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Special Edition: Diversity & Inclusion

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LETTER FROM THE EDITOR

Dear Reader,

We proudly present to you to the 2016-2017 special edition of The Wagner Review, the student-run academic journal of the Robert F. Wagner Graduate School of Public Service at New York University. This edition continues the tradition of publishing student work that truly reflects the variety of policy areas and writing assignments that students complete while attending NYU Wagner. Recognizing that our students produce a large amount of short research papers and policy memoranda en route to becoming effective communicators in their respective careers in public service, we have broadened the scope of eligible submissions to include these forms of writing.

This year's special edition is comprised of works centered around the theme of our first ever memo competition: diversity and inclusion. This publication begins with two academic research papers that take a deep dive into the areas of school vouchers and paid family leave. These are followed by two short memos about diversity and inclusion in the arts industry and institutions of higher learning.

The mission of the Wagner Review is to promote dialogue on a wide range of issues related to public service and to provide an outlet showcasing the fine scholarship that exists within the NYU Wagner community. We do this by publishing original peer-reviewed research, analysis, and commentary from a diverse group of students that reflects the academic programs offered and research conducted at NYU Wagner.

We are grateful to the writers who submitted pieces and our staff who served as editors. We would also like to thank the Wagner Student Association and the NYU Wagner Administration, particularly our faculty sponsor, Brooke Capps.

We hope you enjoy reading.

Sincerely,
The Wagner Review Executive Board

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MISSION

The Wagner Review is the student-run academic journal of the Robert F. Wagner Graduate School of Public Service at New York University.

The Wagner Review promotes dialogue on a wide range of issues related to public service by publishing scholarly writing that includes original research, short papers, and policy memoranda from students and alumni that reflect the diverse range of academic programs offered and scholarly research conducted at NYU Wagner. In support of this mission, *The Wagner Review* publishes online editions of the annual student journal. Visit us on the Web at www.thewagnerreview.org for more information, and to read opinion-based commentary, book reviews, and feature articles.

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The Wagner Review

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SCHOOL VOUCHERS: A VEHICLE TO INDUCE GREATER COMPETITION AMONG PUBLIC SCHOOLS

Julianne Bozzo

ABSTRACT The purpose of this paper is to argue that current research on school voucher programs misses a crucial point about the variability of vouchers' effectiveness across school districts. Most research on school vouchers analyzes the effect of voucher programs on student achievement without engaging in a more fine-grained analysis to assess which districts see student success and which do not. This article seeks to correct course by synthesizing various strands of the leading research studies to conclude that vouchers have the strongest impact on the lowest- and highest-performing public-school students and in the most competitive school districts. Analyses of this sort—which avoid one-size-fits-all conclusions about the relationship between vouchers and educational outcomes—will prove increasingly useful in a political climate that seems ripe for educational reform, especially as the presidential administration pursues an agenda centered on school choice.

Since the federal government first became highly involved in education with the passage of the Elementary and Secondary Education Act (ESEA) in 1965, many education reforms and policies have been proposed, debated, and implemented across the United States in an effort to improve our nation's stagnant education performance. School choice policies, which give parents the ability to choose which school their child attends, are one set of policies that have become increasingly controversial. Consequently, these policies have been widely studied in an attempt to determine their impact. There are several different types of school choice policies, and states have taken a variety of approaches to implement them. Looking at different policies in different states, researchers can effectively draw conclusions about their strengths and weaknesses. In this paper, I am going to study school vouchers, which are one particular form of school choice. I will review the history and relevant literature for voucher programs in Ohio and Florida to determine whether school vouchers create a more competitive environment for public schools. Then, I will discuss the implications of this competition (if it exists) and whether or not it can lead to improved academic outcomes for students. Finally, I will analyze the future of voucher programs in the U.S. I conclude that results of voucher studies are far from conclusive, and the design of the voucher programs and their target populations are crucial. I find that voucher systems are more effective at improving performance among certain students and in specific areas. Specifically, voucher programs have the strongest impact on the lowest and highest performing public school students and in the most competitive school districts.

Currently, there are four main types of school choice policies in the United States: education savings accounts (ESAs), tax-credit scholarships, individual tax credits and deductions, and vouchers.¹ First, with an ESA, parents receive funds from the government in the form of a savings

account if they withdraw their children from a public or charter school.² The funds can be spent on private school tuition, online educational programs, tutoring, or therapy services. The rationale behind ESAs is that parents can use the funds to meet the needs of a child whose needs are not being met in a traditional public or charter school. The first ESA program was passed in 2011 in Arizona, and today, five states have ESA programs serving 6,850 students.³ Second, under the tax-credit scholarship programs that were first passed in 1997, individuals receive tax credits when they contribute to a nonprofit that provides scholarships for students to attend a private school; the amount of the tax credit is determined by each state and capped at a certain maximum.⁴ Fifteen states have tax-credit scholarship programs benefitting 226,000 students.⁵ Third, individual tax credit and deduction programs in five states provide parents with tax deductions if they spend money on certain approved educational supplies or services, including private school tuition, tutoring, or textbooks.⁶ Finally, there are currently twenty-six school voucher programs in fifteen states throughout the U.S.⁷ These programs provide a publically funded scholarship in the form of a "voucher," which students can use to pay for part or all of their private school tuition after transferring from a public school. These four forms of school choice all have the same aim: to give parents greater control of where their child attends school and how their child's education dollars are spent. In this paper, I am going to focus specifically on vouchers.

There is currently a partisan divide over voucher programs. Opponents argue that academic outcomes do not improve for voucher students, and low-performing students are left behind in public schools when students whose parents understand the voucher system take advantage and enroll their child in a private school using a voucher. These critics also argue that vouchers lead to corruption in schools as they try to avoid losing students, sometimes by resorting to illegitimate means such as cheating on

standardized tests.⁸ On the other hand, proponents contend that vouchers lead to greater competition among public schools, which encourages schools to make improvements. This is the main argument that voucher supporters make, so this is the argument I am going to examine in this paper. Policymakers argue that vouchers increase competition among schools and improve students' academic outcomes because under a voucher system, funding follows the student based on his or her preferences (or his or her family's preferences).⁹ In the current system, the government provides funds directly to public schools based on the number of students who live in a particular school's district, and students must attend a certain public school if they live in that particular school district. If a student decides to leave the public school and attend a private school instead, the student's family must pay for the private school tuition out-of-pocket, unless the private school is free. The funding that this student would have ordinarily received at a public school remains at the public school, regardless of whether the student is enrolled there. The funding that a school receives does not usually fluctuate much from year to year, even if enrollment declines. Under this system, there is no incentive for public schools to ensure that their students stay enrolled because the public school receives the same amount of funding regardless. Voucher systems allow students to leave their public school and take their funding with them to a private school.¹⁰ Under a publically funded voucher system, schools have an incentive to compete to enroll the most students and receive more funding. Proponents argue that if a school loses students, it will be subject to criticism and scrutiny and may be forced to make cuts due to funding deficiencies. Policymakers hope that competition will encourage all schools to adopt effective policies and curricula, which will lead to improved academic performance and test scores for students in both public and private schools.

Previous studies have looked at many

different elements of various voucher programs. A recent study of Louisiana's voucher program found small positive increases in test scores due to competitive threats; this study also concluded that public schools with the highest competitive threat produced the most significant outcomes in terms of increased performance.¹¹ Another study analyzed an increase in competitive pressure on schools that participated in Milwaukee's voucher program after eligibility requirements changed and quadrupled the number of students that could receive vouchers. The study found that the means-tested Milwaukee Parental Choice Program led to statistically significant increases in test scores for public school students.¹² One study of Florida's Opportunity Scholarship program found that when schools were subject to greater competition, they made significant changes to their instructional practices, which increased test scores.¹³ Another study of Florida's McKay Scholarship Program for Students with Disabilities found that public school students had statistically significant increases in test scores as more nearby private schools became eligible to participate in the voucher program.¹⁴ Many studies in the literature found both small and large increases in the academic performance of public school students due to the increased competition fostered by voucher programs. My paper will determine whether similar results are found for Ohio's Educational Choice Scholarship Program and Florida's Tax Credit Scholarship Program.

