

---

**From:** Jackson-Chase Courtenaye  
**Sent:** Friday, February 06, 2015 4:32 PM  
**To:** 'Ellie Engler'  
**Cc:** Adam Ross; Claude hersh; Jason Veny; Ellen Procida; KGoldmark@cityhall.nyc.gov  
**Subject:** RE: Meeting with the Arbitrators for 3020-a

Thanks, I'll let everyone on our side know.

---

**From:** Ellie Engler [<mailto:eeengler@uft.org>]  
**Sent:** Friday, February 06, 2015 4:25 PM  
**To:** Jackson-Chase Courtenaye  
**Cc:** Sobelman Jenny; Adam Ross; Ellie Engler; Claude hersh; Jason Veny; Ellen Procida; [KGoldmark@cityhall.nyc.gov](mailto:KGoldmark@cityhall.nyc.gov)  
**Subject:** RE: Meeting with the Arbitrators for 3020-a

Thanks February 24th at 4. Scheduled. At tweed ? We will invite attorneys. You and Adam can figure out the best way to invite arbitrators.

Ellie Engler  
Executive Assistant to the President  
Director of Staff  
United Federation of Teachers  
[Eengler@uft.org](mailto:Eengler@uft.org)  
212-598-9265

---

**From:** Jackson-Chase Courtenaye  
**Sent:** Friday, February 06, 2015 3:42:42 PM  
**To:** Ellie Engler  
**Cc:** Sobelman Jenny  
**Subject:** Meeting with the Arbitrators for 3020-a

Ellie,  
Carmen can be available on February the 24<sup>th</sup> or the 27<sup>th</sup> at 4:00 PM – available for an hour. Would that work?

\*\*\*\*\*  
The views, opinions, and judgments expressed in this message are solely those of the author. The message contents have not been reviewed or approved by the UFT.  
\*\*\*\*\*

---

**From:** Jackson-Chase Courtenaye  
**Sent:** Friday, February 06, 2015 4:34 PM  
**To:** Guerra Charity; Lamont Naeemah; DaCosta Dennis; Brantley Laura (LBrantley@schools.nyc.gov)  
**Cc:** MRene3@schools.nyc.gov  
**Subject:** FW: Meeting with the Arbitrators for 3020-a

---

**From:** Ellie Engler [mailto:[eeengler@uft.org](mailto:eeengler@uft.org)]  
**Sent:** Friday, February 06, 2015 4:25 PM  
**To:** Jackson-Chase Courtenaye  
**Cc:** Adam Ross; Ellie Engler; Claude hersh; Jason Veny; Ellen Procida; [KGoldmark@cityhall.nyc.gov](mailto:KGoldmark@cityhall.nyc.gov)  
**Subject:** RE: Meeting with the Arbitrators for 3020-a

Thanks February 24th at 4. Scheduled. At tweed ? We will invite attorneys. You and Adam can figure out the best way to invite arbitrators.

Ellie Engler  
Executive Assistant to the President  
Director of Staff  
United Federation of Teachers  
[Engler@uft.org](mailto:Engler@uft.org)  
212-598-9265

---

**From:** Jackson-Chase Courtenaye  
**Sent:** Friday, February 06, 2015 3:42:42 PM  
**To:** Ellie Engler  
**Subject:** Meeting with the Arbitrators for 3020-a

Ellie,  
Carmen can be available on February the 24<sup>th</sup> or the 27<sup>th</sup> at 4:00 PM – available for an hour. Would that work?

\*\*\*\*\*  
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\*\*\*\*\*

---

**From:** Adam Ross <ARoss@uft.org>  
**Sent:** Thursday, February 12, 2015 3:27 PM  
**To:** Guerra Charity; Jason Veny; Ellie Engler  
**Cc:** Jackson-Chase Courtenaye  
**Subject:** RE: Letter to Arbitrators

I agree.

---

**From:** Guerra Charity  
**Sent:** Thursday, February 12, 2015 3:20:09 PM  
**To:** Jason Veny; Adam Ross; Ellie Engler  
**Cc:** Jackson-Chase Courtenaye  
**Subject:** RE: Letter to Arbitrators

Hi Jason,

Thank you for getting back to me. Courtenaye would like the letters to be sent tomorrow to ensure the arbitrators receive them in a timely fashion. Are we emailing them a copy of the letter in addition to mailing it? Please let me know if there is anything I can do to help.

Best,

**Charity M. Guerra**  
Chief Deputy Counsel  
The New York City Department of Education  
Office of the General Counsel  
52 Chambers Street, Room 308  
New York, New York 10007  
Phone: (212) 374-2320  
Fax: (212) 374-5596  
Email: [cguerra7@schools.nyc.gov](mailto:cguerra7@schools.nyc.gov)

---

**From:** Jason Veny [<mailto:JVeny@uft.org>]  
**Sent:** Wednesday, February 11, 2015 8:59 PM  
**To:** Guerra Charity; Adam Ross; Ellie Engler  
**Cc:** Jackson-Chase Courtenaye  
**Subject:** RE: Letter to Arbitrators

Hi Charity,

We are fine with the proposed changes.

Thanks

Sent with Good ([www.good.com](http://www.good.com))

---

**From:** Guerra Charity  
**Sent:** Wednesday, February 11, 2015 3:31:40 PM  
**To:** Jason Veny; Adam Ross; Ellie Engler  
**Cc:** Jackson-Chase Courtenaye  
**Subject:** Letter to Arbitrators

Hi Jason,

I hope all is well. I was just wondering whether you had an opportunity to review that language we proposed for the letter to the arbitrators and what your thoughts were regarding our suggestions. Also, I wanted to let you know that we have finalized the arrangements to live stream the meeting. Let me know if there's anything else you need from the DOE in preparation for the 24<sup>th</sup>.

Best,

**Charity M. Guerra**  
Chief Deputy Counsel  
The New York City Department of Education  
Office of the General Counsel  
52 Chambers Street, Room 308  
New York, New York 10007  
Phone: (212) 374-2320  
Fax: (212) 374-5596  
Email: [cguerra7@schools.nyc.gov](mailto:cguerra7@schools.nyc.gov)

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\*\*\*\*\*

---

**From:** Jason Veny <JVeny@uft.org>  
**Sent:** Thursday, February 12, 2015 3:57 PM  
**To:** Guerra Charity  
**Subject:** RE: Letter to Arbitrators

Hi Charity,

Can you give me a call on this?

212-598-6875.

---

**From:** Guerra Charity [<mailto:CGuerra7@schools.nyc.gov>]  
**Sent:** Thursday, February 12, 2015 3:20 PM  
**To:** Jason Veny; Adam Ross; Ellie Engler  
**Cc:** Jackson-Chase Courtenaye  
**Subject:** RE: Letter to Arbitrators

Hi Jason,

Thank you for getting back to me. Courtenaye would like the letters to be sent tomorrow to ensure the arbitrators receive them in a timely fashion. Are we emailing them a copy of the letter in addition to mailing it? Please let me know if there is anything I can do to help.

Best,

**Charity M. Guerra**  
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Phone: (212) 374-2320  
Fax: (212) 374-5596  
Email: [cguerra7@schools.nyc.gov](mailto:cguerra7@schools.nyc.gov)

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**From:** Jason Veny [<mailto:JVeny@uft.org>]  
**Sent:** Wednesday, February 11, 2015 8:59 PM  
**To:** Guerra Charity; Adam Ross; Ellie Engler  
**Cc:** Jackson-Chase Courtenaye  
**Subject:** RE: Letter to Arbitrators

Hi Charity,

We are fine with the proposed changes.

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Sent with Good ([www.good.com](http://www.good.com))

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**From:** Guerra Charity  
**Sent:** Wednesday, February 11, 2015 3:31:40 PM  
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**Charity M. Guerra**  
Chief Deputy Counsel  
The New York City Department of Education  
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New York, New York 10007  
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Email: [cguerra7@schools.nyc.gov](mailto:cguerra7@schools.nyc.gov)

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\*\*\*\*\*

**From:** Jason Veny  
**Sent:** Thursday, February 12, 2015 4:38 PM  
**To:** Guerra Charity  
**Subject:** RE: Letter to Arbitrators

Just one other thing. Did you want to include how long the meeting would be?

---

**From:** Guerra Charity [<mailto:CGuerra7@schools.nyc.gov>]  
**Sent:** Thursday, February 12, 2015 3:20 PM  
**To:** Jason Veny; Adam Ross; Ellie Engler  
**Cc:** Jackson-Chase Courtenaye  
**Subject:** RE: Letter to Arbitrators

Hi Jason,

Thank you for getting back to me. Courtenaye would like the letters to be sent tomorrow to ensure the arbitrators receive them in a timely fashion. Are we emailing them a copy of the letter in addition to mailing it? Please let me know if there is anything I can do to help.

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**Charity M. Guerra**  
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Fax: (212) 374-5596  
Email: [cguerra7@schools.nyc.gov](mailto:cguerra7@schools.nyc.gov)

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**Sent:** Wednesday, February 11, 2015 8:59 PM  
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**Subject:** RE: Letter to Arbitrators

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Sent with Good ([www.good.com](http://www.good.com))

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**To:** Jason Veny; Adam Ross; Ellie Engler  
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Best,

**Charity M. Guerra**  
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52 Chambers Street, Room 308  
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Email: [cguerra7@schools.nyc.gov](mailto:cguerra7@schools.nyc.gov)

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\*\*\*\*\*



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**From:** Jason Veny <JVeny@uft.org>  
**Sent:** Thursday, February 12, 2015 5:52 PM  
**To:** Guerra Charity

Charity,

It probably makes sense to have one letter signed by both Adam and Courtenaye on DOE letterhead.

Dear Hearing Officer:

We can fill in addresses, email and mail to the individual hearing officers.

