

3020a Education Law Workshop at The New York Hilton **(Celebration of Teaching and Learning Conference: March 6 - 7, 2009)**

Presenter: Ms. Natalie M. Williams; Science Teacher, NYC Public Schools

TEACHER MISCONDUCT HEARING: NEW YORK CITY DEPARTMENT OF EDUCATION vs. Ms. NATALIE M. WILLIAMS. WHO: Arthur Riegel, Esq. - Arbitrator, Minerva John-Stull; Esq. - Prosecutor NYC DOE, Denyse Walls; Former Executive Director of ACLU South Carolina. - Defendant's Legal Representative, Natalie Williams; Teacher Defendant. WHAT, WHEN& WHERE: Public Hearing DATES & TIMES: March 4, 2009 at 10 am; March 11, 2009 at 10 am; March 18, 2009 at 1 pm; March 25, 2009 at 10 am; April 1, 2009 at 1 pm; April 6, 2009 at 1 pm. LOCATION: 51 Chambers Street; 6 th Floor, NYC.

QUOTES:

" It is through struggle that people acquire information...We can only fight through organization... If we fail to do for self, no one else is going to do for us."

Leola Maddox

"If there is no struggle, there is no progress. "

Frederick Douglass

"It requires knowledge of "systems... Look at systems and analyze how systems work."

Dr. Leonard Jeffries

"If you want to be important -- wonderful. If you want to be recognized -- wonderful. If you want to be great -- wonderful. But, recognize that he who is greatest among you shall be your servant. That's a new definition of greatness."

Dr. Martin Luther King Jr.

"Whatever service activity you organize or take part in... you can help start this important journey. But this is about more than just a single day of service, it's the beginning of an ongoing commitment to your community.

It will take ordinary citizens working together with a common purpose to get this country back on track. This national day of service is an important first step in our continuing commitment...Now is the time to remind all Americans what ordinary people can accomplish when we stand together."

Michelle Obama

"An attorney has but two choices in this system - To be a societal engineer or to be a social parasite."

Alton Maddox Jr.

Disclaimer: This is an educational workshop. We offer no legal advise. Every 3020a case is different; no matter how similar they may appear on the surface. Every arbitration team is different. Thus, teachers who face the same charges may have hearings which lead to different outcomes. The presenter and panelists may share their personal stories. This self-help seminar is meant to educate, not to provide advice. Consult with your attorney before taking any action on ideas presented here (or elsewhere).

The 3020a Process:

"3020a" is a subsection of New York State Education Law.

A teacher is given an official DOE letter to report to a teacher re-assignment center. They wait for charges. The teacher, having a 'property interest' in her position, is usually paid in full with all benefits preserved until the outcome of the hearing. If the teacher is involved in an "outside" (criminal) case, the Board of Ed. generally

waits for those issues to resolve themselves before starting the "inside" (teacher misconduct or incompetence) case.

Once charges are proffered, the teacher has ten days to reply with a demand for a hearing. Failure to reply will lead to termination. When the docket places the teachers hearing on the arbitration calendar, the NYSUT defense attorney is assigned. The teacher reviews her case with her UFT paid lawyer. The lawyer will ask that you contact your school and get your personnel file (do this by mail or get your UFT rep to do it for you). The then teacher waits for a hearing date.

The defense attorney, arbitrator and prosecuting attorney all work together as an "arbitration team". The rules of evidence are different than that of normal courts. The pre-hearing conference is crucial as this is the only time when demands for discovery, witness subpoenas, witness lists and public hearings can be made. Each side must provide the demanded documents to the opposing side. All evidence to be used at the hearing must be submitted beforehand. Then, the hearing proceeds. After a decision is made by the arbiter (ie,"hearing officer" or 'judge'), the teacher may independently appeal the decision in civil court within a limited time frame. (This is known as a 'Article 75 appeal").

Teachers - Do your Homework!

Learn what you can about your arbitration team - Do a 'background check' on your defense lawyer, the arbitrator and the prosecuting attorney. Biographical information, statistics on performance; ie, wins, losses, and settlements, and who they associate with. See them in action if possible; at a public hearing.) Find out whatever 'dirt' you can about the cast of characters you expect to serve as DOE witnesses. (They will attempt to discredit your witnesses. They will be searching for things to smear you with too...). Know what your (NYSUT) witnesses will likely say about you.

