THE IMPORTANCE OF TENURE

Dear Colleagues,

Welcome back! I hope you had a restful and enjoyable summer with your family and friends. Thanks to the research, hard work and the technological knowledge of Nancy Beiner, our new webmaster, the 2014-2015 school year brings us a new WCT website to better serve and communicate with our members. The interactive website is easy to navigate, user friendly, and it contains a plethora of information, links and educational sites. It was designed specifically for the benefit and the needs of the members. It is an on-line service provided by Unions-America.com, which is America's Union Internet Service Provider, offering Union Internet services to Labor including the AFL-CIO, the Teamsters and many other labor organizations. I encourage you to take advantage of this new medium of communication in order to stay better informed with the latest union news and events, and educational concerns at the national, state and local level.

One of the gravest attacks on the teaching profession is the relentless attack on tenure. Unfortunately there are many states that would like to replicate a court ruling of the Vergara v. California decision that California’s teacher tenure law is unconstitutional. In N.Y.S. there are: Davids v. State of New York –Class Action Suit against NYS Teacher tenure laws, and Campbell Brown v. NYSUT – Challenge to NYS tenure laws.

Dear members, these attacks are real and dangerous to our profession and our daily practices as teachers! We need to be vigilant and proactive in defending this vital safeguard for teachers that has been in existence for more than one hundred years. “No person enjoying the benefit of tenure shall be disciplined or removed during a term of employment except for just cause …” (NYS education Law § 3020) such as pedagogical incompetence, misconduct, physical or mental disability. Under the § 3020a due process of fair dismissal of a tenure teacher, the member has the right to know the charges. The right to see, confront and rebut the evidence. The right to an impartial decision maker, and the right to counsel. If these procedural protections were not in place we could be fired for arbitrary and capricious reasons. “Only teachers have tenure” is a myth! State, municipal federal civil service, private sector workers under union contracts and private employment contracts also have tenure. Then, why is only teacher tenure being attacked?

These politically motivated attacks would like to take away from teachers fundamental rights that every American enjoys in this great country with the fourteenth Amendment: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

In the absence of tenure we could be fired for any reason: students achievement on state test, APPR scores (both very flawed), becoming too expensive, too outspoken, advocating for a special needs student in regards to state ed regulations, addressing health and safety issues in the classroom etc, etc. A century ago tenure was introduced also because school board members
instituted and enforced the many rules governing teachers’ lives. Female teachers for example, could be fired if they married or became pregnant. A teacher could be fired based on their belief, race, or if a board member wanted to hire a relative, or politically hire someone for personal gain.

Tenure also gives us academic freedom (teachers have limited first Amendment rights) to ensure that quality education is delivered in the classroom and not simply teach to the “test“ without fear of reprisal from administrators or board members. Tenure gives teachers the freedom to teach all subjects free of political bias and it gives us the ability to protect student education from institutionalized bigotry. In the WCT office there is the January 14th 2004 issue of the New York Teacher… Barbara Searle, a great John Jay English teacher (retired) is on the cover holding the book: Bless Me Ultima with the caption: Defending the right to read. She (was) is the educational hero who stood to ignorance, incompetence, and the banning of the book. Her students will have that event embedded in their minds for the rest of their lives. Could Barbara have defended the rights of her students without tenure and retained her employment? What immeasurable and grave loss that would have been for her students!

These laws allow teachers to speak out against policies like excessive standardized testing that harm our students and enrage their parents. These laws ensure teachers’ right not to be discriminated against based on race, gender, religion or sexual orientation. These laws also prevent districts from laying-off the most experienced and skilled teachers in order to save money. Tenure works at many different levels: Insulates teachers from political pressure, it ensures stability, experience, knowledge and dedicated service to our students.

NYSUT is taking a proactive stance, on August 29, 2014 ” moved to intervene in the Wright v. New York as a defender of tenure, which for more than a century has allowed New York’s teachers to teach and advocate effectively for students while protecting good teachers against unfair firing”. I’m proud to report that five WCT members were invited to be trained and become Communications Ambassadors on Tenure this past August. The members invited to participate in this endeavor were National Board Certified: Diane Di Chiara, Rena Finsmith, Christine Zandstra, WCT treasurer Donna Kart and me. It is comforting to know that we have members that are willing to be on the forefront of this fight. Since 2009 the majority of the states have “reformed” tenure laws. Several states have eliminated tenure like Kansas, North Carolina, Florida and others. Do we want the same thing to happen to us in New York State? It goes hand in hand with attacks on collective bargaining e.g. Wisconsin. (NYSUT)

Michael Lyons, after twenty-five years of dedicated service to the WCT in different capacities, including V.P. Elementary is stepping down as a member of the WCT Executive Board. On behalf of all the members, I would like to thank Michael for his guidance, wisdom, and insight on union activities that he has shared with us over the years. On a personal note, Michael was always there for me, especially during difficult and frustrating times. His words of wisdom, his experience, his support and above all his friendship have encouraged me to forge forth with confidence and pride. Let’s take the opportunity to wish Michael the very best, and to enjoy the extra time with family and friends.

LET’S MAKE THIS YEAR THE BEST YET!

In Solidarity,