Jason R. Veny  
Counsel  
United Federation of Teachers  
(212) 598-6875

\*\*\*\*\*  
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\*\*\*\*\*

---

**From:** Jason Veny <JVeny@uft.org>  
**Sent:** Thursday, February 12, 2015 6:33 PM  
**To:** Guerra Charity  
**Subject:** FW: UFT/DOE 3020-a Arbitrators  
**Attachments:** arbitrators.csv

---

**From:** Claude Hersh [<mailto:chersh@nysutmail.org>]  
**Sent:** Thursday, February 12, 2015 5:10 PM  
**To:** Jason Veny  
**Subject:** UFT/DOE 3020-a Arbitrators

See attached. In case this format is easier to use.

LEGALLY PRIVILEGED AND CONFIDENTIAL

The information contained in this e-mail is legally privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify me at [chersh@nysutmail.org](mailto:chersh@nysutmail.org) and destroy all hard copies and any copies that may be on your computer.

Thank you,

CLAUDE I. HERSH  
Assistant General Counsel  
New York State United Teachers  
52 Broadway, 9th Floor  
New York, New York 10004  
212-533-6300  
Fax: 212-228-9253  
[chersh@nysutmail.org](mailto:chersh@nysutmail.org)

\*\*\*\*\*  
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\*\*\*\*\*

Name	First Name	Last Name	E-Mail	Add Office	Phor Office	Stret Office	City	Office State	Office Post
O'Beirne, S	Stephen	O'Beirne							
Rosario, Ha	Haydee	Rosario							
Cullen, Pati	Patricia	Cullen							
McKeever, James		McKeever							
Winters, M	Marc	Winters							
O'Connell, Mary		O'Connell							
Reilly, Davi	David	Reilly							
Williams, R	Richard	Williams							
Conlon, Jar	James	Conlon							
O'Connor, I	Doyle	O'Connor							
Capone, M	Michael	Capone							
Espinosa, S	Sarah	Espinosa							
Pierce, Judi	Judith	Pierce							
Woods, Jo	John	Woods							
Brogan, Lis	Lisa	Brogan							
Brown, Jan	James	Brown							
Kinsella, Dc	Donald	Kinsella							
Pryor, Doyl	Doyle	Pryor							
Bellifemine	Susan	Bellifemin							
Ginsberg, E	Eugene	Ginsberg							
Lazan, Micl	Michael	Lazan							
Shaller, Elli	Elliot	Shaller							
Johnson, G	Gloria	Johnson							
Murphy, Le	Leah	Murphy							
Goldman, E	Barry	Goldman							

al Code

---

**From:** Jason Veny <JVeny@uft.org>  
**Sent:** Friday, February 13, 2015 2:15 PM  
**To:** Guerra Charity  
**Subject:** RE: UFT/DOE 3020-a Arbitrators

Yes

Sent with Good ([www.good.com](http://www.good.com))

---

**From:** Guerra Charity  
**Sent:** Friday, February 13, 2015 2:00:26 PM  
**To:** Jason Veny  
**Subject:** RE: UFT/DOE 3020-a Arbitrators

Hi Jason,

Mirtza is working on getting the letter on letterhead on our end. Rene from your office has been looped in as well. Is the UFT going to do both the emailing and the regular mailing?

Thanks,

Charity M. Guerra  
Chief Deputy Counsel  
The New York City Department of Education  
Office of the General Counsel  
52 Chambers Street, Room 308  
New York, New York 10007  
Phone: (212) 374-2320  
Fax: (212) 374-5596  
Email: [cguerra7@schools.nyc.gov](mailto:cguerra7@schools.nyc.gov)

-----Original Message-----

From: Jason Veny [<mailto:JVeny@uft.org>]  
Sent: Friday, February 13, 2015 1:09 PM  
To: Guerra Charity  
Subject: RE: UFT/DOE 3020-a Arbitrators

Hi Charity,

Just following up on the letter.

-----Original Message-----

From: Guerra Charity [<mailto:CGuerra7@schools.nyc.gov>]  
Sent: Thursday, February 12, 2015 6:36 PM  
To: Jason Veny  
Subject: Re: UFT/DOE 3020-a Arbitrators

Ty

Sent from my BlackBerry 10 smartphone.

From: Jason Veny  
Sent: Thursday, February 12, 2015 6:33 PM  
To: Guerra Charity  
Subject: FW: UFT/DOE 3020-a Arbitrators

From: Claude Hersh [<mailto:chersh@nysutmail.org>]  
Sent: Thursday, February 12, 2015 5:10 PM  
To: Jason Veny  
Subject: UFT/DOE 3020-a Arbitrators

See attached. In case this format is easier to use.

LEGALLY PRIVILEGED AND CONFIDENTIAL

The information contained in this e-mail is legally privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify me at [chersh@nysutmail.org](mailto:chersh@nysutmail.org)<<mailto:chersh@nysutmail.org>> and destroy all hard copies and any copies that may be on your computer.

Thank you,

CLAUDE I. HERSH  
Assistant General Counsel  
New York State United Teachers  
52 Broadway, 9th Floor  
New York, New York 10004  
212-533-6300  
Fax: 212-228-9253  
[chersh@nysutmail.org](mailto:chersh@nysutmail.org)<<mailto:chersh@nysutmail.org>>

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\*\*\*\*\*

**From:** Adam La Faci [<mailto:adam@learningtimes.com>]  
**Sent:** Wednesday, February 11, 2015 2:49 PM  
**To:** Boateng Kalema  
**Cc:** Hope Kandel; John Walber; Range James; Ross Richard; [daniel@learningtimes.com](mailto:daniel@learningtimes.com)  
**Subject:** Re: NYC Department of Education - Livestream Request

Hi Kalema,

I'm looking forward to supporting the Chancellor event in two weeks and just had a few questions for you as we prepare for the event. Our web design team will get started building the registration page based on past events, but let me know if there are any specific changes you would like made for this event.

Also, would you like us to include a question submission form for the online audience? If you prefer, we could activate a chat room for participants instead or set up the page so participants are only viewing the event without submitting questions/comments.

Thank you,  
Adam

On Wed, Feb 11, 2015 at 10:16 AM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Hi Hope,

Thank you for sending this proposal.

Please move forward with this proposal, if there are changes, I'll be sure to alert you.

Best,

Kalema

**From:** Hope Kandel [<mailto:hope@learningtimes.com>]  
**Sent:** Tuesday, February 10, 2015 9:52 PM  
**To:** Boateng Kalema  
**Cc:** John Walber  
**Subject:** Re: NYC Department of Education - Livestream Request

Hi Kalema,

Please see the attached quote for services scheduled for Tuesday, February 24th at 4 held at Tweed. Note we cannot provide a transcript without the closed captioning services so I've included that in the quote as well.

Please let me know if you have any questions and do let us know when additional event details are confirmed. Can you also copy Adam and Dan as they will be your onsite producers for this event.

Thank you,

Hope

Hope Kandel  
LearningTimes, LLC  
Director, Business Development and Client Events

[www.learningtimes.com](http://www.learningtimes.com)  
[hope@learningtimes.com](mailto:hope@learningtimes.com)  
888.222.9749 x 87 (office)  
212.901.0954 (fax)  
skype: hopekandel

Have you seen Credly?

On Tue, Feb 10, 2015 at 2:49 PM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:



Event should be about 2-3 hours.

No closed captioning, but a transcript yes.

---

**From:** Hope Kandel [mailto:[hope@learningtimes.com](mailto:hope@learningtimes.com)]

**Sent:** Tuesday, February 10, 2015 05:45 PM

**To:** Boateng Kalema

**Subject:** Re: NYC Department of Education - Livestream Request

Sorry, Kalema. Two questions...do you need closed captioning for the event on the 24th and also how long do you expect the event to run.

Thanks,

Hope

Hope Kandel  
LearningTimes, LLC  
Director, Business Development and Client Events

[www.learningtimes.com](http://www.learningtimes.com)  
[hope@learningtimes.com](mailto:hope@learningtimes.com)  
888.222.9749 x 87 (office)  
212.901.0954 (fax)  
skype: hopekandel

Have you seen [Credly](#)?

On Tue, Feb 10, 2015 at 2:38 PM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Okay. Thank you.

**From:** Hope Kandel [mailto:[hope@learningtimes.com](mailto:hope@learningtimes.com)]

**Sent:** Tuesday, February 10, 2015 2:07 PM

**To:** Boateng Kalema

**Subject:** Re: NYC Department of Education - Livestream Request

Thanks! Will get you a quote more in line with pep than contracts and committee before I leave the office today.

Hope Kandel  
LearningTimes, LLC  
Director, Business Development and Client Events

[www.learningtimes.com](http://www.learningtimes.com)  
[hope@learningtimes.com](mailto:hope@learningtimes.com)  
888.222.9749 x 87 (office)  
212.901.0954 (fax)  
skype: hopekandel

Have you seen Credly?

On Tue, Feb 10, 2015 at 11:01 AM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Yes.

---

**From:** Hope Kandel [<mailto:hope@learningtimes.com>]

**Sent:** Tuesday, February 10, 2015 01:59 PM

**To:** Boateng Kalema

**Subject:** Re: NYC Department of Education - Livestream Request

This email was sent before we talked, yes?

Hope Kandel  
LearningTimes, LLC  
Director, Business Development and Client Events

[www.learningtimes.com](http://www.learningtimes.com)  
[hope@learningtimes.com](mailto:hope@learningtimes.com)  
888.222.9749 x 87 (office)  
212.901.0954 (fax)  
skype: hopekandel

Have you seen [Credly](#)?

On Tue, Feb 10, 2015 at 10:36 AM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

No changes, it just needs to reflect the date and location.

---

**From:** Hope Kandel [<mailto:hope@learningtimes.com>]  
**Sent:** Tuesday, February 10, 2015 01:32 PM  
**To:** Boateng Kalema  
**Cc:** Adam La Faci ([adam@learningtimes.com](mailto:adam@learningtimes.com)) <[adam@learningtimes.com](mailto:adam@learningtimes.com)>; [john@learningtimes.com](mailto:john@learningtimes.com) <[john@learningtimes.com](mailto:john@learningtimes.com)>; [daniel@learningtimes.com](mailto:daniel@learningtimes.com) <[daniel@learningtimes.com](mailto:daniel@learningtimes.com)>; Range James  
**Subject:** Re: NYC Department of Education - Livestream Request

Hi Kalema,

We can do this event and I can get you a quote shortly. I just left you a voicemail, but you can disregard it if there are no changes needed to the document you attached.