The first voucher system I am going to analyze is the Educational Choice Scholarship Program in Ohio. Ohio has four other educational choice programs targeting low-income and special needs students. The Educational Choice program, passed in June 2005, provides voucher scholarships for students who live in districts with poorly performing public schools. Children from kindergarten to eighth grade can receive scholarships of \$4,650, and high school students can receive scholarships for \$6,000.¹⁵ The Supreme Court upheld the

Educational Choice program in 2002, stating that the program did not violate the Establishment Clause.¹⁶ The plaintiffs in the case argued that the Educational Choice program violated the separation between church and state, allowing the government to provide public funds directly to religious institutions if a student used a voucher to attend a religiously affiliated school. However, the Court concluded that religious schools only received public funds "by way of the deliberate choices of numerous individual recipients" and noted that "the incidental advancement of a religious mission...is reasonably attributable to the individual aid recipients not the government."¹⁷ The program has continued to grow since being upheld by the court. This past school year, the program served over 21,000 students at 472 schools.¹⁸

The Educational Choice program has undergone several changes over the years. When it was first passed as a pilot program in 2005, students who were enrolled in schools that received an "F" letter grade from the state Department of Education for three consecutive years were eligible to receive a voucher.¹⁹ In 2006, the program was amended to provide vouchers to students who attended schools that received either a "D" grade or an "F" grade for the past three years. When the program was fully implemented in 2006, only about 2,000 students participated, causing lawmakers to expand eligibility yet again. According to the new criteria, students at schools that received "D" or "F" grades in two out of the past three years were eligible for a voucher. This led to a significant increase in eligibility, and about 6,800 students used a voucher to attend a private school during the 2007-08 school year.²⁰ Based on these changes in eligibility criteria, Matthew Carr conducted a study of the competition produced under Ohio's voucher program. He also found that there was a wide variation in the amount of funding a school lost after students began using vouchers to leave their public schools. However, most of the funding decreases were substantial, and in 2011, schools lost from \$4,000

to \$5.9 million after students became eligible for vouchers.²¹

Carr used school-level information from the Ohio Department of Education's website from 2002-08, and he looked at reading and math scores for fourth- through sixth-grade students. Specifically, he used a school-level fixed-effects regression to study the percentage of students scoring at the limited proficient, above proficient, or advanced proficient levels at public schools that were threatened by voucher programs, meaning the students would receive vouchers the following school year if the school's letter grade did not improve from a "D" or "F." He controlled for school quality (by including dummy variables for the letter grade the school received), the proportion of white, disadvantaged, and special needs students in the school, and the school's NCLB quality label.²² He also included a dummy variable to control for the negative stigma a school may receive after earning a low letter grade from the Ohio Department of Education. He did not control for any other school characteristics, such as class size or per-pupil spending, because of conflicting data about whether these conditions are tied to test scores. Finally, since he used a fixed effects regression, he was able to control for any unobservable heterogeneities from school to school.

Ultimately, Carr finds that when voucher programs threaten schools, their fourth-grade students' reading proficiency rates increase by about 2.7 percentage points, meaning an additional 2,150 students score at the proficient level, which is statistically significant.²³ Conversely, proficiency rates on fourth-grade math tests and sixth-grade math and reading tests did not increase by statistically significant amounts at voucher-threatened schools. In this analysis, Carr first looks only at the difference between the number of students who score above and below proficient. However, Carr also takes a closer look at disaggregated data, and the results for the percentage of students scoring at limited and advanced proficiency tell an entirely different story. The

percentage of students scoring at a limited proficiency level on fourth-grade math tests and sixth-grade reading and math tests decreased by statistically significant amounts; below proficiency rates on reading tests for fourth-grade students increased by a statistically significant amount.²⁴ The variable for negative stigma was also statistically significant, meaning that low grades from the Ohio Department of Education could be spurring improvements as well. Finally, the percentage of students scoring above proficient increased by a statistically significant amount on fourth-grade math and reading exams and on sixth-grade reading exams, and the percentage of students scoring above proficient on sixth-grade math exams decreased by a statistically significant amount.²⁵ It is also important to recognize that Carr tested for and did not find significant evidence of regression to the mean, which is often a concern in voucher studies. Therefore, based on Carr's study, voucher-threatened schools saw significant changes in the percentage of students scoring at the lowest and highest levels on tests (limited and advanced proficiency).

Carr's study of Ohio's Educational Choice program demonstrates that when schools face the threat of a voucher system, they are more likely to focus their efforts on the students performing at the margins since "the motivated high performers and the disaffected low performers" are most likely to use a voucher to leave their public school during the following school year.²⁶ The students who are satisfied and performing at an average level will most likely not be motivated to use a voucher to change schools. The lowest performers who are concerned with their performance will be more likely to seek out a better school where their performance can improve, and the highest performers will be motivated to ensure they are receiving the best education possible. Therefore, under Ohio's voucher program, voucher-threatened schools seemed to focus their efforts particularly on the extreme students who were most likely to use a voucher.

Florida's means-tested Tax Credit Scholarship Program offers another case study about the use of school vouchers. Under Florida's program, students from kindergarten to fifth grade can receive a scholarship in the form of a voucher if they are enrolled in a public school and receive free and reduced price lunch, meaning their family income is 185 percent of the federal poverty level or less.²⁷ In contrast to Ohio's voucher program, the vouchers are means-tested and structured to target low-income students. This past school year, over 78,000 students participated in the program at over 1,500 schools, and they received scholarships of about \$5,367 each.²⁸

David Figlio and Cassandra Hart conducted a study of Florida's Tax Credit Scholarship program in 2014. Figlio and Hart collected data from the Florida Department of Education, which organizes an Education Data Warehouse. This warehouse contains data on test scores and personal characteristics for all public school students in Florida. The authors also gathered test scores from the Florida Comprehensive Achievement Test during the 1998-1999 and 2006-2007 school years.²⁹ Florida's voucher program was passed in 2001 but not implemented until the 2002-2003 school year. This allowed Figlio and Hart to use a fixed effects difference-in-differences regression to investigate how test scores changed after the tax credit scholarship program was first announced and all public schools had one year to improve performance before the program was officially rolled out.³⁰ The authors hypothesized that although all schools would be subject to a new level of pressure, public schools in closer proximity to private schools would have an even more significant incentive to improve.³¹ By looking just at one year of data before the program was actually in place, the authors were able to isolate the effect of competitive pressures alone.

The study used several different measures to assess how much competition a particular public school faced when threatened with a voucher

program. First, the authors determined the distance between each public school and the closest private school that could potentially be a competitor.³² Second, the authors counted the number of private schools that were within a five-mile radius of each public school. They also counted the “number of distinct types of private schools within five miles,” so they could measure both the “density” and “diversity” of competitive pressures a public school will face.³³ They labeled ten types of private schools, most of which were religious. Last, Figlio and Hart measured how many churches, synagogues, and mosques were located within five miles of a particular public school.³⁴ This measure was employed because religious buildings can easily be used to start new religious schools, and the number of religious buildings in an area can indicate the religiosity of a community.³⁵ Therefore, Figlio and Hart argue that towns with high numbers of religious buildings will face greater competition in a school voucher market than towns with fewer religious buildings. The authors controlled for the year, student demographics in each school (such as gender, race, and the percentage of English Language Learners and students eligible for free and reduced price lunch), and school characteristics (such as what grades the school served).³⁶

Additionally, Florida had a school grading system in place, called the A+ Accountability Plan, which is similar to Ohio’s school grading scheme. However, Florida’s school grading plan was entirely separate and not tied to its voucher program since voucher eligibility is determined by income level and not school quality. Figlio and Hart concluded that the negative stigma associated with a low letter grade did not bias their results or affect their analysis because only 74 schools out of the 2,300 that they studied received an “F” grade. Therefore, the possibility of negative stigma from a low grade did not compromise the authors’ conclusions about increased competition and its effects on student test scores.³⁷

Ultimately, Figlio and Hart found that public schools in highly competitive school districts (with high numbers of nearby private schools and religious institutions) had a greater incentive to improve, and therefore, the test scores of students in these schools increased by the largest amounts compared to test scores in less competitive districts. The authors concluded that an increase of one standard deviation in any of the competition measures (number of private schools and religious institutions within a five-mile radius) led to an increase in test scores between 0.015 and 0.027 standard deviations.³⁸ They argue that although the magnitude seems small, there is still a positive and statistically significant relationship between the level of competition in a school district and the students’ academic performance.

