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GLASS:
'Agenda to oust
high-paid
Teachers.'

File Human Rights Complaints

ATR Instructors Claim Age, Pay Led to Bias

By CRYSTAL LEWIS, The Chief Leader, Jun 25, 2018 Updated Jun 25, 2018

https://thechiefleader.com/news/news_of_the_week/atr-instructors-claim-age-pay-led-to-bias/article_c13c4b24-7637-11e8-b736-ab40dc2a2361.html

More than two dozen educators in the Absent Teacher Reserve pool have filed complaints with the state Division of Human Rights arguing that they were discriminated against because of their age — and the seniority and higher salaries that come with it.

The complaint argued that the Department of Education's Fair Student Funding budget system, which was implemented in 2007, was discriminatory because it determined how much money schools get (including for hiring new Teachers) based on how many students they have, and granted Principals control over hiring.

Teachers in the reserve earned a \$94,000 salary on average, with those at top salary earning twice as much as new educators. Teachers in the ATR pool typically had 18 years of experience, greater than the average Teacher's 10 years on the job, according to the DOE.

Last month, 27 Teachers filed age-discrimination claims to address the problems plaguing the 1,202 educators in the reserve.

“It appears that there is an agenda to rid the employee pool of veteran, high-salaried educators,” according to the complaint by attorney Bryan Glass. “The means to do so are through unjustified excessing in violation of the ‘last in, first out’ method where veteran Teachers are pushed out before younger and less-senior Teachers.”

Similar complaints were filed by 13 educators over the age of 50 who worked in the DOE’s troubled Office of Adult and Continuing Education. The veteran Teachers claimed they were targeted with poor ratings and discipline because of their age.

ATR Teachers have previously decried the stigma of being in the reserve that has contributed to the difficulty of being hired permanently. The complaint noted that ATRs also lose financial opportunities, such as after-school work and teaching summer school.

Glen Rowan, 58, entered the pool in 2012 when his school was scheduled to close and ended up excessing several staff.

‘Had Rug Pulled Out’

“I had the rug pulled out from under me,” said the former John Dewey High School Music Teacher who is part of the claim.

Though the school was saved, staff had to reapply for their jobs — and Mr. Rowan didn’t make the cut. Finding a job was difficult because of shrinking music programs, and since he was at the top of the pay scale.

When his former school reinstated a Music Teacher years later, they chose one they’d excessed who had five fewer years of experience, he said.

“There’s really nothing in the open-market for Music Teachers,” he said. “I don’t know if I’m ever going to be able to teach music again in this system.”

Francesco Portelos, a Science, Technology, Engineering and Math Teacher who has taught for 14 years and became an ATR Teacher four years ago after he blew the whistle on a Principal he believed had misused school funds, also joined the complaint.

Problems at a Certain Age

“I’ve seen Teachers who had no problems for years all of a sudden start to have problems once they turn 50,” he said.

Johnathan Hinesley, 42, who has been teaching for 15 years and spent two years as an ATR, said that ultimately, the ones who lose out from the current system are students. “If you didn’t have Fair Student Funding, Principals would be trying to get the best Teachers,” he said. “How does students getting a new Teacher every month help kids?”

Mr. Portelos said that if the Division of Human Rights found probable cause of discrimination, “it could lead to a change in the system.”

Doug Cohen, a spokesman for the DOE, said the agency takes allegations of discrimination seriously, and will review the complaints.

‘Trying to Help Them’

“We have protocols that ensure a fair and transparent hiring process, and have made common-sense reforms that incentivize schools to hire ATR Teachers and help them find permanent placements,” he said.

The DOE did not say how old the average ATR Teacher is, nor did it explain why veteran Teachers were more likely to end up in the pool. A survey of about 150 Teachers attached to the claims noted that the average ATR is 52 years old.

Mr. Hinesley said he hoped the complaint would prove that “ATR’s are treated as second-class citizens” so they could no longer be treated unfairly.

“Every Teacher is an ATR,” he said. “At any moment, you can be placed in that pool.”