"Of all the disciplines, History is the one which most rewards our research"

Malcolm X

Useful Web Search Links:

Complete List of Chancellor's Regulations

<http://schools.nyc.gov/RulesPolicies/ChancellorsRegulations>

C-105 Regarding Arrest of School Personnel

<http://docs.nycenet.edu/docushare/dsweb/Get/Document-55/C-105.pdf>

General Issues Concerning Teachers

<http://usny.nysed.gov/teachers/>
www.uft.org

Hearings

<http://www.highered.nysed.gov/tcert/part82.html>

Certification

<http://www.highered.nysed.gov/tcert/part80.htm>

(You can be terminated for failing to upkeep your teacher certification)

Regulations of New York State Education Department Commissioner

<http://www.highered.nysed.gov/tcert/regulations.htm>

NYC Department of Education

<http://schools.nyc.gov/>

New York City Teachers Employment Contract

www.uft.org/member/contracts/teachers_contract

NYC Teacher Recruitment

<http://www.teachernyc.net>

Freedom of Information Law (FOIL)

New York City Department of Education

Christine J. Kicinski

Central Records Access Officer

Office of Legal Services, Dept. of Education

52 Chambers St, Room 308, NY, NY 10007

Tel. 212 374-2988 FAX 212 374-5596/5939

FOIL@schools.nyc.gov

(You can request information that the NYC DOE has on you, your school or supervisors; be specific. They charge 25 cents per page)

New York State Department of Education

Records Officer

89 Washington avenue

Room 115 EB

Albany, New York 12234

518 474-6569

FOIL@mail.nysed.gov

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BOOK - DISCIPLINING TENURED TEACHERS AND ADMINISTRATORS

Chapter 1. Overview of the Section 3020-a Disciplinary Process

Chapter 2. Grounds for Discipline

Chapter 3. Defenses to 3020-a Charges

Chapter 4. Hearing Procedure and Admission of Evidence

Chapter 5. Penalties and Remedial Actions

Chapter 6. Appeals and Other Actions

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EXERPT:

The 3020-a process is expensive, time-consuming and fraught with potential pitfalls unless one has a basic understanding of its complexities. An average 3020-a proceeding takes 319 days from the date charges are preferred to the date the decision is rendered and costs more than \$94,000, according to a New York State School Boards Association 1997 survey. Understanding how to navigate the 3020-a process may save a school district scarce tax dollars and needless frustration while helping the district maintain a high-quality tenured staff to help its students succeed. *Disciplining Tenured Teachers and Administrators* includes references to New York State law, regulations of the commissioner of education, and court decisions relevant to the 3020-a disciplinary process. It is the first book of its kind to offer a comprehensive analysis of the implementation of the changes made by the 1994 amendments to the 3020-a statute. In addition, it includes an analysis of the 437 hearing officer and panel decisions in the New York State School Boards Association's 3020-a database.

In short, *Disciplining Tenured Teachers and Administrators* offers a highly customized look at the process that will be useful to school board members and officials faced with the need to discipline or even terminate employees whose standards of performance and conduct do not meet the expectations defined in law, regulations, and/or included in local school board policy and administrative regulations.

The New York State School Boards Association is confident that the information in this book will be of value to those who read it. However, it is not a substitute for legal advice, so school boards and school officials should consult with their school attorney as the need arises.

Public or Private Hearing? It is your right to have a public hearing, though the NYC DOE and NYSUT lawyers frown upon this. Some believe that public hearings are protective to the defendant as they can shine a light on these otherwise secret proceedings. There is a risk that the press can visit and place a negative spin on the defendant in public hearings. The converse is also possible. Keep in mind that once the press gets involved, the information is out of your control.

Should you talk about your case? Most lawyers advise you not to. Many find that doing so is a useful source for research. It's up to you... But beware of snitches and gossipers.

Email Presenter for more : [\[natwilliams@mac.com\]](mailto:natwilliams@mac.com) <http://www.NatWilliams.com>

1) [Village Voice Article](#) - Class Dismissed April 25, 2007

(Talking to the press about conditions in the Rubber Rooms usually results in a back-lash. However, some bad press against the NYC DOE did result in improved conditions at some sites).

2) [BOUNCE. Issue 1](#); Bronx Teachers Re-Assignment Center, June 27, 2007

3) ["How to fire an inept teacher"](#) flow diagram

ACKNOWLEDGMENTS

Thank you to "the powers that be" for allowing us the opportunity to share our knowledge through the presentation of this workshop!