Figlio and Hart also hypothesized that schools that receive federal Title I aid had the greatest incentive to improve and avoid losing voucher students.³⁹ Districts allocate Title I dollars according to a ranking of schools based on their concentration of low-income students, and the highest-poverty schools receive the most Title I funds.⁴⁰ Therefore, if a school loses enough low-income students under Florida’s means-tested voucher program, it will lose its Title I funding as well. Consequently, schools that are on the threshold of receiving Title I aid face the greatest funding consequences and have the greatest incentive to improve their performance. To test their theory, Figlio and Hart divided up the schools and looked at schools that would lose Title I funding if they lost just a few Title I students after the voucher system was implemented. They found that these schools responded the most to the threat of a means-tested voucher program.⁴¹ Finally, the authors found that the impact of competition gets stronger over time, and schools that were subject to greater competitive pressures were also more likely to adopt certain reforms, including experimenting with different scheduling techniques (such as block scheduling) and relying less

on traditional qualifications when hiring teachers.⁴²

One caveat that Figlio and Hart identify is that since their study was conducted before the voucher program was implemented, their conclusions may not apply once programs are actually put into place. However, it is likely that competitive pressures will only increase once the program is fully implemented.⁴³ Additionally, another limitation is that the voucher program in Florida may have had such a high level of success because 90 percent of the students living in the state live in twenty of the largest cities in Florida.⁴⁴ States with larger rural populations may not experience similar positive results with voucher programs because competition may be less intense in rural districts where schools are located farther apart from each other. Additionally, Florida has a particularly high number of private school options, meaning that competition between public schools may be more intense than in other states.⁴⁵ Nonetheless, Figlio and Harts' study proves that competitive pressures are effective at improving performance, particularly among schools in highly competitive districts and in Title I schools that face the greatest threat of losing a large amount of funding.

The studies I analyzed in this paper looked at the results of voucher programs for students at different achievement levels and for schools facing different amounts of competitive pressure. Instead of focusing on the academic outcomes of voucher recipients, these papers looked at outcomes for public school students who either were not eligible to receive vouchers or did not yet receive vouchers. Based on these studies, I conclude that a voucher program's design and target population are critical when determining whether it will lead to increased test scores and improved academic performance. The competition fostered under Ohio's Educational Choice Program incorporated the negative stigma that arose when a school achieved a low letter grade, while Florida's Tax Credit Scholarship program did not incorporate a school-grading scheme.

Ohio's program targeted students at low-performing public schools, while Florida's program was directed at low-income students. Both programs were effective, but in different ways. Ohio's Educational Choice Program led to increases in academic outcomes for the lowest and highest performing public school students, or the students who were most likely to use their voucher to change schools. Florida's Tax Credit Scholarship Program increased competition and led to improved academic outcomes in public schools that were most likely to lose their Title I funding if just a few Title I students used a voucher. In Ohio, voucher students predominantly came from only four school districts: Cincinnati, Columbus, Dayton, and Toledo.⁴⁶ In Florida, most students live in twenty large cities. Therefore, in both states, highly competitive environments with a high concentration of voucher students saw the most significant improvements in public school performance and student academic outcomes.

However, there are several problems that proponents may encounter if they continue to advocate for the increased competition provided under voucher programs. There are several negative consequences to increased competition that must be considered and addressed for voucher programs to be considered a success. First, all of these studies relied solely on test scores as a measure of academic performance. There are few major studies that investigate how voucher programs affect the cognitive, social, and emotional development of students. These measures can also be used to assess how students are developing and performing in school.

Second, teachers and schools may resort to cheating and altering student test grades as they become subject to greater pressure from school administrations to improve student performance. For example, several education officials were forced to resign in Ohio after it was revealed that some charter schools' failing letter grades were deliberately excluded from evaluations.⁴⁷ Not only will teachers be under greater pressure to

alter student grades, but school officials will also be subject to greater scrutiny based on the letter grade that their school receives. This pressure may cause officials to resort to changing letter grades so that students do not become eligible to receive vouchers. Therefore, moving forward, greater oversight and regulations must be used to ensure that teachers and schools are not altering grades.⁴⁸ In addition, as schools compete with each other to increase test scores, individual students may begin to feel pressure.⁴⁹ Out of fear of losing funding or their jobs, school officials will continue to place even greater pressure on students. Students may be more likely to suffer from depression and stress. Therefore, future studies of voucher programs should also look at other measures of student success and well-being.

In the future, voucher proponents must remember that most previous voucher studies have found that programs are successful at increasing competition and student academic outcomes but only in certain instances and for specific target populations. Voucher programs are not an education reform that will work for all student groups and for all states, and vouchers will not be the panacea that will help all low-performing students to catch up. Moreover, some precautions must be taken to ensure that heightened scrutiny and competition do not lead to negative unintended consequences, such as cheating by teachers and administrators, and increased stress and depression for students. Despite these limitations, greater competition has led to increases in student performance and test scores in public schools in both Ohio and Florida, particularly for certain schools and groups of students. Future studies and efforts should continue to identify the distinctive populations and contexts that can successfully use vouchers to foster greater competition and promote improvements in educational performance, particularly for vulnerable populations.

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PAID FAMILY LEAVE IN NEW YORK STATE: THE NEW STANDARD BEARER

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ABSTRACT This case study begins by providing an overview of arguments for guaranteed paid family leave and the history of such laws in the United States, as well as a detailed look at efforts to enact paid family leave in New York State. This case study also documents the political shifts that finally allowed these efforts to succeed. Finally, we raise some lessons learned from the New York paid leave story for others trying to pass paid leave laws, and raise some unanswered questions about why this story played out the way it did.

INTRODUCTION

In April 2016, after over a decade of legislative and advocacy efforts, New York State Governor Andrew Cuomo signed a law enacting guaranteed paid family leave for almost all New Yorkers. New York State defines its paid family leave program as providing “wage replacement to employees to help them bond with a child, care for a close relative with a serious health condition, or help relieve family pressures when someone is called to active military service.”¹

New York became one of only five states in the country (plus Washington, D.C.) However, advocates found it deeply frustrating that it took so many years to pass this law in a liberal-leaning state. This case study seeks to explore what made New York’s context so fertile for building a strong coalition of paid-leave supporters, but so inhospitable for moving the campaign along to completion. In the end, paid family leave was able to pass in large part due to a strong, public embrace from Democratic Governor Andrew Cuomo. Therefore, we consider why Cuomo took on paid family leave as a signature issue, and why it took so long to happen.

PAID FAMILY LEAVE AS A ROUTE TO HEALTH AND ECONOMIC EQUITY

A strong body of evidence has shown that paid family leave is crucial to overcoming health and health care disparities, especially among vulnerable populations who experience greater economic inequality and job insecurity, both of which directly affect health.² There is strong evidence for the medical benefits of paid family leave from the United States and abroad.

New parents are frequent users of paid family leave, which has multiple benefits for both parents and children. First, it decreases parents’ stress about job and economic security, allowing new parents to focus energy and time on caring for their infant.³ Second, paid family leave allows for preventive

care of infants, as parents are able to make routine well-child visits and obtain vaccinations. For example, Hajizadeh, et al. found a positive correlation between extending the duration of paid family leave and increased rates of administering the diphtheria-tetanus-pertussis (DTP) vaccine. Paid leave also provides parents more time for familial bonding, and leads to increased breastfeeding rates,^{5,6,7} both known to positively impact early child development.

Multiple studies have demonstrated the benefits of paid leave on infant and child mortality. For example, Ruhm’s study of 17 European countries found that decreases in infant mortality rates were associated with stronger paid family leave policies.⁸ Tanaka studied the effects of any type of leave (paid or unpaid) on child health outcomes across Organization for Economic Co-operation and Development (OECD) countries and found a positive correlation between more family leave and health outcomes for infants and children.⁹

Family leave is also significant for individuals – especially those from historically disadvantaged communities – who need to care for an older child or adult relative. According to DeRigne et al., employment-related paid leave varies across races, with Hispanic families having less access to this benefit.¹⁰ They found that people without paid leave were less likely to take time off to address the health care needs of a sick or injured family member compared to people with paid leave benefits. In the same study, the authors note that although evidence is limited for now, the provision of paid leave may positively affect employee productivity and employee retention.

