

Whistle-blower exonerated

UFT helps defeat attempt by DOE, principal to have her fired

By JIM CALLAGHAN

A former chapter leader from John F. Kennedy HS in the Bronx and powerful witness in last year's City Council whistle-blower hearing was exonerated of all charges brought by the Department of Education, which had tried to have her fired for neglect of duty, insubordination and conduct unbecoming her position.

In a stunning 26-page decision, an independent hearing officer threw out all the charges against Maria Colon, claiming that the Department of Education presented "no evidence" to substantiate one of their claims and "insufficient evidence" to back up another claim, and that minor record-keeping deficiencies did not warrant a change from the Satisfactory rating Colon had received for the previous school year.

Colon has been sitting in a rubber room, formally called a "Reassignment Center," since September 2005. Although the decision was written six weeks ago — on Dec. 4 — she has yet to be assigned to a school.

"This was a great victory for the UFT, the students at JFK and faculty members who stood by me," Colon said. "The principal of the school, Anthony Rotunno, and the DOE went after me because they wanted to bust up the union. They wanted to use me as an example — if it can happen to a chapter leader, it can happen to anyone."

Colon was brought up on dismissal charges shortly after she, in her capacity as chapter leader, confronted Rotunno about Regents grades that teachers discovered had been changed.

Colon said she refused to look the other way when grades were being changed. "What happened to me is a 21st-century version of McCarthyism," she said.

In March 2006, Colon testified with other UFT members at the City Council urging the body to pass a whistle-blower law.

"What has happened to me over the past year has put my career in jeopardy

by as much as 25 percentage points.

"It was dishonest and we felt that it was a violation of New York State testing procedures that compromised the entire scoring system," Colon testified.

Colon said she organized a group of English teachers to go to the principal to discuss the issue and filed a complaint with the State Education Department. Colon said the principal "ignored them."

"The very day I filed the complaint with the state, my principal called the Special Commissioner of Investigations alleging that I had student transcripts in my office," she testified. "Investigators rifled through my office the next day and found nothing."

Her colleagues at her school took a vote of no confidence against the administration, and some 60 teachers and 30 students staged a protest outside the school.

"Anyone who was involved in that protest was retaliated against in one way or another," Colon said.

Lynne Wiederbaum, the UFT district representative for Bronx high schools, said that soon after Colon reported the grade changes to the state, she received notice that she was in excess.

Every bilingual social studies teacher was put in excess as Kennedy HS closed down its bilingual program despite having hundreds of ELL students. "This was a clear violation of state law," Wiederbaum said.

Colon said there was no question in her mind that she was taken out of the classroom and hit with trumped-up charges because of her political activism as a chapter leader.

"I was punished because I was a whistle-blower," she said.

UFT President Randi Weingarten applauded the hearing officer's decision.

"Justice has been served, although it has exacted a very huge toll on Maria and our sisters and brothers at JFK HS. The de-

MILLER PHOTOGRAPHY

GARY SCHOICHER



Colon (second from right) with her UFT colleagues: (from left) Special Representative Paul Egan, Bronx High Schools Representative Lynne Wiederbaum and Special Representative Rodney Grubiak. Colon credited them with helping her defeat Department of Education attempts to have her fired.

BRUCE COTNER



Maria Colon testifies at the City Council's whistle-blower hearings last year.

cision is crystal clear — and chilling. It fully exonerates what Maria and others did — which is to call attention to what appeared to be grade tampering.

"Instead of being applauded for that act of whistle-blowing, they were retaliated against. The hearing officer saw it and called it the way it was. Now it is incumbent upon the DOE to immediately get Maria back in the classroom where she belongs," Weingarten said.

In another part of the case, JFK's principal alleged that Colon tampered with a student's attendance records and interfered with a police probe involving that student's records. Rotunno filed a complaint against Colon with the special commissioner of investigations.

The hearing examiner wrote that the record "does not provide sufficient support for the Department's position that Colon interfered with a police investigation. There is no persuasive evidence that the matter was under investigation by the New