DISCUSSION with PANELIST

Poems and Lyrics

by Ms. Natalie M. Williams

We, We, We Are Kennedy

Beloved Students, Young Minds, Stay Free
Past, Present, Future. You Come To Me
They Are Trying To Take You Away From Me
But, I'll Let You Know That This Can't Be
Thank You, Thank You For Defending Me
A Teacher Is What I was Made to Be
I Influence You; You Influence Me
You are the Me I was to Be
I am the You that You Must See
Our Ancestors – They Call to Thee
To Action – for We Must All Agree
In the White Power System,
Down at the Bottom, It's We
This - is Our Community
You see. We, we, we Are Kennedy!
A Radical, a Leader, an Activist - You
How Could You Be Not,
With All What You Have Been Through?
Liberate Yourselves From Mental Slavery
Read, Write, Read
Some of Those Books for Me
No One, Nobody, Shall Take Over Me
Instead, They Cover Their Asses;
Take No Stance, Survive, Just Be
Fill Your Classroom With Incompetents
Suppress Your Intellectuality
Then Proclaim to the World
That She Must Be Crazy
Forever, Your Teacher;
You are Mine, You See
You Told Me So, the Nickname Fits to a T
I'll Always Remember; " Miss, you a 'G' "
Who Now Will Plant the Seeds
Grow the Children; Renew Our Citizenry?
Rap to This Song, Add a Beat, Sing with a Lilt
Our Words Have a Power
And These are Meant to be Felt
This - is Our Community
You see. We, we, we Are Kennedy!

My Voice

It's a brutal sincerity,
appealing, though disconcerting
all the while,
It's kind of like the utterance of a child
Truth Serum; Of course!
It's bottled in me,
I'm a wealth of veritable possibility
True - not blue
It's just and fair
Why this upsets them,
I'm not really clear.
Perhaps it's the challenge
to who they should be
But, without my saying it,
I'm not really free.
It's copious, unabashed sincerity
So listen to my voice
I guarantee to be blunt & true
Yes, I'll make invitations to all of you
I've been given a gift
to steadfast share what is real
Ponder your actions and see how you feel
Thus, I've made my statement
My record of trust holds true
The only question now,
is what will you do?

If Loving You Is Wrong; I Don't Want To Be Right

Sung by Luther Ingram. Revised Lyrics

If Loving You Is Wrong, I Don't Want To Be Right
If Being Right Means Being Without You, I'd Rather Work
Alone 'Til I Die
Your Momma and Daddy Say - It's a Shame, It's Down
Right Disgrace
What's gonna happen to these smart urban students, if
we fail to educate?
My friends tell me there's no future teachin' ghetto poor
children
If I can't teach you where I want, I'll teach you where I can

If loving you is wrong, I don't want to be right
If loving you is wrong, I don't want to be right

Am I wrong to fall, so deeply in love with you?
You've got a life with plenty of prospects - why should
they mean that much to you?

And am I wrong to hunger for the audience of your mind?
Knowing full well, they're blocking - my - contribution to
mankind
And are you wrong to search in me - for a truth that you
could not find?
And am I wrong for trying to hold on - to the best kids -
they're in a bind.

If loving you is wrong, I don't want to be right
If loving you is wrong, I don't want to be right

Are You Wrong to Give Your Love - To A Young School
Marm?
And Am I Wrong For Planting These Seeds - to Harvest
Up - The Whole Damned Farm?

If Loving You is Wrong, I Don't Want to Just Write
If Loving You is Wrong, I Will Put Up a Fight

I Don't Want to Be Right,
If it Means Teaching Without You
I Don't Want to Be Right,
If it Means Learning Alone

I Don't Want to Be Right
If Loving You is Wrong,
I Don't Want to Be Right...

THE POWERS THAT BE

They, THEY; The Powers That Be.
Yeah, I'll have a Hearing for all to See.
Make it Public,
So, they'll Meet me.
See who is who, That is my plea.
And yes, the Truth will set me Free.
Information can set me Free.
Communication brings us Liberty.
Oh, Yes, the Truth shall set us Free.

Too Much, Too Little, Too Late

Sung By Johnny Mathis & Denise Williams
Revised Lyrics

*Yes, It's Over, Call It A Day,
Sorry, That It Had to End This Way
No Reason to Pretend,
We Knew It Had To End, Someday
This Way.*

*Yes, It's Over, My Kids Are Gone.
What's the Use of Trying to Fight On?
Somewhere We Lost the Key
So Little Left for You and Me
And it's Clear to See*

*Too Much Too Little Too Late
To Lie Again With You
Too Much Too Little Too Late
Again. Admit We're Through
We're Coming to an End
And Every Body Knew.
My Lawyer? Was So Over !!*

*I Do Concede That You're
Indeed a Brilliant Man
You've Done Your Thing For Me
For That I Must Commend
I Need a Winner,
Fighting for Me to the End.
Oh, It's Over, It's Over*

*Yes, It's Over. The Chips Are Down
Hearings?! - All Our Bridges Tumble Down
Whatever Chance I Try,
I'll Face It Wild and Nigh
It's Over, It's Over, It's Over*

*I Have To Listen To
The Voices in My Head
Too Much Too Little Too Late
Can You Believe What's Said?
But In The Final Sum
For Me It Had To End
And It's Over. And It's Over. It's Over.*

*I Must Acknowledge That
I've Screwed Myself Again
Too Much Too Little Too Late
Pretend We Leave As Friends...*