HISTORY OF PAID LEAVE IN THE UNITED STATES

New York was the fifth state in the country to pass a paid family leave law. Four of these states, like New York, created paid family leave legislation on top of existing Temporary Disability Insurance (TDI)

laws, which allow for workers to take time off for their own illness or other temporary disability. States who pass paid family leave in connection with an existing TDI bill have been able to save on major startup costs by using existing infrastructure. This has been a main selling point for budget hawks and concerned administrators.¹¹ Details on paid family leave laws in other states are provided below, as a point of comparison for New York's law.

CALIFORNIA (2002)

In 2002, California became the first state in the U.S. to implement guaranteed paid family leave.¹² State Senator Sheila Kuehl introduced the novel concept of expanding the state disability insurance program to provide paid family and medical leave.¹³ Launched in 2004, it provided for up to six weeks of paid leave in order to care for a sick child, spouse, parent, or domestic partner, or to bond with a new child (by birth, adoption, or foster care). The law is 100% funded by employee payroll contributions and provides for up to 55% of the weekly wages an employee might have otherwise received. However, it does not offer workplace protection (i.e., guaranteed right to return to your job). Those rights are secured under other legislation such as the California Family Rights Act and the national Family and Medical Leave Act.

WASHINGTON (2007)

Washington State passed paid family leave legislation in 2007. Originally slated to begin in 2009, implementation is still on hold due to budget issues.¹⁴ Once fully enacted, the law would provide five weeks of paid family leave annually. Compared to the California and New Jersey legislation (see below), the Washington law is narrower in scope, only applying to care of a new child by birth or adoption. It also provides a flat rate weekly wage of \$250, no matter the pre-existing employee wage. Unlike in California, Washington provides workplace protections during the leave time. Finally, Washington is the only

state whose family leave law did not build on an existing Temporary Disability Insurance infrastructure.

NEW JERSEY (2008)

In 2008, Governor Jon Corzine signed the Family Leave Insurance Program, assuring up to six weeks of paid leave in any twelve month period for the care of a new child or sick family member.¹⁵ Unlike California, it provides for up to two-thirds of the average weekly wage up to a predefined maximum weekly benefit. Paid leave in New Jersey is an extension of an existing TDI program.

RHODE ISLAND (2014)

Rhode Island expanded its TDI program to enact paid family leave via Temporary Caregiver Insurance in 2014.¹⁶ As of 2015, the law allows eight weeks of paid leave. Like Washington, Rhode Island provides assurances to an equivalent position held by the employee or one of equivalent seniority within the company and is entirely employee payroll funded.¹⁷

THE NEW YORK STATE COALITION FOR PAID FAMILY LEAVE

Molly Weston-Williamson of A Better Balance, an advocacy organization that has worked on paid family leave campaigns in a number of states, stated that, among those who worked on the issue, state that it started to "feel silly that New York hasn't done this [paid family leave] yet" by the time Rhode Island enacted paid family leave. In fact, New York's efforts to implement paid family leave began even before the California law was put into place. Two labor leaders were among the original advocates for paid leave in New York State. Donna Dolan was a leader with the Communications Workers of America and eventually became the Executive Director of the Paid Family Leave Coalition in 2010. The other, Debbie King, began working on the issue at United Healthcare Workers East 1199. Nancy Rankin was another key player in her role at the

National Parenting Association. She has since held policy and research roles at the Community Service Society and A Better Balance.

On the legislative side, two Democrats from Queens – State Assemblywoman Cathy Nolan and State Senator Joseph Addabbo – were early and prominent supporters. Nolan introduced a version of a paid family leave bill as early as 1998, which became the basis of the paid family leave discussion in New York State.¹⁸

The issue of paid family leave provided an opportunity to bring together advocates interested in a number of policy areas. Women’s groups, economic justice groups, advocates for the elderly, and labor, among others, were able to rally around the issue of securing paid time off for working caretakers. All of these constituencies were represented in the membership of the coalitions that formed around paid family leave. There were a number of names for the official coalition in support of paid family leave in New York State: the Time to Care Coalition, the New York Paid Family Leave Insurance Campaign, and the New York Paid Family Leave Coalition. This final group is now now a 501(c)3 led by Donna Dolan. All of the participants we spoke to referred to these entities as “the Coalition,” and did not make a clear distinction between the official entities.

While the coalition had over 300 member organizations, all of our interviewees agreed that the most prominent players included the New York Civil Liberties Union, A Better Balance; Community Service Society, the Working Families Organization, and the AARP. Labor groups also played a crucial role, including United Healthcare Workers East 1199, 32BJ Service Employees International Union (SEIU), and Communications Workers of America (CWA). However, according to Nancy Rankin, labor group’s efforts were secondary, as they were often more focused on other priorities (e.g., increasing the minimum wage, unemployment insurance).

FRAMING PAID FAMILY LEAVE FOR POLITICAL VIABILITY

Framing was a crucial aspect of the successful drive for paid family leave in New York State. This played out in two ways. First, the coalition framed paid family leave as both an economic justice issue and a gender justice issue. Second, the coalition effectively pre-empted potential opposition from the business community by emphasizing the upside for employers.

The press and advocates frequently report that, compared to other developed countries, the United States has the least generous leave laws. Much of this conversation focuses specifically on leave for new parents (especially mothers), but the same idea extends to broader family leave.¹⁹ Workers who do not have the option to take time off when a family member is sick may have to choose between their jobs and putting their loved ones at risk. (Note that while the United States’ federal Family and Medical Leave Act guarantees most workers the right to take a certain amount of unpaid time off to care for themselves or a family member, this is not economically viable for many Americans.) So, on an individual level, access to paid family leave is an issue of economic justice. At the same time, most caretaking in the United States is still taken on by women.²⁰ Therefore, while paid leave is key to overall economic justice, it has an outside impact on women’s ability to stay in the workforce and support themselves and their families.

According to some individuals we spoke to, the fact that the Coalition persistently co-mingled these issues made it hard for Republican senators to openly express opposition to the bill’s goals. This allowed the Coalition to build support for the core issue, and left room to negotiate around feasibility and implementation.

The second important aspect of framing paid family leave was about countering the argument that paid

family leave is “bad for business.” Some states who enacted paid family leave laws before New York faced considerable opposition from advocates for the business community. They tended to argue that they could not afford to implement the policy. While the long campaign to pass family leave in NYS was embarrassing to some parties involved, it had some pragmatic advantages. While there was some remaining opposition from the business community, especially among advocates from upstate (e.g., Unshackle Upstate), their efforts were quieter than in other battles. Molly Weston-Williamson explained that evidence from the success of California’s law, and studies showing that most businesses thought it had a positive impact, allowed the New York Coalition to counteract business opposition. At the same time, by 2010, many of New York’s largest employers (especially those centered in New York City) were using employee benefits, including paid leave, as a way to recruit talent away from their competition. This significantly decreased the incentives for at least some businesses to fight against paid family leave. Finally, individuals we spoke to emphasized that the Coalition actively put business owners (especially small business owners from outside New York City) who supported paid family leave front and center in their advocacy and campaign efforts.²¹

EARLY EFFORTS TO PASS PAID LEAVE IN NYS

In 1998, a draft bill sponsored by Nolan was brought before the New York State Legislature.²² While the Nolan bill changed over time, key elements remained relatively similar. The draft bill established paid family leave as an extension of the state’s TDI law, which would allow it to take advantage of existing administrative infrastructure. The proposed benefit would be 100% paid for by employee contribution (plus a small administrative budget from the state) and would offer up to twelve weeks of paid leave (capped at two-thirds of the State’s average weekly wage) to take care of a new child or a seriously ill

family member. It also included job protection for employees who took advantage of paid leave.²³ This bill successfully moved through the legislature a number of times, but never made it to the floor of the Republican-dominated New York State Senate. As described below, many of these elements provided a basis for the policy finally enacted.

