



# PRESS RELEASE

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**FOR IMMEDIATE RELEASE**

**NYSUT: California decision “meritless” assault on workers’ rights**

**ALBANY, N.Y.** June 11, 2014 — New York State United Teachers President Karen E. Magee today made the following statement in response to a California judge’s decision striking down due process protections for teachers:

“This is a horrendous decision in a case that was never about helping students or improving California public schools. From the beginning, this case — brought by millionaires, their PR firms and front-groups — has been all about attacking unions and denying dedicated professionals in California classrooms a voice on the job and a fair process for employment decisions. This case will be appealed and NYSUT is optimistic more even-handed judges will overturn this meritless decision.

“The California lower court judge did not rule that tenure is unconstitutional, but that California’s teacher dismissal process could take years and was too complex. While NYSUT attorneys are analyzing the Vergara decision, it is clear that there are significant differences between California and New York processes for tenure. New York teachers have a longer probation period of three years. Earning tenure in New York simply means that teachers, if charged with incompetence or wrongdoing, are entitled to a fair hearing before they can be disciplined or fired. In America, we call that due process of law, and it is disturbing that so-called education reformers are so eager to see this fundamental, constitutionally protected right taken away from dedicated professionals.

“New York’s tenure law has been streamlined in recent years to ensure that disciplinary cases are completed within five months. Most are resolved even more quickly. And while New York’s teacher evaluation process has its flaws, it requires multiple measures of teachers’ effectiveness, an important safeguard.

“Without seniority protections, the oldest and more highly paid teachers will be the first to go whenever there are economic layoffs, regardless of their competence or dedicated years of service to their school district and students. It is telling that the corporate sponsors of Vergara are not concerned with preventing teacher layoffs, but only turning colleagues against each other when layoffs occur.

“NYSUT is committed to a fair evaluation system that ensures only the best teachers stand in front of a classroom educating children. In the end, tenure laws like those in California, New York and other states benefit students and help ensure good teaching. They mean educators cannot be arbitrarily fired for speaking out on behalf of their students, as many teachers have done in raising concerns with over-testing.

“Tenure ensures teachers can advocate for what their students need — such as up-to-date textbooks or extra help — without fearing their employment is dependent on whim. While widely misunderstood, tenure laws merely ensure that competent teachers can function as professionals, and that a fair process is in place for determining teacher effectiveness.

“The disturbing trend in America today, supported by billionaires like the Walton family and the Koch brothers, is to take away union protections and the employment rights of all working people. They want a low-paid compliant workforce that can be fired at will. Teachers are their current target. The students their so-called reformers claim to protect would face a world of diminished opportunity if they are allowed to prevail.”

*New York State United Teachers is a statewide union with more than 600,000 members in education, human services and health care. NYSUT is affiliated with the American Federation of Teachers, the National Education Association and the AFL-CIO.*