Thank you,

Hope

Hope Kandel  
LearningTimes, LLC  
Director, Business Development and Client Events

www.learningtimes.com  
hope@learningtimes.com  
888.222.9749 x 87 (office)  
212.901.0954 (fax)  
skype: hopekandel

Have you seen Credly?

On Tue, Feb 10, 2015 at 8:46 AM, Boateng Kalema <KBoateng2@schools.nyc.gov> wrote:

Hi Hope,

I hope you and your team are doing well.

I'm reaching out regarding an upcoming event taking place on **Tuesday, February 24<sup>th</sup> at Tweed, 52 Chambers street, New York NY 10007 at 4:00pm**. I'm requesting if you can provide livestreaming capabilities, the same capabilities that are provided at our Contracts Committee meetings (see attached please).

Please send a proposal reflecting the event details and send it to me at your earliest convenience.

If you have any questions, feel free to contact me directly.

Thank you,

Kalema

**Kalema Boateng**

NYC Department of Education

Kboateng2@schools.nyc.gov

office:(212) 374-5472

cell: (347) 703-5434

--

Adam La Faci  
Senior Producer / Manager  
LearningTimes, LLC

adam@learningtimes.com  
Office: 212-239-2100 x806  
Cell: 888-222-9749 x806

---

**From:** Rene Mirtza  
**Sent:** Friday, February 13, 2015 3:18 PM  
**To:** Renee Harris  
**Cc:** Adam Ross (ARoss@uft.org); Jackson-Chase Courtenaye; Guerra Charity  
**Subject:** Letter to the arbitrators  
**Attachments:** DOC021315.pdf

Hi Renee,

Attached is a copy of the letter to the arbitrators signed by Courtenaye.

Once Adam signs off on the letter, may I get a copy for my files.

It's my understanding that your office will handle the distribution of the letter to all arbitrators, and I'll keep an accurate count of the guest list as I get the confirmation from everyone.

Let me know if you require any further assistance from us.

Thanks.



**Department of  
Education**

*Carmen Fariña, Chancellor*

**Courtenaye Jackson-Chase**  
*General Counsel*

February 13, 2015

Dear Joint Education Law §3020-a Panel Member,

The United Federation of Teachers, Local 2, AFL-CIO ("UFT") and the New York City Department of Education ("NYCDOE") would like to take this opportunity to thank you for your commitment to being a member of our Joint Education Law §3020-a Panel. The UFT and NYCDOE are dedicated to providing a fair and efficient process for adjudicating charges filed pursuant to Education Law §3020-a. We know that you share in this goal, and we look forward to your collaboration. As we work towards maintaining these standards of fairness and efficiency, we invite you to meet with us to review all agreed upon rules and procedures for the §3020-a hearing process. Attorneys from the NYCDOE and New York State Unified Teachers (NYSUT) who regularly participate in the §3020-a process will also be in attendance.

The meeting will take place on Tuesday, February 24, 2015, at 4pm at 52 Chambers Street on the 2nd Floor and should last no more than one hour. Attendance at the meeting is mandatory. If you are unable to attend in person, the event will be livestreamed. Please RSVP as to whether you will be attending in person or watching the livestream, by Friday, February 20th to Mirtza Rene at [mrene3@schools.nyc.gov](mailto:mrene3@schools.nyc.gov).

Respectfully,

A handwritten signature in black ink, reading "Courtenaye Jackson-Chase".

Courtenaye Jackson-Chase  
General Counsel  
New York City Department of Education

---

Adam Ross  
General Counsel  
United Federation of Teachers

---

**From:** Jason Veny <JVeny@uft.org>  
**Sent:** Friday, February 13, 2015 3:28 PM  
**To:** Guerra Charity  
**Subject:** RE: UFT/DOE 3020-a Arbitrators

Hi Charity,

Do you have any update on the letter? Our mail dept leaves early today.

Thanks

-----Original Message-----

From: Guerra Charity [<mailto:CGuerra7@schools.nyc.gov>]  
Sent: Friday, February 13, 2015 2:00 PM  
To: Jason Veny  
Subject: RE: UFT/DOE 3020-a Arbitrators

Hi Jason,

Mirtza is working on getting the letter on letterhead on our end. Rene from your office has been looped in as well. Is the UFT going to do both the emailing and the regular mailing?

Thanks,

Charity M. Guerra  
Chief Deputy Counsel  
The New York City Department of Education Office of the General Counsel  
52 Chambers Street, Room 308  
New York, New York 10007  
Phone: (212) 374-2320  
Fax: (212) 374-5596  
Email: [cguerra7@schools.nyc.gov](mailto:cguerra7@schools.nyc.gov)

-----Original Message-----

From: Jason Veny [<mailto:JVeny@uft.org>]  
Sent: Friday, February 13, 2015 1:09 PM  
To: Guerra Charity  
Subject: RE: UFT/DOE 3020-a Arbitrators

Hi Charity,

Just following up on the letter.

-----Original Message-----

From: Guerra Charity [<mailto:CGuerra7@schools.nyc.gov>]  
Sent: Thursday, February 12, 2015 6:36 PM  
To: Jason Veny



Subject: Re: UFT/DOE 3020-a Arbitrators

Ty

Sent from my BlackBerry 10 smartphone.  
From: Jason Veny  
Sent: Thursday, February 12, 2015 6:33 PM  
To: Guerra Charity  
Subject: FW: UFT/DOE 3020-a Arbitrators

From: Claude Hersh [<mailto:chersh@nysutmail.org>]  
Sent: Thursday, February 12, 2015 5:10 PM  
To: Jason Veny  
Subject: UFT/DOE 3020-a Arbitrators

See attached. In case this format is easier to use.

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Thank you,

CLAUDE I. HERSH  
Assistant General Counsel  
New York State United Teachers  
52 Broadway, 9th Floor  
New York, New York 10004  
212-533-6300  
Fax: 212-228-9253  
[chersh@nysutmail.org](mailto:chersh@nysutmail.org)<<mailto:chersh@nysutmail.org>>

\*\*\*\*\*

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**From:** Brantley Laura  
**Sent:** Friday, February 13, 2015 3:31 PM  
**To:** Rene Mirtza; Guerra Charity; Lamont Naeemah; Antoine Karen; DaCosta Dennis  
**Subject:** RE: Meeting re: rules and procedures for the §3020-a hearing process

---

**From:** Rene Mirtza  
**Sent:** Friday, February 13, 2015 3:29 PM  
**To:** Guerra Charity; Lamont Naeemah; Brantley Laura; Antoine Karen; DaCosta Dennis  
**Subject:** Meeting re: rules and procedures for the §3020-a hearing process

Good afternoon everyone,

The meeting with the arbitrators is scheduled for February 24<sup>th</sup> at 4:00pm in the second floor conference room. Courtenaye is requesting your attendance, along with the attorneys you wish to attend. I will send you the invite shortly, and you can forward to your staff.

Thanks.

---

**From:** Adam Ross <ARoss@uft.org>  
**Sent:** Friday, February 13, 2015 3:54 PM  
**To:** Jackson-Chase Courtenaye; Rene Mirtza; Renee Harris  
**Cc:** Guerra Charity; Ellie Engler; Jason Veny  
**Subject:** RE: Letter to the arbitrators

But in a public non-legal doc, call yourself whatever nickname you want. What is of concern is that this isn't the document we agreed to.

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420

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---

**From:** Jackson-Chase Courtenaye [<mailto:CJackson-Chase@schools.nyc.gov>]  
**Sent:** Friday, February 13, 2015 3:42 PM  
**To:** Adam Ross; Rene Mirtza; Renee Harris  
**Cc:** Guerra Charity; Ellie Engler; Jason Veny  
**Subject:** RE: Letter to the arbitrators

Yes, I know but we aren't the BOE under mayoral control so I had to change it

---

**From:** Adam Ross [<mailto:ARoss@uft.org>]  
**Sent:** Friday, February 13, 2015 3:40 PM  
**To:** Rene Mirtza; Renee Harris  
**Cc:** Jackson-Chase Courtenaye; Guerra Charity; Ellie Engler; Jason Veny  
**Subject:** RE: Letter to the arbitrators

Courtenaye and Charity,

This is not the version we agree on. Specifically, the version Charity sent and we agreed said Board of Education, not Department in the first sentence.

Please advise.

Adam

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway

New York, NY 10004  
(212) 701-9420

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**From:** Rene Mirtza [<mailto:MRene3@schools.nyc.gov>]  
**Sent:** Friday, February 13, 2015 3:18 PM  
**To:** Renee Harris  
**Cc:** Adam Ross; Jackson-Chase Courtenaye; Guerra Charity  
**Subject:** Letter to the arbitrators

Hi Renee,

Attached is a copy of the letter to the arbitrators signed by Courtenaye.

Once Adam signs off on the letter, may I get a copy for my files.

It's my understanding that your office will handle the distribution of the letter to all arbitrators, and I'll keep an accurate count of the guest list as I get the confirmation from everyone.

Let me know if you require any further assistance from us.

Thanks.

\*\*\*\*\*  
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\*\*\*\*\*

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**From:** Renee Harris <rharris@uft.org>  
**Sent:** Friday, February 13, 2015 4:13 PM  
**To:** Rene Mirtza  
**Subject:** RE: Letter to the arbitrators  
**Attachments:** Ltr from Ross and Jackson Chase 2-13-15.pdf

Hi Mirtza...here's your copy. Best wishes for an awesome weekend!