In 2007, members of the coalition thought they might be nearing success, seeing Governor Elliot Spitzer as a likely ally. Indeed, Spitzer had proposed a paid family leave act on par with California’s program. While he was gathering the support of business and labor leaders throughout the state, he was still significantly challenged by the Republican-controlled Senate.²⁴ The business sector, namely the New York State Business Council (headed by Kenneth Adams) and the National Federation of Independent Business, also put up significant road blocks. Adams was particularly vocal about the perceived increased burden on employers. For example, he had once said that paid family leave was “inherently going to increase absenteeism, and that’s going to increase costs and create burdens for employers.”²⁵ In June 2007, Tom Minnick, the Business Council’s labor specialist, testified before the Senate Labor Committee on these perceived burdens.²⁶

Governor Spitzer tried to balance the interests of businesses and organized labor and continued his drive for paid family leave, echoing a sentiment for economic growth and bettering the lives of working families in his annual State of the State address in January 2008.²⁷ Advocates were feeling confident. However, in a dramatic turn of events, Governor Spitzer resigned in disgrace in March of 2008 over a prostitution scandal.²⁸

CHANGE OF FOCUS: SICK LEAVE IN NYC

Governor Spitzer’s downfall was a major setback for paid family leave, disrupting the Coalition’s perceived

momentum. Spitzer's successor, Governor David Paterson, supported paid leave legislation that was reintroduced in the 2009-2010 legislative session. However, the state legislature seemed paralyzed by constant scandal, power grabs, and corruption.²⁹ Given the frustration in Albany, Nancy Rankin explained, many prominent members of the Coalition pivoted to advocating for paid sick days at the New York City level. According to Rankin, coalition members simply didn't have the bandwidth to pursue both avenues at once and were frustrated by Albany's gridlock.

The Working Families Party, an important member of the paid family leave Coalition had been advocating for paid sick leave for New York City workers since the 2009 Swine Flu outbreak.³⁰ While Rankin expressed that the Coalition thought paid sick leave would pass relatively smoothly, it was met with resistance from then-Mayor Michael Bloomberg. However, in 2012, an unlikely hero emerged in the form of Felix Trinidad, a local worker who died of stomach cancer.³¹ His story, and that of his life wife and children, became a symbol of the family struggle for paid sick leave. Then-Public Advocate Bill de Blasio challenged City Council Speaker Christine Quinn to bring the bill to vote where there were already enough votes to overcome a mayoral veto. After three years of increasing pressure and diminishing political capital, Speaker Quinn allowed a vote on the bill. It passed overwhelmingly and ultimately overruled a veto from Mayor Bloomberg.³² When Bill de Blasio then became mayor of New York City in 2014, he continued to expand the scope of paid sick leave in New York City.

According to Rankin, energized by the paid sick leave victory, the Coalition refocused on a grassroots initiative to bring paid family leave back to the state legislature. The Coalition brought on new lobbying staff, placed editorials, and organized petitions and letter writing campaigns. Though the interest from the Coalition was strong,

it faced stiff competition for attention against other social justice priorities. The Fight for \$15 – an economic justice campaign for an increased minimum livable wage – particularly crowded out time and attention in New York State and among the legislature in Albany.³³

THE INFLUENCE OF GOVERNOR ANDREW CUOMO: 2010-2016

Governor Andrew Cuomo, the son of former New York Governor Mario Cuomo, enjoyed a meteoric rise to political stardom. He was the head of his father's gubernatorial campaign, a top adviser in his father's term,³⁴ and the U.S. Secretary for Housing and Urban Development during Bill Clinton's presidential term. He became Attorney General of the State of New York in 2006 and Governor since 2010.

In 2013, deep in the trenches of campaigning for his second term as governor against Republican challenger Rob Astorino, Cuomo introduced a ten-point "Women's Equality Agenda," which notably did not include paid family leave.³⁵ Ultimately, many elements of Cuomo's Women's Equality Agenda were passed in 2015, despite a Republican-dominated State Senate still without paid family leave.³⁶ All of our interviewees mentioned work on the Women's Equality Agenda as a key transition point for the Coalition. While they were frustrated that it did not include paid family leave, Cuomo developed his ten-point plan by bringing a variety of women's advocacy groups together. Relationships formed among these groups, many of whom were also members of the Coalition for paid leave, as well as between advocates and Cuomo's administration.

In February of 2015, Cuomo made a statement that galvanized the state's Coalition for paid family leave. He acknowledged the pervasiveness of "women's inequality in society" but said that Albany lacked "the appetite"

for legislation on paid family leave.³⁷ The Coalition responded quickly. They released a letter signed by 50 prominent New York women advocating for the importance of paid family leave.³⁸ Nancy Rankin spoke exclusively to Rachel Swarns at the New York Times, who, on March 15, released a column about advocates' efforts to pass paid family leave in New York State, highlighting Cuomo's lack of support as a glaring hole in his arsenal of progressive policy positions.³⁹

During this time, Governor Cuomo was being lobbied by female constituents, leaders, and organizations, including Democratic members of the State Senate and the left flank of the New York City Council.⁴⁰ According to Weston-Williamson, this new energy led A Better Balance and the Coalition to take advantage of the growing sentiment surrounding paid family leave. As one example, they were able to garner thousands of signatures statewide to support their efforts. The Coalition also focused on elevating the voices of small business owners and identifying supporters outside of New York City (i.e., upstate and in western New York) to further align the policy with groups whose support Cuomo needed.

Less than one month after referring to Albany's 'lack of appetite' for paid leave, a spokesperson for Governor Cuomo said that his administration was not only seriously studying the issue but ready to sign a comprehensive version of the bill that was employee- and employer-friendly.⁴¹ The Coalition was re-energized, having consolidated support from both the governor and Assembly. Weston-Williamson noted that "it was a galvanizing moment for a lot of people." With momentum building, even the long-resistant State had begun to support these efforts. However, despite his general support, Cuomo continued to insist that the specific bills on the docket were unviable.⁴²

At the end of 2015, Mayor de Blasio set off a small, but important, lightning rod for the paid leave movement by

enacting paid parental leave for a subset of New York City employees.⁴³ The New York Times editorial board used the occasion to put Governor Cuomo on notice, arguing it was time for more comprehensive paid leave in the State of New York.⁴⁴

By January 2016, Governor Cuomo went public with his strong support for paid family leave. Members of the Coalition hoped that Cuomo might include the policy in his State of the State speech on January 13, 2016, and were thrilled by his unconditional embrace of the issue in the speech.⁴⁵

Cuomo's embrace of the issue was as much a reflection of the political winds at the time as an indicator of the Coalition's successful efforts. Before 2016, the Governor was not confident that he could pass paid family leave legislation in the Senate. According to one anonymous source, he saw opportunity in Assembly Speaker Carl Heastie and Senate Majority Leader John Flanagan. With the State Assembly long a supporter of paid family leave, Cuomo was confident that new Assembly Speaker Carl Heastie, a New York City-based Democrat, would remain a strong advocate for the issue.

Finally, two new opportunities made it right to push the issue in the Senate. First, in early 2016, analysts and advocates expected a "blue wave election." A consensus formed expecting Hillary Clinton to win the presidency and Democrats to win a majority of seats in the U.S. Senate, while also gaining seats in the House of Representatives. In anticipation of the "blue wave," New York Republicans – who are generally moderate compared to their counterparts throughout the country – wanted to present themselves as on board with progress. Notably, every New York State Senate seat was up for reelection in 2016, which created strong incentive for Senate Republicans to vote as a bloc.⁴⁶

In addition, the State Senate's Independent Democratic Committee (IDC) – a group of Democratic State

senators who vote with the Republican caucus – had themselves become advocates of paid family leave in 2015. According to one interviewee, members of the IDC thought that embracing paid family leave was a good way to show their Democratic voters that they still had progressive values, even as they worked closely with Senate Republicans. Together, the support of the IDC and the willingness of the State Senate to address the issue convinced Cuomo to push paid family leave in early 2016.

