

NYSUT: Due process rights for teachers also safeguard students

ALBANY, N.Y. July 28, 2014 — New York State United Teachers President Karen E. Magee released the following statement today in response to a lawsuit challenging due process rights for New York's teachers:

“This is a politically motivated attack against every dedicated teacher in New York state. We are highly confident the courts will reject this attack as entirely without merit. We welcome the opportunity to expose the many lies and misrepresentations about tenure laws and establish, once and for all, the plain truth: Tenure is an absolutely necessary safeguard for teachers, for students and for quality public schools.

“Tenure means teachers can speak freely and strongly on matters of public concern. Tenure ensures that teachers have the freedom to teach effectively and the liberty to oppose policies or cuts that harm students. Teachers can partner with parents against inappropriate standardized testing and question Common Core precisely because they don't have to fear reprisals for doing so. Tenure guarantees that caring and dedicated educators can continue to advocate with parents for what's best for students.

“Before Campbell Brown's cable TV show was canceled, its slogan was ‘No Bias, No Bull.’ Yet Campbell Brown is slinging both with abandon. She and her wealthy supporters seem to think that if teachers could be fired for any reason at any time, student achievement in high-poverty schools would miraculously soar. That ignores the enormous, well-documented challenges facing students and teachers in high-poverty communities. Pervasive, grinding poverty and chronic underfunding burden students in too many of our cities and poor rural communities. Homelessness, violent crime, overcrowded classrooms, students working to learn English and chronic budget shortfalls are among the outside influences — beyond the control of teachers — that unquestionably impact student achievement. It's sensationalistic and unsupportable to say that tenure is the problem.

“Lost on the wealthy elite who attack teachers is that the very same decades-old rules governing tenure and seniority safeguard teachers' rights in fully funded, high-achieving districts where nearly every single student graduates and is accepted to college. Tenure protects all teachers from nepotism, favoritism, discrimination, patronage and other forms of arbitrary dismissal. At its heart is the American value that one is innocent until proven guilty.

“When allegations of incompetence or misconduct arise — against a teacher or anyone else — such allegations shouldn't be automatically assumed to be true. Rather, evidence should be carefully and quickly examined, and then ruled on impartially. Due process is the foundation of our judicial system. Similar safeguards are in place to ensure police officers, firefighters and other public servants at the state and local levels cannot be arbitrarily dismissed based on allegations or for politically motivated reasons.

“New York's tenure law has been streamlined in recent years to address concerns that due process hearings took too long and cost too much. In 2012, the state required all disciplinary hearings to be completed within a reasonable 155 days. Most times, cases are resolved before then. Innocent, effective teachers are returned to work and those who are guilty or ineffective are removed. New York's teacher evaluation law provides a framework to identify teachers who are

struggling and provide them with additional support, while acknowledging that, in rare cases, some teachers may not improve and must be removed in an expedited process from the classroom.

“Seniority rights are there for a reason. NYSUT fights vigorously for adequate and equitable funding for all public schools, and layoffs should always be an absolute last resort. When layoffs are completely unavoidable, however, New York must have a fair, objective process that doesn’t rely on subjective judgment or whim. A system based on seniority, which has served New York state fairly and objectively for a century, guards against abuses by those who would use ‘layoffs’ as another way to terminate those who advocate too fiercely, are older or are at the top of the pay scale.

“Those bankrolling this assault on teachers and reasonable protections against injustice have no interest in providing every child with a quality public school education. If they did, they long ago would have joined parents, teachers and unions in fighting for the resources all children need. This suit is just another attack on public education and on working people by wealthy elitists who stand to profit from privatizing public schools. It is telling that Brown refuses to identify her donors.

“NYSUT will fight this attack in the courts and in the court of public opinion, for our members and for the schoolchildren our members teach and advocate for every day.”