years to determine the average covered earnings on which their Social Security benefits were based. The formula did not differentiate between those who worked in low-paid jobs throughout their careers and other workers who appear to have been low paid because they worked many years in jobs not covered by Social Security.

Proponents of the WEP maintain that the provision rarely causes hardship because the people affected are reasonably well off because by definition they also receive pensions from non-covered work. For example, someone with a larger pension from CalSTRS, like \$6,000 per month, and the same SSA pension of \$926, would lose only 5% of their total retirement since the WEP only affects the first \$926 of the SSA pension.

Opponents of the WEP believe the provision is unfair because it substantially reduces a benefit that workers may have included in their retirement plans. Others criticize how the provision works, saying that the arbitrary 40% factor in the windfall elimination formula is an imprecise way to determine the actual windfall when applied to individual cases, especially low-income workers like part-time faculty whose teacher's pensions may be very small.

The impact of the WEP on low-income workers is considered regressive for two major reasons. First, the WEP adjustment is confined to the first bracket of the benefit formula (\$926 in 2019) which causes a proportionally larger reduction in benefits for workers with lower average indexed monthly earnings (AIME) and benefit amounts. Second, a high earner is more likely than a low earner to cross the "substantial work" threshold for accumulating years of covered earnings and is therefore more likely to benefit from the provision that phases out the WEP for people with between 21 and 29 years of covered employment. The WEP also influences the teaching profession in general. Some individuals in SS-covered employment who might be considering making a career change and go into teaching in a state that is not covered by Social Security may be less likely to make the change once they realize that they will lose a portion of their Social Security benefit due to the WEP.

There has been a long history of legislation aimed at eliminating the WEP, enacted in 1983 and the Government Pension Offset (GPO), enacted in 1977, like the bipartisan Social Security Fairness Act of 2019 (H.R. 141) which would repeal the WEP and GPO. Previous bills that have been proposed have not progressed very far through the ratification process. While public employees say that it is unfair that they are financially penalized for their career choices under the WEP and GPO, opponents argue that repealing these provisions would over-correct the system too far in the opposite direction, making it unfair to those who never worked in the public sector. Still others point to the cost involved in repealing the WEP and GPO and the negative impact increased Social Security payments would have on an already stressed Social Security trust fund.

If you have 30 years of substantial wages covered by Social Security, then the WEP and GPO do not apply to you. However, as is the case with the vast majority of community college instructors, if you have fewer than twenty years of employment for which you paid into Social Security, then you are definitely going to be hurt by the WEP. Think of your "day-job" that you had until your teaching load increased enough to support you or those side jobs you had which helped pay the bills during high school, college and for the years before you started making enough to live on from teaching. The calculations can be rather daunting, but you can register with Social Security site to see exactly how much you earned over your lifetime that was covered by Social Security and calculate exactly how

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Contact: Jodi Baker, jodib@cos.edu

Mt. San Jacinto

Contact: Thom Milazzo, tmilazzo1@yahoo.com



UPTE supports AB 897 (Medina): Raising the Workload Cap to 85%!

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CHAIR'S REPORT

Since my last update, an important bill, [AB 897](#), was authored by Assemblymember Jose Medina (D-Riverside) to raise the 67% workload cap on part-time faculty in California's Community Colleges System to 80-85% of a full-time workload (Read the previous [Chair Report, fall 2018, online](#) for more on why CPFA supports raising the workload cap). AB 897 has been sponsored by the California Federation of Teachers (CFT) and co-sponsored by the Faculty Association of California Community Colleges (FACCC) and, yours truly, CPFA. Although the bill initially stalled in the Assembly's Appropriation Committee, it was eventually turned into a "two-year

bill." What this means is that AB 897 has been put on suspension until the end of the calendar year and will re-run the legislative process next spring, and that is very good news! CPFA will be in Sacramento to attend the hearings, walk the halls of the Capitol, and visit with legislators at every step of the way to ensure its final passage.

For reasons discussed fully in last fall's journal, CPFA supports any step in the right direction, even if this results in supporting piece-meal legislation. Of course, the ideal situation would be to eliminate the cap altogether, since it is a completely arbitrary and draconian law -- preventing part-timers from working in any one district more than 67% of a full-time workload is totally unprecedented. Nonetheless, CPFA's view is that any increase of this cap, no matter how small, should be considered progress.

Regrettably, not everyone is in agreement on this issue nor does everyone see it for what it truly is (more on this below). Part-time faculty issues have been politicized (yet again) with this bill, and the so-called "controversies" that surround it are being stirred up by just a couple of districts and statewide community college institutions, such as the Community College League of California, and the California Teachers Association (CTA) and the Community College Association (CCA). The League will not support it unless references to seniority are removed, and some very out-spoken full-time faculty leaders in CCA have so far stalled on this modest step. CCA's claim is that raising the cap will (apparently) do "more harm"

than the current cap, but perhaps this is because the closer to a full-time load we get, the more conspicuous the exploitation is! It is unfortunate that even some part-timers have opposed any move to raise the cap because they reason that by giving districts and local bargaining units

the flexibility to opt for raising the cap, which would thereby give part-timers the option to take on an 80-85% workload would (somehow) hurt their ability to keep their existing workload.