In a news conference on January 29, 2016, held with then-Vice President Joe Biden, Cuomo kicked off his Strong Families, Strong New York campaign for mandatory paid family leave.⁴⁷ Circling the state by bus, Cuomo spoke about the impact that his father's death had on him. His father had been hospitalized in November and December of 2014. After being released from the hospital with a heart condition, he died at home a few weeks later.⁴⁸ Governor Cuomo invoked this experience in describing his embrace of family leave: "I can't even find the words to tell you how important it is that I was there and how important for my father, how important for me. I wish I had spent more time with him, frankly. I wish I was there seven days a week, because there's something to just being there."⁴⁹

Public support was strong for the paid leave policy; over 80% of New Yorkers supported Cuomo's effort.⁵⁰ For Senate Republicans, the strong public support for paid family leave, even in the traditionally more conservative districts in upstate New York and New York City suburbs, created further room to support this cause. Cuomo held rallies with groups across the state. For example, in Harlem, he drew on the support of the National Association for the Advancement of Colored People (NAACP), the Women's City Club of New York, and Make the Road New York.⁵¹ These events represented opportunities for mass participation of the citizens who would be positively impacted by the legislation, stoking political engagement.⁵²

In the eyes of many, Cuomo's support of paid family leave dovetailed well with his simultaneous efforts to increase the state's minimum wage to \$15. Both issues were coupled as part of an agenda to support working New Yorkers. In early 2016, Cuomo focused intensely on these two issues,⁵³ aiming to end years of gridlock and immobility on the issue of paid family leave and increasing the minimum wage at the legislative level.

Sasha Ahuja – formerly employed by Planned Parenthood of New York City and now with the NY City Council – pointed out that Cuomo gave little credit to the "long era of organizing" leading up to his decision to take on paid leave as a signature issue. Among advocates for the paid leave law, though his actions were "bold and progressive," there is speculation that the governor did not want to be outmaneuvered by other progressive leaders. Some of our interviewees pointed out that Cuomo may have taken on the issue due to pressure from the left wing of the Democratic Party, as well as out of concern for the opinion of women voters. Furthermore, in 2015, Hillary Clinton and Bernie Sanders were discussing family leave in the context of their battle for the Democratic Presidential nomination. Amid constant speculation about Cuomo's national ambitions, some of our interviewees pointed out that Cuomo may have wanted to establish New York as a standard bearer for an anticipated national conversation on the issue.

END GAME

Once Cuomo decided to actively support paid family leave, he became a vocal and public champion. Cuomo drafted his own version of a paid family leave law, drawing from the Nolan/Addabbo bill, as well as the IDC's own proposal. Cuomo also chose to bundle the bill with the State budget, scheduled to be passed in early April of 2016. Bundling the bill with the budget created cover, particularly for Senate Republicans who could now argue that they had to

vote for the bill, or else they would be obstructing the important goal of passing the State's new budget.

Members of the Coalition we spoke to emphasized that, because of relationships with Albany they had developed while working on the Women's Equality Agenda, they were able to influence negotiations about the bill. They also emphasized that the Coalition presented a united front, and had clear expectations about where they could compromise (e.g. percentage of average weekly wages allowable as benefits) and where they would not (e.g. job protection for people who took advantage of paid leave). The one major difference between the Coalition's ideal bill and the one that finally passed is that the Coalition also hoped to raise the cap on benefits made through TDI. This was removed from the final law.

As mentioned above, paid family leave and the fight to increase New York's minimum wage to \$15 had become tied together. Several interviewees expressed that, for advocates at this time, there was some concern that one of these efforts would be used as a negotiating chip to win on the other issue, and were relieved that both ultimately passed. One interviewee pointed out that, while they were both passed, it is possible that in order to pass a very strong paid family leave bill, some significant carve outs were made to the minimum wage bill. Furthermore, the proposed budget not only included the overwhelmingly popular issues of paid family leave and minimum wage increases; it also had a massive school aid package included. Senate Republicans were anxious that any rejection of the budget would have political consequences before the upcoming election.⁵⁴ Instead, Republicans negotiated with Cuomo and voted as a bloc to avoid any party fallout from support of the overall budget. These efforts also gave them some political cover for voting for "Democratic" issues.

After negotiations, the key elements of New York State's family leave legislation are as follows: Paid family

leave is 100% funded by a weekly payroll tax of about \$1 per employee deducted from their paychecks and is built off of New York's existing TDI structure. Small businesses are subject to the law and self-employed people can opt in. All employees are eligible for benefits once they have been in a job for a minimum of 26 weeks. Individuals can have up to twelve weeks of leave, with pay capped at 67% of the statewide average weekly wage. Both the percent of wages and number of weeks will start at a lower level, and increase over the next few years leading to full implementation in 2021. It can be used to take care of a new child (including adopted or foster child), a sick relative, or for certain issues related to a family member's military service.⁵⁵

On April 4, 2016, paid family leave legislation passed 61-1⁵³ as part of a package of bills associated with the newest State budget. The first phase of the law will go into effect on January 1, 2018.

LESSONS LEARNED

Sometimes there is not one defined route to move a bill from inception to passage and implementation. As the paid leave legislation in New York State has shown, the route can often be circuitous, if not painstakingly arduous and fraught with bureaucratic and political roadblocks.

THE IMPORTANCE OF "POWER PLAYERS"

Though paid family leave was a popular piece of social justice legislation with public support, it took over a decade to pass. Ultimately, timing and the support of Governor Cuomo might have been more important than a decade of advocacy. We saw this with both the Fight for \$15 minimum wage push in New York as well as with the Women's Equality Agenda, both immensely important legislative efforts, both affecting large numbers of stakeholders economically and socially. All of these were socially

auspicious at the time and certainly within the range of interests of a majority of New York voters. However, paid leave was pushed to the back burner numerous times by competing interests among politicians.

Governor Cuomo's framing of paid leave as a solution for a complex interweaving of multiple social problems, helped move the agenda forward. Governor Cuomo's impassioned plea in 2016 for paid family leave serves as a strong example of the influence of people in power who can steer political capital in the direction of their chosen projects. For advocates, the key lesson is to think carefully about who these "power players" are and how to define an issue in terms of those people's interests. As Carlos Beato, Director of the Office of State and Federal Affairs with the New York City Council said, "there is a difference between policy and politics - policy is about doing what's right," but politics is often about elected officials working to stay in office.

PARTICIPATION DEPENDS ON INFORMATION ACCESS

One could wonder if the effort to pass paid family leave was so long and difficult because of civic disengagement. Is there a felt sense of decline in 'social capital'?⁵⁶ We would posit that this was actually not the case. There was not a lack of energy or interest, as shown by the strong support among voters during times when the Coalition activated campaigns, and as per public polling. But, there may have been a lack of awareness of the topic of paid family leave amongst people that make the lowest wages. Data from California looking at ten years of paid leave claims revealed some disheartening results: awareness of paid leave insurance was not only lowest among workers making less than \$30,000 annually, but the lowest wage earners (making less than \$12,000 per year) utilized paid family leave the least (though they represent 20% of the workforce).⁵⁷ Simply put, the lowest wage earners were not informed as to

this possible legislation. The population that would have been impacted the most not only did not know about paid leave, but also likely could not have taken the time off of work to participate in rallies or nonprofit organizations (including community organizations) advocating on their behalf. Future state or federal enactment of paid leave legislation should be aware of the need to involve vulnerable communities in the dialogue and planning as well as enhancing outreach efforts on passed legislation so that people are aware that it exists (and to make the benefit more effective and equitable).

Some people view participatory democracy as a privilege of the few, unavailable to many families trying to make ends meet. For these constituents, citizen engagement in alternative forms is needed much more than face-to-face efforts or efforts for those with higher incomes. Those discussions can take place through a host of media and in-person options including: television (via more extensive interviews on evening local news), radio (like NPR), social media (via discussion groups), old-fashioned Alinsky-type door-to-door engagement,⁵⁸ connecting at already-established meetings such as religious gatherings (mosques, churches, or synagogues), or even phone banking. At the end of the day, had Cuomo's campaign style outreach in the last stretches been used earlier in the paid family leave movement, would the law have passed sooner?

