

## Byram Hills Resolutions Approved by the New York State School Boards Association

1. RESOLVED, that the New York State School Boards Association supports tenure reform to lengthen the probationary period for newly hired teachers and administrators to five years and, for those granted tenure following the probationary period, to limit the duration of tenure protections to periods of not more than five years.

### Rationale

The history of tenure for public school teachers dates to the late nineteenth century and followed the efforts of college professors to promote academic freedom and to prevent unfair dismissals. The prevalence of state and federal mandates and case law, however, virtually eliminates concerns about academic autonomy in the K-12 environment. Furthermore, no rational basis exists to afford public school teachers or administrators greater protection than individuals in the private sector when it comes to protecting against discriminatory employment practices.

Establishing rolling five year tenure benefits, in the same manner as the initial tenure determination, strikes the right balance between lifetime job security on the one hand, and providing school districts with the opportunity to effectively manage their human resources – which typically comprise approximately seventy percent of most school districts budgets. This tool for school districts is also increasingly important to preserve public education in an era of greater pressure for more charter schools. Providing a mechanism whereby school districts can ensure the effectiveness of their administrators and teachers on a regular basis, coupled with basic fairness and due process protections, is good for children and public education in general as well as for the vast majority of teachers and administrators.

2. RESOLVED, that the New York State School Boards Association supports reform of Section 3020-a of the Education Law to speed the disciplinary hearing process, reduce unreasonable and excessive costs to districts, reduce many of the inherent procedural delays, and promote fairness and reasonable due process protections.

### Rationale

If a school district seeks to formally discipline one of its tenured employees or administrators, it must follow the procedural requirements set forth in section 3020-a of the New York State Education Law (“section 3020-a”). Various provisions of section 3020-a enable the subject of such proceedings to delay and prolong the hearing on the merits and ensure that a substantial amount of time passes

before a decision is rendered and all appeals are heard. State law entitles the tenured individual to continued salary and benefits, and the school district often must hire substitute teachers or interim administrators. Thus, the tenured individual is afforded an unwarranted and unfair ability to cause the proceedings to become unduly protracted and expensive. Reforming section 3020-a to reduce procedural delays and expense, while promoting fairness and providing reasonable due process protections, is long overdue and is in the best interest of public education and taxpayers across the state. The NYSSBA five-point Recommendations for Reform of Section 3020-a are consistent with this approach.

These two Byram Hills resolutions were approved for legislative advocacy at the New York State School Boards Association convention in October, 2010.