*Renee D. Harris*

Administrative Assistant to  
Adam S. Ross, General Counsel  
United Federation of Teachers  
212-598-9223 [rharris@uft.org](mailto:rharris@uft.org)

---

**From:** Rene Mirtza [<mailto:MRene3@schools.nyc.gov>]  
**Sent:** Friday, February 13, 2015 3:18 PM  
**To:** Renee Harris  
**Cc:** Adam Ross; Jackson-Chase Courtenaye; Guerra Charity  
**Subject:** Letter to the arbitrators

Hi Renee,

Attached is a copy of the letter to the arbitrators signed by Courtenaye.

Once Adam signs off on the letter, may I get a copy for my files.

It's my understanding that your office will handle the distribution of the letter to all arbitrators, and I'll keep an accurate count of the guest list as I get the confirmation from everyone.

Let me know if you require any further assistance from us.

Thanks.

\*\*\*\*\*

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\*\*\*\*\*



**Department of  
Education**

*Carmen Fariña, Chancellor*

**Courtenaye Jackson-Chase  
General Counsel**

February 13, 2015

Dear Joint Education Law §3020-a Panel Member,

The United Federation of Teachers, Local 2, AFL-CIO ("UFT") and the New York City Department of Education ("NYCDOE") would like to take this opportunity to thank you for your commitment to being a member of our Joint Education Law §3020-a Panel. The UFT and NYCDOE are dedicated to providing a fair and efficient process for adjudicating charges filed pursuant to Education Law §3020-a. We know that you share in this goal, and we look forward to your collaboration. As we work towards maintaining these standards of fairness and efficiency, we invite you to meet with us to review all agreed upon rules and procedures for the §3020-a hearing process. Attorneys from the NYCDOE and New York State Unified Teachers (NYSUT) who regularly participate in the §3020-a process will also be in attendance.

The meeting will take place on Tuesday, February 24, 2015, at 4pm at 52 Chambers Street on the 2nd Floor and should last no more than one hour. Attendance at the meeting is mandatory. If you are unable to attend in person, the event will be livestreamed. Please RSVP as to whether you will be attending in person or watching the livestream, by Friday, February 20th to Mirtza Rene at [mrne3@schools.nyc.gov](mailto:mrne3@schools.nyc.gov).

Respectfully,

Courtenaye Jackson-Chase  
General Counsel  
New York City Department of Education

Adam Ross  
General Counsel  
United Federation of Teachers

---

**From:** Rene Mirtza  
**Sent:** Friday, February 13, 2015 4:16 PM  
**To:** Jackson-Chase Courtenaye; Guerra Charity; Argudo Theresa  
**Subject:** FW: Letter to the arbitrators  
**Attachments:** Ltr from Ross and Jackson Chase 2-13-15.pdf

Adam signed, and a copy of the letter is attached.

---

**From:** Renee Harris [<mailto:rharris@uft.org>]  
**Sent:** Friday, February 13, 2015 4:13 PM  
**To:** Rene Mirtza  
**Subject:** RE: Letter to the arbitrators

Hi Mirtza...here's your copy. Best wishes for an awesome weekend!

*Renee D. Harris*

Administrative Assistant to  
Adam S. Ross, General Counsel  
United Federation of Teachers  
212-598-9223 [rharris@uft.org](mailto:rharris@uft.org)

---

**From:** Rene Mirtza [<mailto:MRene3@schools.nyc.gov>]  
**Sent:** Friday, February 13, 2015 3:18 PM  
**To:** Renee Harris  
**Cc:** Adam Ross; Jackson-Chase Courtenaye; Guerra Charity  
**Subject:** Letter to the arbitrators

Hi Renee,

Attached is a copy of the letter to the arbitrators signed by Courtenaye.

Once Adam signs off on the letter, may I get a copy for my files.

It's my understanding that your office will handle the distribution of the letter to all arbitrators, and I'll keep an accurate count of the guest list as I get the confirmation from everyone.

Let me know if you require any further assistance from us.

Thanks.

\*\*\*\*\*

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**Department of  
Education**

*Carmen Fariña, Chancellor*

**Courtenaye Jackson-Chase  
General Counsel**

February 13, 2015

Dear Joint Education Law §3020-a Panel Member,

The United Federation of Teachers, Local 2, AFL-CIO ("UFT") and the New York City Department of Education ("NYCDOE") would like to take this opportunity to thank you for your commitment to being a member of our Joint Education Law §3020-a Panel. The UFT and NYCDOE are dedicated to providing a fair and efficient process for adjudicating charges filed pursuant to Education Law §3020-a. We know that you share in this goal, and we look forward to your collaboration. As we work towards maintaining these standards of fairness and efficiency, we invite you to meet with us to review all agreed upon rules and procedures for the §3020-a hearing process. Attorneys from the NYCDOE and New York State Unified Teachers (NYSUT) who regularly participate in the §3020-a process will also be in attendance.

The meeting will take place on Tuesday, February 24, 2015, at 4pm at 52 Chambers Street on the 2nd Floor and should last no more than one hour. Attendance at the meeting is mandatory. If you are unable to attend in person, the event will be livestreamed. Please RSVP as to whether you will be attending in person or watching the livestream, by Friday, February 20th to Mirtza Rene at [mrrene3@schools.nyc.gov](mailto:mrrene3@schools.nyc.gov).

Respectfully,

Courtenaye Jackson-Chase  
General Counsel  
New York City Department of Education

Adam Ross  
General Counsel  
United Federation of Teachers

---

**From:** Jim Brown  
**Sent:** Friday, February 13, 2015 4:18 PM  
**To:** Rene Mirtza  
**Subject:** February 24th Meeting

Mirtza,

Please know that I will be attending the February 24th meeting in person.

Arbitrator James A. Brown

Sent from my iPhone

---

**From:** ginsberg  
**Sent:** Friday, February 13, 2015 4:32 PM  
**To:** Rene Mirtza  
**Cc:** ginsberg  
**Subject:** 2/24/15 4PM 2d floor

MR:  
I plan to attend.  
Eugene S. Ginsberg

---

**From:** Steven Friedman <sfriedma@nysutmail.org>  
**Sent:** Friday, February 13, 2015 4:47 PM  
**To:** Rene Mirtza  
**Subject:** February 24th meeting

I will be attending in person. Thank you

---

**From:** Lisa Brogan  
**Sent:** Friday, February 13, 2015 5:03 PM  
**To:** Rene Mirtza  
**Subject:** Feb 24 meeting

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I am scheduled to be in Washington DC on Feb 24, so I will attend via livestream. Please provide details. Thank you.

Lisa Brogan  
Hearing Officer

---

**From:** Leah Murphy  
**Sent:** Friday, February 13, 2015 5:53 PM  
**To:** Rene Mirtza  
**Subject:** Meeting of Joint Section 3020-a Panel

Dear Ms. Rene: I am in receipt of an invitation to a meeting of the Joint Section 3020-a Panel on February 24, 2015 at 4:00 p.m. I will be attending the meeting in person. Regards,

Leah L. Murphy

Law Offices of Leah L. Murphy, P.C.  
100 Mamaroneck Avenue, Room 201  
Mamaroneck, New York 10543  
(914) 698-6366  
Fax: (914) 698-6368  
[leahmurphyllaw@gmail.com](mailto:leahmurphyllaw@gmail.com)

---

**From:** Marc Winters  
**Sent:** Friday, February 13, 2015 5:54 PM  
**To:** Rene Mirtza  
**Subject:** February 24, 2015, mandatory meeting for 3020a Hearing Officers

Mirtza,

I will be attending the above-referenced meeting in person.

Thank you.

Marc Winters  
Hearing Officer

---

**From:** Susan Sangillo Bellifemine  
**Sent:** Friday, February 13, 2015 6:19 PM  
**To:** Rene Mirtza  
**Subject:** Re: Letter from Adam Ross and Courtenaye Jackson-Chase

Dear Ms. Rene:

I will attend the meeting in person on February 24, 2015. Thank you.

Best regards,  
Susan Sangillo Bellifemine

**Susan Sangillo Bellifemine, Esq.**  
**Susan Sangillo Bellifemine LLC**  
**360 Fairview Avenue**  
**Cedar Grove, New Jersey 07009**  
**973 857 6208**  
**973 429 7743 cell**  
**973 857 6209 fax**

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-----Original Message-----

From: Adam Ross <ARoss@uft.org>  
Cc: 'Jackson-Chase Courtenaye' (CJackson-Chase@schools.nyc.gov) <CJackson-Chase@schools.nyc.gov>; Adam Ross <ARoss@uft.org>; 'chersh@nysutmail.org' <chersh@nysutmail.org>; nlamont <nlamont@schools.nyc.gov>; lbrantley <lbrantley@schools.nyc.gov>  
Sent: Fri, Feb 13, 2015 3:59 pm  
Subject: Letter from Adam Ross and Courtenaye Jackson-Chase

Please see attached.

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420



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\*\*\*\*\*

---

**From:** Susan Sangillo Bellifemine  
**Sent:** Friday, February 13, 2015 7:42 PM  
**To:** Rene Mirtza  
**Subject:** Re: Letter from Adam Ross and Courtenaye Jackson-Chase

Please ignore this message

Sent from my iPhone

On Feb 13, 2015, at 7:41 PM, Susan Sangillo Bellifemine wrote:

Sorry I meant Wednesday the 18th; is that ok?

Sent from my iPhone

On Feb 13, 2015, at 6:18 PM, Susan Sangillo Bellifemine wrote:

Dear Ms. Rene:

I will attend the meeting in person on February 24, 2015. Thank you.

Best regards,  
Susan Sangillo Bellifemine

**Susan Sangillo Bellifemine, Esq.**  
**Susan Sangillo Bellifemine LLC**  
**360 Fairview Avenue**  
**Cedar Grove, New Jersey 07009**  
**973 857 6208**  
**973 429 7743 cell**  
**973 857 6209 fax**

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-----Original Message-----

From: Adam Ross <ARoss@uft.org>  
Cc: 'Jackson-Chase Courtenaye' (CJackson-Chase@schools.nyc.gov) <CJackson-Chase@schools.nyc.gov>; Adam Ross <ARoss@uft.org>; 'chersh@nysutmail.org' <chersh@nysutmail.org>; nlamont <nlamont@schools.nyc.gov>; lbrantley <lbrantley@schools.nyc.gov>  
Sent: Fri, Feb 13, 2015 3:59 pm  
Subject: Letter from Adam Ross and Courtenaye Jackson-Chase

Please see attached.