PERSISTENCE PAYS OFF

Through the efforts of approximately 300 organizations across the State working across many years of advocacy and organizing, the Coalition saw at least five different versions of this legislation make its way into the NYS Assembly. The Coalition was involved with the drafting of all of these legislative efforts over the decade prior to its passing. Its final passage can be attributed, in part, to the persistence of the group. By the time Cuomo honed his focus on this issue, he was drawing from bills that

embodied their priorities. The Coalition helped to form a bill that was viable because of their history with the legislation, their connections with various key constituencies, as well as their relationships formed over time with key players in and out of the legislature.

PRECEDENT MATTERS

Another lesson is that precedent matters. The Coalition was able to make or refute important points having had the ability to learn from the history of similar legislation passed in other states. Indeed, advocates in New York were able to use data from California as proof of the viability of paid family leave, and to counteract potential arguments from the business community. In addition, any pitfalls suffered by other states in the design, advocacy, and implementation of the legislation were used as cautionary tales for more controversial aspects of the new legislation. For advocates of paid leave, previous legislative efforts to pass paid leave are experiential lessons in how to engage or counter the efforts of the opposing side.

FRAMING MATTERS TOO

Lastly, smart framing can set a campaign up for success. Over the course of the decade leading up to passage of the policy, the issue was framed as a women's rights issue, an economic justice issue, and as a social justice issue. Supporters were able to draw on a diverse well of support, not just from like-minded celebrities and activists, but "everyday New Yorkers" who could talk to multiple constituencies with potentially differing priorities.

DISCUSSION: UNANSWERED QUESTIONS AND FUTURE POSSIBILITIES FOR PAID LEAVE

Guaranteed paid leave has become a reality for most New Yorkers. We have extrapolated some key lessons about what was essential to its passage as law. However, many questions peculiar to the New York Case remain open. For example, what was the influence of

Governor Cuomo's reported rivalry with New York City Mayor Bill de Blasio and his enactment of paid leave for a small group of employees in New York City?^{59,60} In addition, could the Governor have aspirations for national political office and how might this have affected his analysis of the issue?

Our interviews with representatives from A Better Balance, the New York City Council, the Community Service Society, and Planned Parenthood of NYC exposed another obvious factor that may have affected the trajectory of the campaign. Marginalized communities, especially people of color, youth and immigrants, were not adequately represented in the Coalition. How different might the fight have looked had they been more adequately included? How different would the legislation look?

Josh Lerner and Donata Secondo, have outlined examples of engaging marginalized and vulnerable communities more effectively using participatory budgeting as an illustration.⁶¹ These include better access to the discourse process; better scheduling to meet the needs of working families; including community center and religious institutions where working families are already meeting; and, including facilitators and community organizers at community meetings to ensure that the voices of the marginalized and disenfranchised are heard. How would a more active focus on these constituencies have changed the campaign and the final legislation?

As many questions remain about efforts to pass family leave, even more remain about how the law will play out once it takes effect. By the time New York's paid leave law is fully implemented in 2021, employees on leave will receive up to 67% of their salary when they take time off from work. However, this percentage could possibly increase depending on the popularity of this benefit amongst New York families. For example, California learned that paid family leave was not economically viable for the lowest-income earners. Thus, the state

passed legislation in 2016 that increased the cap on workers earning close to minimum wage.⁶² Furthermore, the New York law currently excludes very small businesses. Might the law be expanded to include these entities in the future?

Finally, it remains to be seen if and how New York's paid leave law will influence efforts in other states or at the federal level? New York and most other states with paid family leave drew heavily on existing TDI structures. States without TDI in place would have to build unique system to administer the paid leave benefit. What lessons can New York provide for them?

Currently, some 68 million Americans live in a state with guaranteed paid family leave. This will undoubtedly benefit the health and well-being of all Americans. While this also brings the U.S. closer to its European peers – twenty-nine weeks in France and forty-two weeks in Germany, to name a few – the U.S. still has a long journey ahead.

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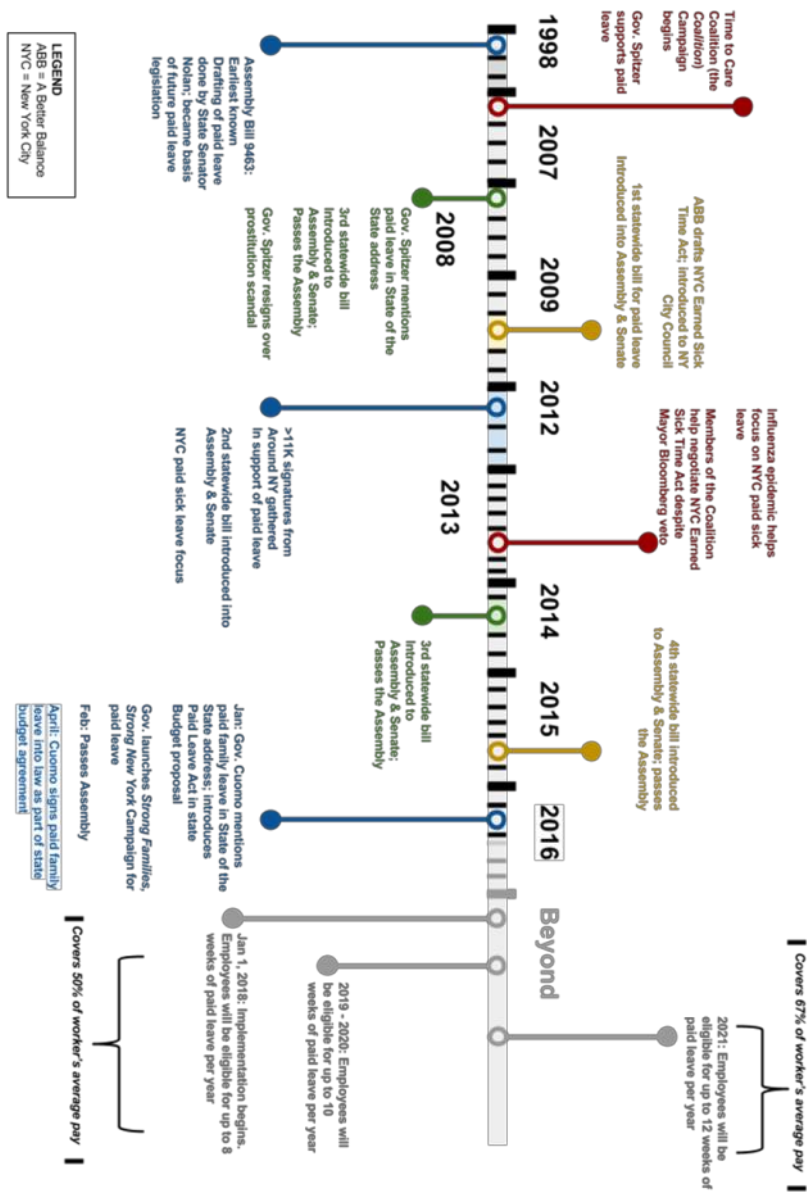
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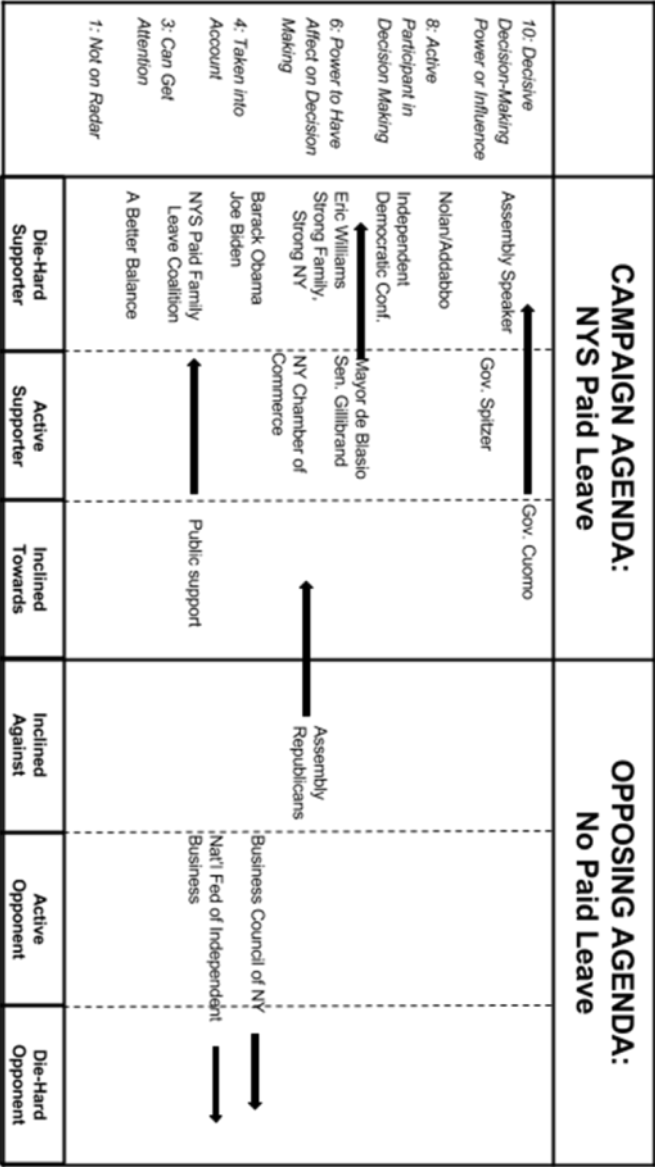
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APPENDIX I: TIMELINE OF PAID LEAVE MOVEMENT IN NEW YORK STATE - KEY MOMENTS IN HISTORY



