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News of the week

Calls Process Corrupt Teacher 'Rubber Room' Suit

By MEREDITH KOLODNER

A middle-school Teacher has filed a lawsuit against the city after he was returned to a "rubber room" Jan. 15, the same day he wrote to Mayor Bloomberg complaining of the conditions faced by Teachers who were removed from their schools.



RUBBER ROOM REDUX:

Math Teacher Florian Lewenstein has filed a lawsuit against the city alleging that Teachers are being unfairly removed from their schools and placed in 'rubber rooms.' He believes that senior Teachers whose salaries are near the maximum and who speak their minds are being targeted. 'The process is totally corrupt,' he said.

the procedures.

Florian Lewenstein accused the city of violating Teachers' civil and due-process rights by targeting senior instructors who are near maximum salary. These Teachers, the civil complaint argues, were also chosen because they spoke out against Department of Education misconduct or criticized rubber-room procedures.

'Targeting' Veterans

"They are deliberately targeting mostly senior Teachers and they're succeeding," said Mr. Lewenstein, who had been teaching math at M.S. 217 in Queens. "The process is totally corrupt."

Mr. Lewenstein, who filed the lawsuit on behalf of up to 50 other Teachers, some of whom didn't want their names used for fear of retribution, believes that the DOE is using the rubber rooms to get rid of the better-paid senior Teachers and do an end-run around the tenure system.

The United Federation of Teachers is not a party in the lawsuit, and Mr. Lewenstein's group, Teachers4Action, asserts that the union has not acted in their best interest. UFT officials have acknowledged problems with the way some Teachers are removed from their schools and said they are in talks with the DOE to amend some of

The plaintiffs will include about a dozen members of Teachers4Action who have been frustrated with their experiences in the rubber rooms. Many believe they have been falsely accused and resent the months they have spent in the Temporary Re-Assignment Centers, as they are formally known, without being told the specific charges against them.

A DOE spokeswoman said there was no merit to the lawsuit.

Basis for Assignment

For a Teacher to be re-assigned while awaiting charges, she or he must be facing serious criminal charges, such as a drug-related arrest, or the administrator must believe that the Teacher could put a child in danger. Teachers in the re-assignment centers are technically considered innocent until proven guilty, and therefore receive full pay and benefits while their cases play out.

Mr. Lewenstein, who has taught for 11 years in city schools, was first assigned to the Queens rubber room on Linden Place on Oct. 9, 2007, accused of throwing a book-bag at a student. The math Teacher said the charges were false. The student has since left the country and Mr. Lewenstein was disciplined, with a letter placed in his file, and put back

February 1, 2008



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1 of 2 1/29/2008 9:47 AM in his school on Jan. 2.

He sent a letter Jan. 15 to Mayor Bloomberg and Schools Chancellor Joel I. Klein demanding action and requesting a meeting. Later that day, he was told he was being put back into the rubber room. The charges were categorized as "abuse" stemming from an incident Jan. 8. Mr. Lewenstein said he does not know of any incident that could have resulted in the charges.

Frustrated With UFT

He is also frustrated with what he believes has been inaction on the part of his union. "We got to the point where we decided we had to organize and do something for ourselves," he said.

The UFT had a meeting last fall with Teachers assigned to rubber rooms to discuss a list of demands they had presented to the DOE. Officials said they have been meeting with the DOE to implement several changes, such as mandating that the city tell Teachers the charges against them within 48 hours of re-assignment, unless the charges are criminal. The UFT also wants to establish an independent panel to review any charges within five days of re-assignment to assess whether the Teacher is truly a threat to the school community.

UFT President Randi Weingarten wrote a letter to several elected officials in response to a letter of complaint written to them by members of Teachers4Action about the rubber-room situation. "[T]he UFT is actively engaged with members in the TRCs and its legal department is advocating for them, making certain that members receive due process rights in a timely manner," the letter stated. "The discussions with the employer have been active and ongoing but there is not yet agreement on all matters."

Co-Opted by Union?

Mr. Lewenstein said he believed that the UFT response undermined his group's efforts to get assistance from elected officials and protect themselves from what they see as the arbitrary discipline of the rubber rooms. He said he may include the UFT alongside Mr. Klein and Mr. Bloomberg as a defendant in the lawsuit.

"We are very determined to go ahead with this to see if a court will provide us with some relief," he said. "This is not sound educational policy, and it is affecting the instruction the kids get."



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