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420

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\*\*\*\*\*

---

**From:** Barry Goldman <bagman@ameritech.net>  
**Sent:** Friday, February 13, 2015 7:46 PM  
**To:** Rene Mirtza  
**Subject:** RSVP

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mirtza Rene,

I am scheduled to chair a 3-member arbitration panel in a Financial Industry Regulatory Authority (FINRA) case in Michigan on Feb. 23, 24, and 25. The hearing is scheduled from 9 - 5 each day. If the case settles or we break early on the 24th, I will attend the §3020-a meeting by livestream.

If I am not able to attend, I hope the meeting will be recorded for later viewing.

Best regards,

Barry Goldman

--

Barry Goldman, MA, JD  
Arbitration and Mediation  
248-932-3832  
bagman@ameritech.net

---

**From:** Sarah Espinosa  
**Sent:** Monday, February 16, 2015 9:39 AM  
**To:** Rene Mirtza  
**Subject:** RSVP for 2/24 meeting

Good morning. Thank you for the invitation to attend the February 24th meeting. I plan to attend in person at 52 Chambers Street.

Respectfully,

Sarah Espinosa

--

Sarah Miller Espinosa, J.D.  
Arbitrator. Mediator. Facilitator.  
301-828-8566

---

**From:** Doyle Pryor  
**Sent:** Monday, February 16, 2015 6:04 PM  
**To:** Rene Mirtza  
**Subject:** February 24 Meeting of 3020-a Hearing Officers

Dear Ms. Rene:

As requested in the February 13, 2015 letter from Cortenaye Jackson-Chase and Adam Ross, I am writing to inform you that I will be attending the meeting scheduled for 4:00 pm on February 24, 2015 for Section 3020-a arbitration panel members.

Doyle Pryor

New York, NY 10022

---

**From:** Capone Michael <caponeassociates@gmail.com>  
**Sent:** Tuesday, February 17, 2015 1:27 PM  
**To:** Rene Mirtza  
**Subject:** Feb 24 Meeting

Good afternoon,

My name is Michael Capone and I am a hearing officer for the NYC 3020-a hearings. I am responding to the memo received February 13 regarding the meeting of February 24 at 4pm. I am writing to confirm that I will not be attending in person and will participate through the live stream.

Thank you.

Michael Capone

Seaford, New York 11783

[caponeassociates@gmail.com](mailto:caponeassociates@gmail.com)

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---

**From:**  
**Sent:** Tuesday, February 17, 2015 6:05 PM  
**To:** Rene Mirtza  
**Subject:** February 24, 2015 meeting

Dear Ms. Rene,  
I will be attending the February 24, 2015 concerning 3020-1 procedures in person.  
Thank you.  
Mary O'Connell



---

**From:** Elliot Shaller  
**Sent:** Tuesday, February 17, 2015 6:18 PM  
**To:** Rene Mirtza  
**Subject:** Fwd: Letter from Adam Ross and Courtenaye Jackson-Chase  
**Attachments:** Ltr from Ross and Jackson Chase 2-13-15.pdf

Ms. Rene:

I wish to RSVP for the meeting on 2/24 referenced in Mr. Ross' message. I plan to attend in person. Thanks.  
Begin forwarded message:

**From:** Adam Ross <ARoss@uft.org>  
**Cc:** "Jackson-Chase Courtenaye" (CJackson-Chase@schools.nyc.gov)" <CJackson-Chase@schools.nyc.gov>, Adam Ross <ARoss@uft.org>, "chersh@nysutmail.org" <chersh@nysutmail.org>, "nlamont@schools.nyc.gov" <nlamont@schools.nyc.gov>, "lbrantley@schools.nyc.gov" <lbrantley@schools.nyc.gov>  
**Subject:** Letter from Adam Ross and Courtenaye Jackson-Chase  
**Date:** February 13, 2015 at 3:55:39 PM EST

Please see attached.

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420

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\*\*\*\*\*  
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\*\*\*\*\*

Elliot H. Shaller, Esq.  
Arbitrator & Mediator  
11733 Devilwood Dr.  
Potomac, MD 20854  
301-358-5585 (phone and fax)  
[elliott@shalleradr.com](mailto:elliott@shalleradr.com)



---

**From:** pierce  
**Sent:** Wednesday, February 18, 2015 12:59 AM  
**To:** Rene Mirtza  
**Subject:** February 24th Meeting

I will attend the February 24th meeting in person.

Arbitrator Judith T Pierce

---

**From:** Richard D. Williams  
**Sent:** Wednesday, February 18, 2015 11:33 AM  
**To:** Rene Mirtza  
**Subject:** RSVP for 2/24/15 Meeting

Dear Ms. Rene,

Please be advised that while I have a hearing scheduled for February 24th and we usually work through to 5pm when we can, if scheduling permits, I will attend the meeting in person. I will discuss with counsel assigned to my cases as it is my understanding they are to attend also.

Sincerely,

Richard D. Williams, Esq.  
405 Tarrytown Road #1132  
White Plains, NY 10607  
914-615-9269 - office

---

**From:** Jackson-Chase Courtenaye  
**Sent:** Wednesday, February 18, 2015 5:38 PM  
**To:** Rene Mirtza  
**Subject:** Fw: Letter from Adam Ross and Courtenaye Jackson-Chase

Sent from my BlackBerry 10 smartphone.

---

**From:** Adam Ross <ARoss@uft.org>  
**Sent:** Wednesday, February 18, 2015 5:36 PM  
**To:** Jackson-Chase Courtenaye  
**Subject:** FW: Letter from Adam Ross and Courtenaye Jackson-Chase

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
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---

**From:** Jim Conlon  
**Sent:** Friday, February 13, 2015 4:19 PM  
**To:** Adam Ross  
**Subject:** Re: Letter from Adam Ross and Courtenaye Jackson-Chase

I will be in attendance on Tuesday at 4:00 PM.  
James a. Conlon

On Feb 13, 2015, at 3:55 PM, Adam Ross <ARoss@uft.org> wrote:

Please see attached.

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004

(212) 701-9420

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\*\*\*\*\*

<Ltr from Ross and Jackson Chase 2-13-15.pdf>

\*\*\*\*\*

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\*\*\*\*\*

**From:** Ellie Engler <[eeengler@uft.org](mailto:eeengler@uft.org)>  
**Sent:** Friday, February 20, 2015 10:07 AM  
**To:** Jackson-Chase Courtenaye  
**Cc:** Adam Ross; Michael Mulgrew; [KGoldmark@cityhall.nyc.gov](mailto:KGoldmark@cityhall.nyc.gov)  
**Subject:** Tuesday mtg

If Carmen can't do greetings, how about Tony Shorris. Mulgrew can call him today. Thoughts?

Ellie Engler  
Executive Assistant to the President  
Director of Staff  
United Federation of Teachers  
[Eengler@uft.org](mailto:Eengler@uft.org)  
212-598-9265

\*\*\*\*\*

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\*\*\*\*\*

---

**From:** Doyle O'Connor  
**Sent:** Friday, February 20, 2015 11:54 AM  
**To:** Rene Mirtza  
**Subject:** RSVP livestream 2/24/15

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Can't be present on such short notice—will livestream—so how does one access?

Doyle O'Connor  
5305 S. Cornell, 2nd Fl  
Chicago, Ill 60615  
Ph: (773) 966-4964  
C: (313) 574-1959  
oconnordoyle@gmail.com



---

**From:** Jackson-Chase Courtenaye  
**Sent:** Saturday, February 21, 2015 4:59 PM  
**To:** Rene Mirtza  
**Subject:** Fw: Letter from Adam Ross and Courtenaye Jackson-Chase

Sent from my BlackBerry 10 smartphone.

---

**From:** David Reilly <djureilly@adr-practice.com>  
**Sent:** Saturday, February 21, 2015 4:57 PM  
**To:** Adam Ross  
**Cc:** Jackson-Chase Courtenaye; chersh@nysutmail.org; Lamont Naeemah; Brantley Laura  
**Subject:** Re: Letter from Adam Ross and Courtenaye Jackson-Chase

Dear Mr. Ross:

I will be attending the February 24th meeting in person.

Sincerely yours,

David J. Reilly, Esq.  
Arbitrator - Mediator

40 East 94th Street, Suite 3J  
New York, NY 10128  
(212) 996-3233 (Office)  
(212) 410-6232 (Fax)  
(201) 404-2932 (Cell)

NOTE: NEW SUITE NUMBER

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On Feb 13, 2015, at 3:55 PM, Adam Ross <ARoss@uft.org> wrote:

Please see attached.

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420

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\*\*\*\*\*

<Ltr from Ross and Jackson Chase 2-13-15.pdf>

---

**From:** Patricia A. Cullen  
**Sent:** Monday, February 23, 2015 7:43 AM  
**To:** Rene Mirtza  
**Subject:** FW: Letter from Adam Ross and Courtenaye Jackson-Chase  
**Attachments:** Ltr from Ross and Jackson Chase 2-13-15.pdf

Ms. Rene-

I am RSVPing for the meeting at DOE on Feb 24. I will be attending the meeting by watching the livestream. Please let me know how to access the meeting.  
Thank you.

*Patricia A. Cullen*

Patricia A. Cullen, Esq.  
31 Mountain Boulevard, Suite E  
Warren, New Jersey 07059  
(908) 500-8618 (phone)  
(908) 753-9384 (fax)  
cullenadr@comcast.net

---

**From:** Renee Harris [mailto:rharris@uft.org] **On Behalf Of** Adam Ross  
**Sent:** Friday, February 13, 2015 3:56 PM  
**Cc:** 'Jackson-Chase Courtenaye' (CJackson-Chase@schools.nyc.gov); Adam Ross; 'chersh@nysutmail.org'; nlamont@schools.nyc.gov; lbrantley@schools.nyc.gov  
**Subject:** Letter from Adam Ross and Courtenaye Jackson-Chase

Please see attached.

