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

By Keith Law

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 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 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 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, 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.”

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WHAT IS THE WEP?

CHAIR’S REPORT

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 Offset (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
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 who was 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 CaSTRS, 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 argue that 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 (AIMI) and benefit amounts. Second, a higher earner is more likely than a lower 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 negotiate 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 out that the cost involved in repealing the WEP and GPO and the negative impact increased Social Security payments would place 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 website to see exactly how much you earned over your lifetime that was covered by Social Security and calculate exactly how much Social Security benefits you are entitled to receive.
Since my last update, an important bill, AB 897, was authored by Assemblymember Josef Medina (D-Riverside) to raise the 67% workload cap on part-time faculty in California’s Community College 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 run the legislative process next spring, and that is very good news! CPFA will be present 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 is 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 a step in the right direction.

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 outspoken full-time faculty leaders in CCA have so far stalled on this modest step. The justification 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 897 is about fully opening 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 897. 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.
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
- HLR 141 - www.congress.gov
- NEA - www.nea.org
- AFT - www.aft.org
- CalRTA - calrta.org

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

California Part-time Faculty Association
Advocate, Educate, Legislate

Membership Application & Renewal Form
BY CASH / CHECK

I. PERSONAL INFORMATION (PLEASE PRINT LEGIBLY)

FIRST NAME: ___________________________ ME: ___________________________
LAST NAME: ___________________________
PHONE: ___________________ EMAIL: ___________________________
ADDRESS: ___________________________
CITY: __________________ ZIP: ______________________
COLLEGE / DISTRICT: __________________ DEPARTMENT: __________________
RENEWAL (check one): ☐ Yes ☐ No APPLICATION DATE: __________________

II. CHECK MEMBERSHIP LEVEL

REGULAR……………………………………………………………………………………………………… $40.00
SUSTAINING……………………………………………………………………………………………….. $100.00
INSTITUTIONAL…………………………………………………………………………………………… $500.00

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.

III. SUBMIT FORM

PLEASE INCLUDE YOUR PAYMENT & MAIL THIS APPLICATION TO:
CPFA Membership
PO Box 1836
Sacramento, CA 95812

IMPORTANT INFORMATION:
PLEASE MAKE CHECKS PAYABLE TO THE "CALIFORNIA PART-TIME FACULTY ASSOCIATION" OR "CPFA"

FOR QUESTIONS OR FURTHER INSTRUCTION ON THE MEMBERSHIP APPLICATION PROCESS:
Please contact CPFA's Director of Membership at membership@cpfa.org or call (916) 572-CPFA (2732)

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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 I have 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 were even taught 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 initiative.

Many of these students take their college courses online which means no one knows if they are even 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 there are many lack basic skills.

For a more concrete example, each semester I give an assignment to read, outline, then write a summary of an article that is aimed at a college-educated reader. 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 who read and write comparatively 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.