

CHANGES TO EDUCATION LAW SECTION 3020-a

The new budget includes substantive changes to Education Law Section 3020-a pertaining to the discipline and discharge of tenured teachers. In summary, these include:

- Elimination of the option of a three member panel to adjudicate allegations of pedagogical incompetence; all hearings will be heard by a single hearing officer.
- Conviction of a violent felony against a child will result in the immediate loss of certification and employment.
- An allegation of physical and/or sexual abuse of student may result in a suspension **without pay** for a maximum of 120 days:
 - there is no definition of “physical abuse”
 - a probable cause hearing can be held within ten days of the start of the suspension to determine if the non-pay status is valid
 - charges may be related to on-duty OR off-duty conduct
- Any contractual procedure that is an alternative to Section 3020a must be changed to comply with the timelines set forth in the law.

Changes related to APPR:

For a teacher with two (2) consecutive ratings of ineffective:

- a district **may** pursue 3020a charges
- the ratings will establish a prima facie case of pedagogical incompetence
- the teacher may provide evidence of other factors that demonstrate competence

For a teacher with three (3) consecutive ratings of ineffective:

- a district **must** pursue 3020a charges
- the ratings are evidence of pedagogical incompetence
- the teacher may only provide evidence that the ratings were based on fraud or mistaken identity

This document is based on the information available as of 4/10/2015. Updates will be provided as warranted. Local leaders should consult with their Labor Relations Specialist for answers to specific questions.