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420

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\*\*\*\*\*

---

**From:** Jim Conlon  
**Sent:** Monday, February 23, 2015 8:01 AM  
**To:** Rene Mirtza  
**Subject:** Fwd: Letter from Adam Ross and Courtenaye Jackson-Chase  
**Attachments:** Ltr from Ross and Jackson Chase 2-13-15.pdf; ATT00001.htm

Good morning,

I am replying to this message again to inform you that I will of course be attending the meeting on Tuesday February 24 at 4:00 PM in person.

Thank you

Hearing Officer James Conlon

Begin forwarded message:

**From:** Adam Ross <ARoss@uft.org>  
**Date:** February 13, 2015 at 3:55:39 PM EST  
**Cc:** "'Jackson-Chase Courtenaye' (CJackson-Chase@schools.nyc.gov)" <CJackson-Chase@schools.nyc.gov>, Adam Ross <ARoss@uft.org>, "'chersh@nysutmail.org'" <chersh@nysutmail.org>, "nlamont@schools.nyc.gov" <nlamont@schools.nyc.gov>, "lbrantley@schools.nyc.gov" <lbrantley@schools.nyc.gov>  
**Subject:** Letter from Adam Ross and Courtenaye Jackson-Chase

Please see attached.

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420

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---

**From:** Boateng Kalema  
**Sent:** Monday, February 23, 2015 11:25 AM  
**To:** Sandra Lopes  
**Cc:** Rene Mirtza  
**Subject:** RE: Catering Request - Tuesday, February 24th Event at Tweed

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Sandra,

Let's keep the order as is.

Please disregard the voicemail message I left you.

Thank you,  
Kalema

**Kalema Boateng**  
NYC Department of Education  
[Kboateng2@schools.nyc.gov](mailto:Kboateng2@schools.nyc.gov)  
office: (212) 374-5472  
cell: (347) 703-5434

---

**From:** Boateng Kalema  
**Sent:** Thursday, February 19, 2015 12:35 PM  
**To:** 'Sandra Lopes'  
**Subject:** RE: Catering Request - Tuesday, February 24th Event at Tweed

Great!

The delivery time should be 3:00pm. I want to have enough time to load the food into the conference space.

Thanks again and enjoy your weekend!

---

**From:** Sandra Lopes [<mailto:slopes@dohertyinc.com>]  
**Sent:** Thursday, February 19, 2015 10:01 AM  
**To:** Boateng Kalema  
**Subject:** RE: Catering Request - Tuesday, February 24th Event at Tweed

Good morning Kalema,

You are all set for Tuesday's dinner order.

Enjoy your day and stay warm!!!

Thank you,

## Catering

**Sandra Lopes**

Regional Catering Manager

Ph: (516) 712-5761

Fax: (516) 977-3068

[slopes@dohertyinc.com](mailto:slopes@dohertyinc.com)

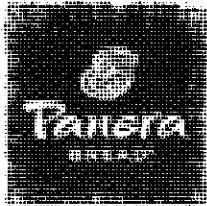
---

**From:**

**Sent:**

**To:** Sandra

**Subject:** RE:



Boateng Kalema [<mailto:KBoateng2@schools.nyc.gov>]

Wednesday, February 18, 2015 11:46 AM

Lopes

Catering Request - Tuesday, February 24th Event at Tweed

Hi Sandra,

Please

proceed with this request.

The PO# WR5173100 for your reference.

Thank you,

Kalema

---

**From:** Sandra Lopes [<mailto:slopes@dohertyinc.com>]

**Sent:** Tuesday, February 17, 2015 7:52 PM

**To:** Boateng Kalema

**Subject:** RE: Catering Request - Tuesday, February 24th Event at Tweed

Hey Kalema,

Attached you will find your menu for Tuesday's luncheon.

Shall I proceed with the attached order? Please advise.

Thank you,

## Catering

**Sandra Lopes**

Regional Catering Manager

Ph: (516) 712-5761

Fax: (516) 977-3068

[slopes@dohertyinc.com](mailto:slopes@dohertyinc.com)

---

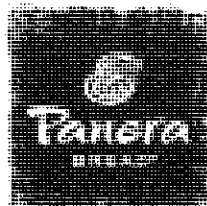
**From:**

**Sent:**

**To:** Sandra

**Subject:**

**Importance:**



Boateng Kalema [<mailto:KBoateng2@schools.nyc.gov>]

Tuesday, February 17, 2015 12:20 PM

Lopes

Catering Request - Tuesday, February 24th Event at Tweed

High

Hi Sandra,

I hope you are doing well.

On **Tuesday, February 24, 2015** the NYC Department of Education will hold an event at **Tweed, 52 Chambers Street, New York, NY 10007** at **4:00pm** in the **2<sup>nd</sup> floor conference room**. The anticipated number of attendees should be around 90-100 people.

Please prepare a lunch proposal for 100 people.

Details of the order:  
(lunch for 100)

- Coffee/ tea, cream sugar on the side
- cookies, chips, apples
- Water for 100 people
- Mustard on the side
- Pickles on the side
- Assortment of sandwiches
- Tomatoes on the side
- Large fruit bowl
- large salads (Caesar & mixed green)

Contacts: Kalema Boateng (347-703-5434) or Mirtza Rene (  
Title of Event: Joint Education Law §3020-a Panel Meeting

If you have any questions or concerns, feel free to contact me directly.

Thank you,  
Kalema

**Kalema Boateng**  
NYC Department of Education  
[Kboateng2@schools.nyc.gov](mailto:Kboateng2@schools.nyc.gov)  
office:(212) 374-5472  
cell: (347) 703-5434

---

**From:** Adam Ross <ARoss@uft.org>  
**Sent:** Monday, February 23, 2015 11:28 AM  
**To:** Rene Mirtza; Jackson-Chase Courtenaye; Guerra Charity  
**Cc:** Ellie Engler  
**Subject:** FW: Letter from Adam Ross and Courtenaye Jackson-Chase  
**Attachments:** Ltr from Ross and Jackson Chase 2-13-15.pdf

Morning,

Since the RSVP date was Friday, I just wanted to know if we had heard from all of the hearing officers. Please advise.

Thanks,  
Adam

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420

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---

**From:** Renee Harris **On Behalf Of** Adam Ross  
**Sent:** Friday, February 13, 2015 3:56 PM  
**Cc:** 'Jackson-Chase Courtenaye' ([CJackson-Chase@schools.nyc.gov](mailto:CJackson-Chase@schools.nyc.gov)); Adam Ross; 'chersh@nysutmail.org'; [nlamont@schools.nyc.gov](mailto:nlamont@schools.nyc.gov); [lbrantley@schools.nyc.gov](mailto:lbrantley@schools.nyc.gov)  
**Subject:** Letter from Adam Ross and Courtenaye Jackson-Chase

Please see attached.

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
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---

**From:** Adam Ross <ARoss@uft.org>  
**Sent:** Monday, February 23, 2015 11:29 AM  
**To:** Jackson-Chase Courtenaye; Rene Mirtza; Guerra Charity  
**Subject:** FW: Letter from Adam Ross and Courtenaye Jackson-Chase

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420

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---

**From:** David Reilly [mailto:djreilly@adr-practice.com]  
**Sent:** Saturday, February 21, 2015 4:58 PM  
**To:** Adam Ross  
**Cc:** 'Jackson-Chase Courtenaye' (CJackson-Chase@schools.nyc.gov); chersh@nysutmail.org; nlamont@schools.nyc.gov; lbrantley@schools.nyc.gov  
**Subject:** Re: Letter from Adam Ross and Courtenaye Jackson-Chase

Dear Mr. Ross:

I will be attending the February 24th meeting in person.

Sincerely yours,

David J. Reilly, Esq.  
Arbitrator - Mediator

40 East 94th Street, Suite 3J  
New York, NY 10128  
(212) 996-3233 (Office)  
(212) 410-6232 (Fax)  
(201) 404-2932 (Cell)

NOTE: NEW SUITE NUMBER

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On Feb 13, 2015, at 3:55 PM, Adam Ross <ARoss@uft.org> wrote:

Please see attached.

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General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420

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<Ltr from Ross and Jackson Chase 2-13-15.pdf>

\*\*\*\*\*  
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\*\*\*\*\*

---

**From:** Rene Mirtza  
**Sent:** Monday, February 23, 2015 11:33 AM  
**To:** Rene Mirtza  
**Cc:** Boateng Kalema; Ross Richard  
**Subject:** Joint Education Law §3020-a Panel Meeting Livestream information

Good day,

Below is the link for pre-registration, and to view the event through livestream:

<http://www.>

\*\*\*\*\*

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\*\*\*\*\*

---

**From:** Jackson-Chase Courtenaye  
**Sent:** Monday, February 23, 2015 11:39 AM  
**To:** Rene Mirtza  
**Subject:** FW: Letter from Adam Ross and Courtenaye Jackson-Chase

---

**From:** Adam Ross [mailto:ARoss@uft.org]  
**Sent:** Monday, February 23, 2015 11:26 AM  
**To:** Jackson-Chase Courtenaye  
**Subject:** FW: Letter from Adam Ross and Courtenaye Jackson-Chase

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420

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---

**From:** Jim Conlon  
**Sent:** Friday, February 13, 2015 4:19 PM  
**To:** Adam Ross  
**Subject:** Re: Letter from Adam Ross and Courtenaye Jackson-Chase

I will be in attendance on Tuesday at 4:00 PM.  
James a. Conlon

On Feb 13, 2015, at 3:55 PM, Adam Ross <ARoss@uft.org> wrote:

Please see attached.

