



NEW YORK STATE SENATOR

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Senator Saland and Mayor Bloomberg Announce Legislation Giving School Districts Enhanced Ability to Dismiss Teachers Who Engage in Inappropriate Behavior WITH Students

STEPHEN M. SALAND May 29, 2012

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Senator Steve Saland (R, I, C – Poughkeepsie), Mayor Michael R. Bloomberg, and New York City Schools Chancellor Dennis M. Walcott announced new legislation today that will give school districts enhanced abilities to dismiss teachers who engage in acts of inappropriate sexual conduct with students. The legislation comes in the wake of a recent reports by the

Special Commissioner of Investigation for the New York City School District, who noted that there was a 35 percent increase in complaints of inappropriate sexual conduct involving school employees in the first three months of 2012 as compared to 2011.

“Nearly all educators choose their profession for all the right reasons, and it’s with this in mind that we as a society register shock when we learn of a young student being sexually victimized by a teacher or principal. For the safety of our youth and for the integrity of the teaching profession, it is our goal to swiftly remove the “bad apples” from the educational system,” said Senator Steve Saland. “Teachers often serve as role models for our students and for the community, and it’s devastating to learn when their position of trust has been abused. Given the grave nature of the cases involving educational professionals who are charged with inappropriate sexual conduct with a student, it is critically important that these charges are addressed in an expedited manner.”

High profile cases of inappropriate sexual conduct between school employees and children have highlighted a need to revisit and revise disciplinary procedures that target this alarming behavior. Currently, teachers who are under investigation for inappropriate sexual conduct are referred to a 3020-a hearing process which governs all misconduct cases. In cases where a teacher is deemed dangerous to the welfare of a child, the teacher is suspended with pay pending a hearing, where an arbitrator makes a fact finding and imposes a final penalty. In 2011, the estimated time-frame for the general 3020-a process to conclude for school districts outside of New York City was an average of 632 days for guilty decisions, 1,070 days for not-guilty verdicts, and 287 days for settlements.

“Inappropriate sexual conduct with a student should not be tolerated, nor should school district taxpayers foot the bill for protracted and costly hearings,” said Saland. “We need to address the tragic incidents of teachers who ‘groom’ students in order to foster an intimate or sexual relationship. This bill targets and defines inappropriate sexual conduct and creates

a mechanism to permanently remove predators from the classroom.”

To date, there is no mechanism for expedited review of cases involving inappropriate sexual behavior between an educator and a student. This legislation would rectify this exemption and provide for an accelerated hearing process based on a designation of inappropriate sexual conduct. Further, arbitrator’s findings will be considered recommendations and will be submitted to the employing board for review and final decision. If there is a determination of inappropriate sexual conduct, termination is required absent certain conditions. These charges are meant to specifically target the continuum of inappropriate sexual behavior by an educator that is meant to create and advance an inappropriate relationship with the student.

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