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Tenure Hearings Are a Safeguard

By Thomas Y. Hobart Jr.

In response to the article, "Why It's So Hard to Fire Bad Teachers," in the May 8 issue of the *Newsday Magazine*:

First, it should be understood that the New York State United Teachers (NYSUT) does not want schools to hire, grant tenure to or retain "bad" teachers. That would serve no one well: Not the students, their parents, the schools, the administrators, the teaching profession, the union, and certainly not the community. The question, then, is not whether bad teachers should be retained, but how to determine whether a teacher is bad.

The United States grants its citizens the right to due process; an American is innocent of whatever he or she is accused of until guilt is proved. The burden of proof is on the accuser, and there is a specific process by which innocence or guilt is determined.

In the case of a teacher in New York State, that right, that protection, is embodied in the tenure law; and the process governing teacher disciplinary hearings is referred to as 3020 (A). Tenure is much misunderstood. It does not guarantee lifelong employment. It does not mean a teacher never can be fired.

Tenure assures that a teacher cannot be dismissed without just cause, which must be established through due process. Cause for dismissal (or lesser penalties) can be incompetence, immorality, neglect of duty or several other specific failings. But the cause must be proved. Thus, a teacher is protected from dismissal for other reasons, such as a personal conflict with his or her principal, or complaints from a disgruntled parent with unproved allegations who has gotten the ear of a school board member.

The system of due process sometimes works slowly, as do other American justice systems. When a 3020 (A) case drags on for weeks or months, it is frustrating to all concerned, especially the teacher under the cloud of unproved allegations. NYSUT supports efforts to improve the process and reduce costs caused by unnecessary delays. But we never will seek such reforms at the expense of either due process or justice. Given a choice between expensive, drawn-out justice and a quicker, cheaper system which may deny an individual that right, we'll choose the former — and so will other fair-minded Americans.

The fact that due process sometimes is lengthy doesn't diminish the value of the law. The process stabilizes faculties, improves morale and — contrary to the implications of the article — contributes to New York's position of leadership and excellence in education. Even those who would like to modify the process support it. Education Commissioner Gordon Ambach has been out-

spoken in his support of the concept of tenure.

Our files have numerous examples of a teacher's reputation and career being saved when a 3020 (A) hearing resulted in dismissal of charges and affirmation of innocence. I cannot offer specific names and places because 3020 (A) rightly provides for removal of such charges from a teacher's record when those charges have not been proved. For every instance cited in the article of the difficulty in getting rid of the accused "bad" teacher, there are several instances of the same process exonerating a teacher of charges stemming from unfair and untrue accusations.

There is another point to consider regarding the length of time that disciplinary hearings often require. The school district has as long as it wishes to prepare its case against a teacher before it files charges. The accused teacher, then, should not be forced to respond in a short time to what often are very complicated charges covering an extended period.

To return to my original statement, NYSUT does not want "bad" teachers in our schools. What can be done to lessen the possibility of ill-prepared or unqualified teachers reaching the classroom? We believe the process of prevention should begin earlier — before any situation reaches the point of having to get rid of an incompetent teacher.

Much greater care should be taken in preparing, hiring, and evaluating teachers. Teachers want that kind of quality control. The schools and the administrators want it. The public should demand it.

NYSUT strongly supports higher standards in teacher education at the college and university level; we support higher standards for admission to the teaching profession; we support more comprehensive evaluations that are constructive and promote professional development.

Then, after a teacher has been adequately trained, hired for a probationary period, thoroughly evaluated and granted tenure, the burden of proof rightly belongs on the employer to demonstrate why that individual subsequently should be fired. Higher standards all along the line would result in far fewer "bad" teachers ever reaching the classroom.

NYSUT is not in the business of protecting "bad" teachers. We are, however, in the business of guaranteeing that all tenured teachers receive due process and justice. We are in the business of making sure that no one is railroaded out of a career. We are in the business of protecting the assumption of innocence unless guilt is proved through a sometimes lengthy, but necessary, process.

And we make no apologies for being in that business.

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