

Paid to do nothing

Suspended sentence

At sites in May:

Teachers	366
School aides	14
Assistant principals	13
Paraprofessionals	10
Guidance counselors	6
Secretaries	6
Principals	2
Psychologists	2
Others	9



New York City public schools' "rubber room"

Discipline by the book

Steps taken when the Department of Education is seeking to fire a tenured staff member.

1. REMOVAL FROM THE CLASSROOM

If considered a danger to students, employee is reassigned to suspension site, such as one at 333 Seventh Ave., above.

2. INVESTIGATION

Settlement, letter in file, employee resignation are possible.

3. CHARGES

Education Department files charges with details of incidents.

4. PRE-HEARING CONFERENCE

Department may propose settlement.

5. HEARING

Witnesses testify, case presented to arbitrator after pre-hearing meetings.

6. DECISION

Can range from firing to fines and training.

7. APPEAL

In some cases, Education Department or employee can appeal to the State Supreme Court.



Sandra Kaplan, left, and Adrienne Wolf at the Brooklyn building where they and other teachers report to await decisions on their status.

■ Waiting for their cases to be heard, Education Department employees report to the 'rubber rooms'

BY ELLEN YAN
STAFF WRITER

City schools dole out more than \$20 million in pay a year to allegedly abusive and inept employees who while away days — and sometimes years — waiting for their cases to be resolved.

Upwards of 400 workers now report to borough suspension sites, one per borough. They are nicknamed "rubber rooms" because endless days in one enclosed room can make a person go a little batty. Critics say the disciplinary system has long been abused by those who slip out after clocking in and by a Department of Education that may not file charges for six months or more.

"It's like a gulag, the DOE version of Guantanamo," said a grade school teacher assigned to the Brooklyn site for allegedly slapping a youngster.

"We can't get hold of a lawyer," said the teacher, who asked not to be identified for fear of retribution. "We're jammed in one room. We have no drinking water, toilets that

don't work, no quiet."

The price, not counting costs such as substitutes, has risen as Chancellor Joel Klein vows to hold bad educators accountable. Adult detention has grown from 95 new cases in the 2001 school year to 157 in 2003.

Fixes to the backlog, including a mediator to hear cases, are in limbo as department and union officials accuse each other of lethargy.

Killing time

This has left exiled employees in the Brooklyn suspension site, the department's largest, scrambling to keep themselves amused. On a recent day, a woman painted from a photo of kids she misses. A man laid on the floor, arm over eyes, relaxing. Someone kept a diary, titled "Exile."

Arguments are not rare. Neither are outrageous comments. One detainee threatened to go nude.

The only monitors are three security guards, so the room's occupants can easily spend the day strolling in the park or enjoying leisurely lunches.

Some enjoy the do-nothing jobs, but even for the guilty, the disciplinary process smacks of arrests before investigations and charges, critics said.

"What choice do we have?" said Michael Best, who heads a staff of 11 attorneys as the Edu-

cation Department's general counsel. "We can say 'Well, you know what, we're going to give you the benefit of the doubt and let you stay around children despite the fact that you're accused of having stolen money from the school or having sex with students. . . .' Or we're going to say we have to protect the kids."

Both city and education union officials want to revamp the process so bad employees can be automatically sacked. But disagreements over the disciplinary process — including over paid suspension — has contributed to stalled labor contract talks.

"They like the Donald Trump method of 'You're fired,'" said teachers union head Randi Weingarten. "What they want to negotiate is no due process."

Best said employees should be fired first or suspended without pay, then have hearings, with back pay if exonerated.

"It shouldn't be so hard for us to get rid of them," he said. With increasing complaints from occupants, teachers union officials began visiting sites this year. They found at least five employees were there about two years after decisions recommended punishments but not dismissal. But because the department does not want them back in schools, they

have remained, officials said.

Also, union leaders saw a growing reliance at the department to settle with fines, which don't solve root problems.

Let's make a deal

Shyvesant High School teacher Shannon Quinlan said her offer was a \$7,000 fine on a raft of charges, from insubordination to creating a hostile environment. "This is white-collar extortion," said Quinlan, who was suspended in August.

Another woman told Newsday of her own \$2,500 fine for allegedly trying to strangle a student.

Best declined to comment on cases but said deals depend not just on evidence but on arbitrators' records.

"If we know, based on our experience, of arbitrators not terminating people where they should . . . sometimes it makes more sense to figure out what is the best we're going to get and let's make a deal," he said.

The long timelines in wrapping up cases used to be a statewide problem until 1994, when disciplinary procedures were streamlined to 150 days or so. Then for city teachers, the 2002 contract set a 120-day schedule from charges to decision.

But the time stipulations are routinely broken. In the city now, the average time is 9½ months from charges to deci-

sion — without counting the wait for investigations to start and charges to be filed.

Best said union attorneys delay by asking for adjournment, while Weingarten thinks the Education Department can't handle the load. "I think it's a function of their not having enough lawyers or not training the principals well," Weingarten said. "Do they have the evidence or don't they?"

With no penalties for lying, the process lets colleagues and students with vendettas trump up allegations, room occupants said.

"A kid can make an allegation, and they would believe a kid before you," said a teacher at the Bronx site.

"I'm optimistic . . . I'll be found innocent," the teacher said. "But somebody should be held accountable. They can't just say 'We're sorry.'"

These suspension sites are unique in the state.

Some occupants think rubber rooms are designed to force people to quit or settle. There are even rules against talking to others in the rest of the building.

Like some others, Jamaica High School teacher Adrienne Wolf goes to stress therapy.

"You're just waiting to hear what you did wrong," Wolf said. "You lose a sense of confidence. 'Will I be able to start all over again?'"