While CTA/CCA do not openly oppose the cap increase, they have (so far) failed to endorse it, and the absence of their support is frustrating.

To put it mildly, they are being overly cautious, maintaining there are too many "concerns" with the bill. However, rather than work bilaterally with CFT, the sponsor of this bill, to address their misgivings (as is the usual and appropriate way to go about it), CTA/CCA have taken an unprecedented approach: circumventing the bill's primary stakeholders and pushing their agenda through by way of unilateral talks with Medina's office. Ultimately, their decision to ignore CFT, CCCI, and FACCC's loyal partners on many community college issues and an equal member in the Council of Faculty Organizations (CoFO), is off-putting, to say the least, and is enough to give any reasonable person cause to be suspicious.

As co-sponsors, CPFA will continue to promote this bill because it is about much more than equity in the workplace; AB 879 is about improving the educational opportunities for

our students. With the flexibility to increase workloads of part-time faculty, the California community college system will be able to offer students more classes on demand and students will get more one-on-one support from their instructors, which as we all know goes a long way towards boosting student success.

Let's not forget that the California Community College of Independence (CCCI) and the University Professional & Technical Employees, CWA 9119 (UPTE) are also strong supporters of AB 879. Please consider contacting Kelly Reynolds (916) 319-2061 to show your support! Tell them that CPFA sent you. (If you do call, let me know!)

CPFA will have more updates on AB 897 in our next journal, spring edition, 2020.

Final Notes: CPFA has been active this summer, especially in regards to the Windfall Elimination Provision (WEP) issue. This federal law has been harming part-time faculty because many of us have been contributing to CalSTRS for most of our community college career and, while not contributing to Social Security (SS), did contribute before teaching or did so for work in the private sector. When one finally retires from CalSTRS, the SS benefits will be drastically reduced. For more on this topic, be sure to read the WEP story in this issue.

Last but not least, a warm welcome to our newest member of the CPFA Executive Council, Scott Douglas, who will be taking on the duties of Director of Membership, previously held by Carol Whaley. Carol has in turn taken on the position of Director of Publications—which, by the way, if you have enjoyed this fall's edition of the CPFA Journal, you should reach out and congratulate her on a job well done!



John Martin is the Chair of CPFA. You can contact John at jmartin@cpfa.org.

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"CPFA Talks to Senators Feinstein & Harris & CalRTA About Eliminating The WEP & The GPO"

Retired Teachers Association (CalRTA) has 40,000 members and represents more than 280,000 retired educators and their beneficiaries in the California State Teachers' Retirement System (CalSTRS) in the fight to repeal the WEP and GPO which are unfair penalties that target retired teachers in 15 states, including California.

CPFA met with CalRTA President, Dr. Jim Mahoney; CalRTA State Government Relations Chair, Susan Dixon; CalRTA Executive Director, Angelique Hill; and CalRTA Legislative Advocate, David Walrath.

CalRTA is spearheading the California movement to pass H.R. 141 here in California as well as working with organizations in other states affected by the WEP and GPO. David Walrath traveled to Washington, DC, on June 30, 2010, where he testified before the National Commission on Fiscal Responsibility and Reform and explained to them how the Social Security penalties, the Windfall Elimination Provision (WEP) and the Government Pension Offset (GPO),



(l to r) Carol Whaley, Rick Baum, Debra Dahl-Shanks, Senator's Regional Representative Obai Rambo, John Martin, Kristie Iwamoto, David Milroy, Sue Broxholm at Senator Kamala Harris' office.

have a devastating effect on retired educators.

CalRTA has a constant campaign to convince California's few remaining congress members who have not yet signed on to support H.R. 141 to do so. They include Doug LaMalfa, Tom McClintock, Devin Nunes, Kevin McCarthy, Maxine Waters, Katie Porter, and Lou Correa. Both Tony Cardenas and Nanette Diaz Barragan have not yet signed, however, they have both

previously cosponsored WEP/GPO repeal legislation. CPFA will do all we can to help with this campaign by sending letters to each of these representatives. Go to CalRTA.org for further information on becoming a CalRTA member and on ways you can help promote the passage of H.R.141.

David Milroy is CPFA's Director of Administration. David can be reached at dmilroy@cpfa.org.