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420

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<Ltr from Ross and Jackson Chase 2-13-15.pdf>

\*\*\*\*\*

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---

**From:** Adam Ross <ARoss@uft.org>  
**Sent:** Monday, February 23, 2015 11:43 AM  
**To:** Rene Mirtza; Jackson-Chase Courtenaye; Guerra Charity  
**Cc:** Ellie Engler; Renee Harris; Claude Hersh (chersh@nysutmail.org); 'Lena Ackerman'; Jen Hogan  
**Subject:** RE: Letter from Adam Ross and Courtenaye Jackson-Chase  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I think we should send a follow up to O'Beirne, Rosario, McKeever, Woods, Ginsberg, Lazan and Johnson this morning.

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420

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---

**From:** Rene Mirtza [mailto:MRene3@schools.nyc.gov]  
**Sent:** Monday, February 23, 2015 11:40 AM  
**To:** Adam Ross; Jackson-Chase Courtenaye; Guerra Charity  
**Cc:** Ellie Engler  
**Subject:** RE: Letter from Adam Ross and Courtenaye Jackson-Chase

Hi Adam,

Attached is the guest list.

Four arbitrators opt to livestream, and six arbitrators didn't rsvp yet. We sent the link below to all ten arbitrators to register so they may attend the meeting via video conferencing.

<http://>

If you require anything else, please let us know.

Thanks.

---

**From:** Adam Ross [mailto:ARoss@uft.org]  
**Sent:** Monday, February 23, 2015 11:28 AM  
**To:** Rene Mirtza; Jackson-Chase Courtenaye; Guerra Charity

**Cc:** Ellie Engler  
**Subject:** FW: Letter from Adam Ross and Courtenaye Jackson-Chase

Morning,

Since the RSVP date was Friday, I just wanted to know if we had heard from all of the hearing officers. Please advise.

Thanks,  
Adam

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420

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**From:** Renee Harris **On Behalf Of** Adam Ross  
**Sent:** Friday, February 13, 2015 3:56 PM  
**Cc:** 'Jackson-Chase Courtenaye' (CJackson-Chase@schools.nyc.gov); Adam Ross; 'chersh@nysutmail.org'; nlamont@schools.nyc.gov; lbrantley@schools.nyc.gov  
**Subject:** Letter from Adam Ross and Courtenaye Jackson-Chase

Please see attached.

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
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---

**From:** Boateng Kalema  
**Sent:** Monday, February 23, 2015 11:03 AM  
**To:** Lamont Naeemah; Adam La Faci  
**Cc:** Mui Justin; Lessey-stallworth Alisha; Ross Richard; Rene Mirtza; Brantley Laura  
**Subject:** RE: NYC Department of Education - Livestream Request

Adam, is it possible if we can make this happen? Do we need a different link for people who wish to submit questions throughout the event? Naeemah or a designated member of her team will be the point in reviewing the questions submitted by the audience the day of the event.

Naeemah, this is the pre-registration page link available to share with attendees or interested individuals:  
<http://www.>

Please confirm.

Thanks all,  
Kalema

**Kalema Boateng**

NYC Department of Education

[Kboateng2@schools.nyc.gov](mailto:Kboateng2@schools.nyc.gov)

office: (212) 374-5472

cell: (347) 703-5434

---

**From:** Lamont Naeemah

**Sent:** Monday, February 23, 2015 10:57 AM

**To:** Boateng Kalema; Adam La Faci

**Cc:** Mui Justin; Lessey-stallworth Alisha; Ross Richard; Rene Mirtza; Brantley Laura

**Subject:** RE: NYC Department of Education - Livestream Request

Hi Kalema,

We wanted to be able to see the questions.

We would in turn gather the questions and then respond to them by addressing the entire audience (and those livestreaming would hear the answer).

Naeemah Lamont

Director, Teacher Performance Unit

NYC Department of Education

Office of The General Counsel

51 Chambers Street, Room 611

New York, N.Y. 10007

Tel: (212) 374-6034

Fax: (212) 374-9298

[NLamont@schools.nyc.gov](mailto:NLamont@schools.nyc.gov)

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---

**From:** Boateng Kalema

**Sent:** Monday, February 23, 2015 10:14 AM

**To:** Adam La Faci

**Cc:** Mui Justin; Lessey-stallworth Alisha; Ross Richard; Lamont Naeemah

**Subject:** RE: NYC Department of Education - Livestream Request

You're welcome, Adam.

I'm looping in Richard Ross and Naeemah Lamont that can speak on if we will need audience feedback (accept questions from audience via livestream portal). I believe there will not be any audience feedback but, I want Naeemah/Richard to confirm as this information may have changed since we last discussed.

Thanks,  
Kalema

**From:** Adam La Faci [<mailto:adam@learningtimes.com>]  
**Sent:** Monday, February 23, 2015 10:10 AM  
**To:** Boateng Kalema  
**Cc:** Mui Justin; Lessey-stallworth Alisha  
**Subject:** Re: NYC Department of Education - Livestream Request

Thank you for touching base with us. It sounds like a similar set up to the recent events we did with the Chancellor on the 2nd floor. We will need; a spot across from the podium to set up the table/equipment, a hardwire Ethernet connection, a feed from the house audio system, and an extension cord for power.

Are you planning to take questions from the online audience during the event? If so, will a member of your team be previewing them with us as they are submitted?

Thank you,  
Adam

--  
Adam La Faci  
Senior Producer / Manager  
LearningTimes, LLC

[adam@learningtimes.com](mailto:adam@learningtimes.com)  
Office: 212-239-2100 x806  
Cell: 888-222-9749 x806

On Feb 23, 2015, at 9:48 AM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

+ Justin and Alisha

I believe there will be an in-person audience of approximately 90-100 people. Justin can you please confirm setup details with the event representative for the Tuesday, 2/24 livestream event taking place? I believe Mirtza may have more information.

Thank you,  
Kalema

**Kalema Boateng**  
NYC Department of Education  
[Kboateng2@schools.nyc.gov](mailto:Kboateng2@schools.nyc.gov)  
office: (212) 374-5472  
cell: (347) 703-5434

**From:** Adam La Faci [<mailto:adam@learningtimes.com>]  
**Sent:** Friday, February 20, 2015 3:21 PM  
**To:** Boateng Kalema  
**Subject:** Re: NYC Department of Education - Livestream Request

Hi Kalema,

I'd like to clarify the set up for the event:

- Is there going to be an in-person audience?

- Will presenters be at a podium with a microphone?
- How many presenters are speaking in the event?

Thank you,  
Adam

On Tue, Feb 17, 2015 at 1:11 PM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Hi Adam,

Thanks again.

I sent it along to the event representative, I'll notify you if any changes are needed.

Best,

Kalema

**Kalema Boateng**

NYC Department of Education

[Kboateng2@schools.nyc.gov](mailto:Kboateng2@schools.nyc.gov)

office: [\(212\) 374-5472](tel:(212)374-5472)

cell: [\(347\) 703-5434](tel:(347)703-5434)

**From:** Adam La Faci [<mailto:adam@learningtimes.com>]

**Sent:** Tuesday, February 17, 2015 10:04 AM

**To:** Boateng Kalema

**Subject:** Re: NYC Department of Education - Livestream Request

Hi Kalema,

The page is now live with the additional content: <http://www.>

Please review for any changes, and if it looks like it's all set, feel free to disseminate the link to potential registrants.

Best,  
Adam

On Fri, Feb 13, 2015 at 3:56 PM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Thanks, Adam!

Please incorporate the following information.

Once you have incorporated this information, please send me the link so I can send to my team and they can allow folks to pre-register.

- **Session/Event Name:** Joint Education Law §3020-a Panel Meeting
- **Description:**

The United Federation of Teachers, Local 2, AFL-CIO ("UFT") and the New York City Department of Education ("NYCDOE") are committed to the goal of providing a fair and efficient process for adjudicating charges filed pursuant to Education Law § 3020-a. We know that you share in this goal, and we look forward to your collaboration. As we work towards maintaining these standards of fairness and efficiency, we invite you to meet with us to review all agreed upon rules and procedures for the §3020-a hearing process. Attorneys from the DOE and New York State Unified Teachers (NYSUT) who regularly participate in the §3020-a process will also be in attendance.

The meeting will take place on Tuesday, February 24, 2015, at 4pm at 52 Chambers Street in the 2nd Floor conference room. Registration will remain open until the meeting's adjournment. A recording and transcript will be posted to this webpage following the meeting. The session is free, but registration is required to reserve a virtual seat. Please complete the form below. After registering below, you will receive an email with login instructions. Please mark your calendar for the event you select below, and save the confirmation email you receive, as you will need it to access the event online.

If you have any questions feel free to contact me directly.

Best,

Kalema

**Kalema Boateng**

NYC Department of Education

[Kboateng2@schools.nyc.gov](mailto:Kboateng2@schools.nyc.gov)

office: (212) 374-5472

cell: (347) 703-5434

**From:** Adam La Faci [<mailto:adam@learningtimes.com>]

**Sent:** Friday, February 13, 2015 2:41 PM

**To:** Boateng Kalema

**Subject:** Re: NYC Department of Education - Livestream Request

Hi Kalema,

This is the registration page built with the information that you sent us so far: <http://www>

The URL will obviously change when we have the session name (and we still need a 1-2 sentence session description as well). Also, please note that the registration fields are hidden fully until the page goes live.

Thank you,  
Adam

On Thu, Feb 12, 2015 at 4:55 PM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Great!

**From:** Adam La Faci [<mailto:adam@learningtimes.com>]

**Sent:** Thursday, February 12, 2015 4:54 PM

**To:** Boateng Kalema

**Subject:** Re: NYC Department of Education - Livestream Request

Hi Kalema,

It usually takes our team 1-2 business days to build a registration page. I will let you know if they have any questions as they build the site, otherwise I will send you the link once its complete.

Best,

Adam

On Thu, Feb 12, 2015 at 4:51 PM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Great! Feel free to send me the weblink when its finished.

How long approximately will it take to build the page?