APPENDIX II: POWER MAP OF PAID FAMILY LEAVE STAKEHOLDERS



DIVERSITY AND INCLUSION IN THE ARTS

Sherylynn Sealy

ABSTRACT This paper makes the case that diversity in the arts industry is not only beneficial to the industry itself, but has a wide-ranging impact on the communities not currently represented equitably.

The arts industry is a unique and creative sector that people interact with on many levels. Whether someone is attending a local arts performance, listening to a new iTunes song, or attending an annual neighborhood arts festival, it is common for people to engage with art on a daily basis. Given that this industry reaches almost everyone in some way, it is critical that leading arts decision-makers (administrators and directors of arts organizations, foundation program officers, etc.) reflect the interests and identities of their diverse beneficiaries.

Unfortunately, this is not the case in many cities, including New York.¹ It is important that arts institutions strive to reflect their diverse beneficiaries so that they may: 1) accurately respond to the needs of all communities; 2) provide economic opportunity; and 3) ensure diverse and representative conversations.²

RESPONDING TO COMMUNITY NEEDS

Studies show that art in a community, when it is relevant and accessible, can improve health, safety, and well-being.³ If there are no leaders in the arts industry who have a clear understanding of the true needs of a particular community, it will be difficult to advocate for relevant and accessible art in these communities. In addition to removing a pathway to well-being for underrepresented community members, cities also lose out by not leveraging their diversity and increasing their artistic assets. The majority of New York City's 36 arts and cultural institutions are run by White/Non-Hispanic staff who do not hail from underprivileged communities.⁴ While race and ethnicity are not the sole proxies for understanding a community, it is important to have a diversity of voices to cater to the needs of all.

PROVIDING ECONOMIC OPPORTUNITY

It is critical that the arts sector represents not only a racially diverse group of people, but also a socioeconomically diverse group of people. The arts and culture industry is among the top five employers of African-Americans, but has less varied representation of different socioeconomic statuses.⁵ Diversifying the arts by employing more people of color with varying socioeconomic statuses is key to bridging the economic opportunity gap and providing representation for all people that the arts serve.


DIVERSE AND REPRESENTATIVE CONVERSATIONS

As New York City becomes more diverse, the arts should reflect a more multicultural society. According to a study by the City Department of Cultural Affairs, arts leadership does not currently reflect the multicultural society in which we live.⁶ In addition to diversifying leadership, it is important to ensure that all voices are heard in conversations regarding arts programming. Programming should reflect the broad needs of diverse communities.

Although some areas of city leadership do not currently reflect the diversity of New York, it is important to try to increase diversity in the leadership of the arts in order to: 1) accurately respond to the needs of all communities; 2) take steps towards providing economic opportunity for all, and; 3) ensure diverse programming.

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PROMOTING TRUE DIVERSITY AND INCLUSION IN ACADEMIC INSTITUTIONS

Tai'Asia Hutchinson

PURPOSE This paper begins with the premise that students and faculty of color are underrepresented in institutions of higher learning. While there is a an attempt in the industry to promote diversity through recruitment of more faculty and students of color, many efforts to date have been woefully inadequate and often counterproductive, sometimes harming the population they seek to help. This paper highlights some of the negative effects of current efforts aimed at creating diversity in academic institutions, and proposes methods for addressing these shortcoming.

Academic institutions must promote diversity and inclusion by increasing the employment of full-time faculty of color and the enrollment of students of color. When doing so, institutions must be wary of unintended consequences for those faculty members and students. More often than not, diversity plans fall short in supporting the nuanced challenges these populations face. Increasing the number of diverse candidates for positions is just a first step. Without a more comprehensive policy, students and faculty of color at Historically White Colleges and Universities (HWCUs) struggle in silence dealing with mental health issues, isolation, class differences, and cultural taxation.¹

DATA

There is a clear imbalance of concern given to faculty and students of color. According to Dr. Matthew Lynch, “30 percent of undergraduates are students of color compared to nine percent full-time faculty of color that are available to them.”² This is a stark contrast to the representation given to their white counterparts. The National Center for Education Statistics went a step further and gathered data to report the distribution of faculty by race and status in academia. They found that “full-time faculty on college campuses heavily favors White candidates (at just over 1 million) over Black (not even 100,000), Asian (86,000) and Hispanic (under 60,000) faculty.”³

The effects of these imbalances can be burdensome. When students of color have few peers in their cohort who look like them, and few faculty members to look up to, there is a sense of isolation. It is no secret that students of color—particularly Black and Latino students—start to see fewer of their peers as they go further in higher education.⁴

PROBLEM

HWCUs often tout their list of courses that focus on race and society. However, these courses are often

taught by a small selection of faculty of color on campus. These classes are typically electives that face the danger of cancellation if they do not meet enrollment expectations. Students and faculty of color are constantly at risk of having their narratives erased from the curriculum if too few students take these classes.

Alternatively, institutions may create required courses addressing subjects of concern to students of color, but taught by a faculty member who is not representative of the subjects being taught. This dynamic can cause a fear of retaliation or tokenization among students of color, as they are always being looked to as the voice of “your people.” Students and faculty of color alike may be placed with the unfair burden of addressing the elephant in the room or remaining silent. That price of cultural taxation is not reflected in a student’s GPA, or a faculty member’s tenure or salary.

Without healthy, facilitated dialogue surrounding race and diversity in a particular field, students and faculty of color can experience undue anxiety and burdens on their mental and physical health.

RECOMMENDATIONS

Token diversity cannot by itself create a truly inclusive academic environment. There are several recommendations this memo would like to propose to foster dialogue around increasing true diversity and inclusion in academia:

- Mental health services with counselors of color, free of charge.
- Sit-ins for classroom teaching styles and evaluations.
- Discussions, in collaboration with accreditation councils, of how race, diversity and inclusion should be incorporated into curricula.
- Required diversity and cultural norms learning sessions.
- Promotion of critical listening by all faculty to break up self-segregating group dynamics in classroom settings.

- Regularly-scheduled faculty and staff meetings with a liaison from each student organization present.
- A dedicated part of the university budget to support faculty of color as they continue to take on the roles of mentorship and diversity community liaisons.
- The option for faculty of color to not be involved in the above-roles if they choose not to be.
- Tenure review mandates for professors who do not abide by the mission of diversity and inclusion.
- Active recruitment at HWCUs for students and faculty of color for positions in higher academia.

CONCLUSION

Diverse faculty can help interpret and offer an accurate depiction of many of the issues that students face. Privilege and ignorance can be worn away once the visibility of students and faculty of color increases. Until that happens, the message is clear: “you can’t be what you can’t see.” The invisible labor of faculty and students of color serves as a testament to that statement.⁵ Fostering an open dialogue where the implicit and explicit burden of mentorship is not solely placed on faculty of color is also important, and will allow for a more nuanced and constructive discourse on campuses. Faculty and students of color need to be celebrated and have a built-in support system once they arrive on these campuses because, otherwise, any claim of diversity and inclusion will ring hollow.

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