



NEW YORK STATE SENATOR

John J. Flanagan

Senator Flanagan Successful In Efforts To Keep The Best Teachers In The Classroom

JOHN J. FLANAGAN March 1, 2011

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Believing that quality educators are the key to the future of school children, Senator John Flanagan, Chairman of the Senate Standing Committee on Education, announced that legislation he sponsored to end the “Last In, First Out” (LIFO) policy which requires New York City to layoff teachers solely based on seniority has passed the New York State Senate.

By reforming the LIFO system, which New York City Mayor Michael Bloomberg has pointed to as a major problem in keeping quality teachers in city schools, this bill will put qualifications ahead of seniority so that the best teachers are protected. This issue is critical due to education funding cuts proposed in the Executive Budget.

“More than anything, the quality of the teachers in the classroom is the essential component of educational excellence,” Senator Flanagan, Chairman of the Senate Education Committee, said. “It needs to be the main component in deciding which teachers are retained because even in a budget crisis, the students of this state deserve to have the best teachers in their classroom. While experience is a very important component, it must not be allowed to overshadow every other factor because at the end of the day it is all about the kids and their future.”

“This bill would establish a fair and straightforward process for retaining quality teachers that will let both parents and educators know that classroom performance is the determining factor for which teachers work in New York City schools,” Senate Majority Leader Dean G. Skelos said. “That will enable schools to improve and provide children with the best learning environment possible and that should be the goal of everyone involved. I commend Senator Flanagan for taking a leadership role on this important issue.”

Mayor Michael Bloomberg said: "Today, the New York State Senate passed a landmark proposal that puts the needs of our children first. Putting great teachers in front of every classroom - regardless of how long they have been on the job - is the most important thing a school system can do to help its students. Enormous credit is due to Senate Education Committee Chair John Flanagan, who has established himself as a statewide leader on education reform, to Senate Majority Leader Dean Skelos, and to the Republican Conference for taking a stand on behalf of our 1.1 million schoolchildren."

Studies and analyses—including a recent report completed by professors at Stanford University, the University of Virginia and SUNY on the prospect of seniority-based layoffs in New York City—show that such rules disproportionately impact low-income students, make the size of workforce reductions greater than they would otherwise need to be, and ensure that a more effective group of teachers exits the system than would be the case under layoff procedures that take performance in the classroom into account.

If approved by the Senate and the Assembly, the law would require collective bargaining between the city and the teacher's collective bargaining unit to develop new layoff procedures where seniority is not the sole criteria.

Until those procedures are put in place, the bill sets forth an interim procedure, using current and official designations of incompetence and under-performance to ensure that the City's most effective teachers are retained regardless of financial issues. This would be in effect until the City of New York and its teachers' union collectively bargains new layoff procedures which avoid decision-making based solely on seniority.

Under the new arrangement, New York City teachers and supervisors that fall into the following categories would be laid off first, before other qualified, competent teachers:

- > At least one rating of unsatisfactory within the past 5 years;
- > Guilty of disciplinary charges without termination in past 5 years;
- > Guilty of certain criminal offenses without termination in past 5 years;
- > No permanent position for 6 months or more;
- > Excessive or improper lateness or absenteeism without adequate cause;

- > Investigations that led to substantiated allegations of misconduct in past 5 years;
- > Did not fulfill all requirements for state certification;
- > Teachers in grades 4-8 who failed to demonstrate significant impact on student learning over 2 or more years; and
- > Teachers granted an extension regarding tenure last year.

If the number of employees laid off through this mechanism is lower than the city has designated, then the Board of Regents will set forth regulations that will govern the layoffs of additional teachers. These rules must not use salary as a factor in layoff decisions. If the Regents fail to provide regulations within 75 days of the first day of school, building principals will be charged with making additional layoff decisions pursuant to guidance put forth by the Chancellor.

To ensure fairness to higher need areas (schools that have 90 percent or more of its students receiving free or reduced-price lunch), layoffs made in accordance with the new structure would not be allowed to exceed a percentage of the overall number of positions in that school that represents half of the average that are laid off in schools citywide. This requirement would apply to any mechanism that is collectively bargained, promulgated by the Regents or set forth by the Chancellor and implemented by principals.

The bill was sent to the Assembly.