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 "What is the WEP?"

many "quarters" you have earned. 40 quarters with at least some SSA covered income is the minimum to be eligible to collect any Social Security pension at all. Social Security calculates your projected monthly retirement benefit based on the income that they could see, they do not know that you also worked for a public service, which possibly qualifies for a pension (CalSTRS). They calculate your 35 years (or lifetime income) as the amount you earned during your work covered by Social Security and pay you the higher 90% as a boost for your perceived low-income. It is this "wind-fall" that the WEP was intended to "correct" and can result in your \$1,000 CalSTRS pension being the reason why your Social Security payment may be reduced by up to \$463! According to the SSA, the WEP "protects" you if you get a low pension. They will not reduce your Social Security benefit by more than half of your pension for earnings on which you did not pay Social Security taxes. If you have a projected SSA pension of \$926 per month and a STRS pension of \$741, for a total projected retirement pension of \$1,667, you will lose \$370.40 from your SSA pension due to the WEP. This calculates as both half of your STRS

pension and 40% of your SSA. You are left with an actual combined net monthly pension of \$1,301, or a loss of 22% of your total retirement. After your Medicare payment of \$135 is paid out from the \$695 you have left from SSA after the WEP reduction, you will actually only receive \$560 from SSA. Your actual combined net monthly pension will be \$1,166, or about 70% of the amount you thought you would have to retire on each month. Time to reexamine that retirement budget!

For more information on the WEP, just click on the links provided below to go directly to the page containing information concerning WEP, or check out these sites:

- Social Security Administration - www.ssa.gov
- Social Security Fairness - ssfairness.org
- H.R 141 - www.congress.gov
- NEA - www.nea.org
- AFT - www.aft.org
- CalRTA - calrta.org

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matter of civil rights as black and Latino students failed to pass at higher rates.

The problem is that these students were forced to take remedial courses because, unlike Escalante's students, they graduated from our high schools without having college entrance competency in math or English. So, now college lecturers and professors are expected to take these same students into their college courses even though many can't solve basic math problems, read a textbook, or write a proper paragraph. This means these students either fail in droves or teachers will be forced to dumb classes down to "reach the new student population" so they can pass.

The final nail in higher education's coffin is the Governor Brown-era education budgeting that created performance-based funding for college districts. This ties a percentage of a college's funding to its ability to achieve expected completion rates, just in case the lower expectations are not enough to do the job. In other words, a district will be paid money to pass students, which means faculty raises will likely be possible only by passing more students.

I currently teach college transfer English, humanities, and philosophy

courses at a community college in the Central Valley of California, where I am witnessing the negative effects of the lower literacy of students. I suspect my experience is shared by many college lecturers and professors throughout the country where similar policies are being legislated.

Not only do my students have high school diplomas, but they have all also completed their college-level English composition courses with a "C" or higher. Even though this is the case, many still cannot read and respond in writing to college-level texts. I now have students in college transfer courses who not only can't write an essay, but several don't understand English well enough to follow basic instructions. Recently, two of these students shared that they took their college-level English composition course at their high school where they both received an "A" even though they can't read or write anywhere near college level. Community colleges are forced to provide our courses in the high schools by another Governor Brown era initiative.

Many of these students take their college courses online which means no one knows if they are even the ones doing the work. In another misguided move, Governor Brown also initiated an all-online statewide community college even though it is well known that online courses do not work for community college students as too many lack basic skills.


For a more concrete example, each semester I give an assignment to read, outline, then write a summary of an editorial that is aimed at a college-educated readership. The skill of reading and summarizing academic texts was an assignment for remedial English courses, so this assignment is below the skills expected of students who have successfully completed college-level English composition. Even so, more than 50% of my students cannot complete the assignment with a "C" or higher grade.

The hurdles are great for those of us who teach in the Central Valley of California. Recent research ranked the Hwy 99 corridor that includes Stockton, Fresno, and Bakersfield among the lowest in the nation in literacy. Teaching students among our population to read and write scholarly compositions is a tough job, but it is the job for which we signed up.

Contrary to Escalante's recipe of hard work, the system is now set up to make life easier for teachers and students alike, while administrators and politicians will be able to point to increased graduation rates as a sign of our success. The end result will be masses of relatively illiterate people who possess college diplomas that give a false impression. Is this not moving closer to the world of Donald Trump who once owned a fraudulent diploma-mill?

Keith Law is a Lecturer of Philosophy and Humanities at Merced College where he has taught for nearly 30 years. He was the President of his local CTA/CCA chapter and a Statewide CTA/CCA Board member for 6 years. During his service, he was a strong advocate for part-time faculty issues.


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Membership Application & Renewal Form

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On behalf of nearly 40,000 part-time faculty working in the California Community Colleges System, CPFA would like to take this opportunity to ask you to consider becoming a Sustaining Member if you are a full-time and/or full-salaried employee. Your membership dues go a long way towards improving the quality of education and advocating for fair working conditions in the state of California. Thank you for your contribution and support.

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FOR QUESTIONS OR FURTHER INSTRUCTION ON THE MEMBERSHIP APPLICATION PROCESS:
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 at membership@cpfa.org or call (916) 572-CPFA (2732)