Thank you,  
Kalema

---

**From:** Adam La Faci [<mailto:adam@learningtimes.com>]

**Sent:** Thursday, February 12, 2015 04:49 PM

**To:** Boateng Kalema

**Subject:** Re: NYC Department of Education - Livestream Request

Hi Kalema,

Thank you, I have our web design team starting in on building this page and they know not to publish it as a live page until we receive approval.

Best,  
Adam

On Thu, Feb 12, 2015 at 4:29 PM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Hi Adam,

I haven't forgotten about your questions, I'm awaiting on more details pertaining to the pre-registration page. I'll follow-up tomorrow with more concrete answers.

Is there a way we can hold on making the page live? We should start building the page now (see below). We will not have attendees submit questions but we will have the pre-registration page similar to the Panel for Educational Policy meeting page.

**Please do not make the page live to the public until I notify you directly.**

**The event details are as follows:**

- **Date & Time of Event:** Tuesday, February 24, 2015 at 4:00pm
- **Location:** Tweed, 52 Chambers Street, New York, NY 10007, 2<sup>nd</sup> floor

**Registrant Request Form details:**

Last Name:

First Name:



Organization:

Email Address:

Title/Position:

Phone Number:

Thanks,

Kalema

**Kalema Boateng**

NYC Department of Education

[Kboateng2@schools.nyc.gov](mailto:Kboateng2@schools.nyc.gov)

office: [\(212\) 374-5472](tel:(212) 374-5472)

cell: [\(347\) 703-5434](tel:(347) 703-5434)

**From:** Adam La Faci [<mailto:adam@learningtimes.com>]

**Sent:** Wednesday, February 11, 2015 2:49 PM

**To:** Boateng Kalema

**Cc:** Hope Kandel; John Walber; Range James; Ross Richard; [daniel@learningtimes.com](mailto:daniel@learningtimes.com)

**Subject:** Re: NYC Department of Education - Livestream Request

Hi Kalema,

I'm looking forward to supporting the Chancellor event in two weeks and just had a few questions for you as we prepare for the event. Our web design team will get started building the registration page based on past events, but let me know if there are any specific changes you would like made for this event.

Also, would you like us to include a question submission form for the online audience? If you prefer, we could activate a chat room for participants instead or set up the page so participants are only viewing the event without submitting questions/comments.

Thank you,

Adam

On Wed, Feb 11, 2015 at 10:16 AM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Hi Hope,

Thank you for sending this proposal.

Please move forward with this proposal, if there are changes, I'll be sure to alert you.

Best,

Kalema

**From:** Hope Kandel [<mailto:hope@learningtimes.com>]  
**Sent:** Tuesday, February 10, 2015 9:52 PM  
**To:** Boateng Kalema  
**Cc:** John Walber  
**Subject:** Re: NYC Department of Education - Livestream Request

Hi Kalema,

Please see the attached quote for services scheduled for Tuesday, February 24th at 4 held at Tweed. Note we cannot provide a transcript without the closed captioning services so I've included that in the quote as well.

Please let me know if you have any questions and do let us know when additional event details are confirmed. Can you also copy Adam and Dan as they will be your onsite producers for this event.

Thank you,

Hope

Hope Kandel  
LearningTimes, LLC  
Director, Business Development and Client Events

[www.learningtimes.com](http://www.learningtimes.com)  
[hope@learningtimes.com](mailto:hope@learningtimes.com)  
888.222.9749 x 87 (office)  
212.901.0954 (fax)  
skype: hopekandel

Have you seen Credly?

On Tue, Feb 10, 2015 at 2:49 PM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Event should be about 2-3 hours.

No closed captioning, but a transcript yes.

---

**From:** Hope Kandel [<mailto:hope@learningtimes.com>]  
**Sent:** Tuesday, February 10, 2015 05:45 PM

**To:** Boateng Kalema  
**Subject:** Re: NYC Department of Education - Livestream Request

Sorry, Kalema. Two questions...do you need closed captioning for the event on the 24th and also how long do you expect the event to run.

Thanks,

Hope

Hope Kandel  
LearningTimes, LLC  
Director, Business Development and Client Events

[www.learningtimes.com](http://www.learningtimes.com)  
[hope@learningtimes.com](mailto:hope@learningtimes.com)  
888.222.9749 x 87 (office)  
212.901.0954 (fax)  
skype: hopekandel

Have you seen Credly?

On Tue, Feb 10, 2015 at 2:38 PM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Okay. Thank you.

**From:** Hope Kandel [<mailto:hope@learningtimes.com>]  
**Sent:** Tuesday, February 10, 2015 2:07 PM

**To:** Boateng Kalema  
**Subject:** Re: NYC Department of Education - Livestream Request

Thanks! Will get you a quote more in line with pep than contracts and committee before I leave the office today.

Hope Kandel  
LearningTimes, LLC  
Director, Business Development and Client Events

[www.learningtimes.com](http://www.learningtimes.com)  
[hope@learningtimes.com](mailto:hope@learningtimes.com)  
888.222.9749 x 87 (office)  
212.901.0954 (fax)  
skype: hopekandel

Have you seen Credly?

On Tue, Feb 10, 2015 at 11:01 AM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Yes.

---

**From:** Hope Kandel [<mailto:hope@learningtimes.com>]  
**Sent:** Tuesday, February 10, 2015 01:59 PM  
**To:** Boateng Kalema

**Subject:** Re: NYC Department of Education - Livestream Request

This email was sent before we talked, yes?

Hope Kandel  
LearningTimes, LLC  
Director, Business Development and Client Events

[www.learningtimes.com](http://www.learningtimes.com)  
[hope@learningtimes.com](mailto:hope@learningtimes.com)  
888.222.9749 x 87 (office)  
212.901.0954 (fax)  
skype: hopekandel

Have you seen Credly?

On Tue, Feb 10, 2015 at 10:36 AM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

No changes, it just needs to reflect the date and location.

---

**From:** Hope Kandel [<mailto:hope@learningtimes.com>]  
**Sent:** Tuesday, February 10, 2015 01:32 PM  
**To:** Boateng Kalema  
**Cc:** Adam La Faci ([adam@learningtimes.com](mailto:adam@learningtimes.com)) <[adam@learningtimes.com](mailto:adam@learningtimes.com)>; [john@learningtimes.com](mailto:john@learningtimes.com) <[john@learningtimes.com](mailto:john@learningtimes.com)>; [daniel@learningtimes.com](mailto:daniel@learningtimes.com) <[daniel@learningtimes.com](mailto:daniel@learningtimes.com)>; Range James  
**Subject:** Re: NYC Department of Education - Livestream Request

Hi Kalema,

We can do this event and I can get you a quote shortly. I just left you a voicemail, but you can disregard it if there are no changes needed to the document you attached.

Thank you,

Hope

Hope Kandel  
LearningTimes, LLC  
Director, Business Development and Client Events

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[hope@learningtimes.com](mailto:hope@learningtimes.com)  
888.222.9749 x 87 (office)  
212.901.0954 (fax)  
skype: hopekandel

Have you seen [Credly](#)?

On Tue, Feb 10, 2015 at 8:46 AM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Hi Hope,

I hope you and your team are doing well.

I'm reaching out regarding an upcoming event taking place on **Tuesday, February 24<sup>th</sup> at Tweed, 52 Chambers street, New York NY 10007 at 4:00pm**. I'm requesting if you can provide livestreaming capabilities, the same capabilities that are provided at our Contracts Committee meetings (see attached please).

Please send a proposal reflecting the event details and send it to me at your earliest convenience.

If you have any questions, feel free to contact me directly.

Thank you,

Kalema

**Kalema Boateng**

NYC Department of Education

[Kboateng2@schools.nyc.gov](mailto:Kboateng2@schools.nyc.gov)

office: (212) 374-5472

cell: (347) 703-5434

--  
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Senior Producer / Manager  
LearningTimes, LLC

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--

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Office: 212-239-2100 x806  
Cell: 888-222-9749 x806

---

**From:** Adam Ross <ARoss@uft.org>  
**Sent:** Monday, February 23, 2015 12:16 PM  
**To:** Rene Mirtza; Jackson-Chase Courtenaye  
**Subject:** FW: Letter from Adam Ross and Courtenaye Jackson-Chase

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420

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---

**From:** Haydee Rosario  
**Sent:** Monday, February 23, 2015 12:16 PM  
**To:** Adam Ross  
**Subject:** Re: Letter from Adam Ross and Courtenaye Jackson-Chase

Noted. Will be there. Thanks

On Feb 23, 2015, at 12:13 PM, Adam Ross wrote:

On behalf of Courtenaye Jackson-Chase and myself, I am writing to follow up on your attendance at the mandatory meeting scheduled for tomorrow, February 24, at 4:00 PM at Tweed. Please see attached letter.

Thank you.

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420

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\*\*\*\*\*

The views, opinions, and judgments expressed in this message are solely those of the author. The message contents have not been reviewed or approved by the UFT.

\*\*\*\*\*

<Ltr from Ross and Jackson Chase 2-13-15.pdf>

**Sincerely,**

**Haydee Rosario, Esq.  
Arbitrator and Mediator  
Labor & Employment  
145 West 105th Street, Suite 5E  
New York, New York 10025**

**Phone: 646-320-5674**

**Fax: 267-645-6362**

**Website: [HaydeeRosarioEsq.com](http://HaydeeRosarioEsq.com)**

\*\*\*\*\*

The views, opinions, and judgments expressed in this message are solely those of the author. The message contents have not been reviewed or approved by the UFT.

\*\*\*\*\*

---

**From:** ----lazan  
**Sent:** Monday, February 23, 2015 12:30 PM  
**To:** ARoss@uft.org  
**Cc:** Jackson-Chase Courtenaye; Rene Mirtza  
**Subject:** Re: Letter from Adam Ross and Courtenaye Jackson-Chase

Hello:

I will be attending in person, thanks.

Michael Lazan

---

**From:** Adam Ross <ARoss@uft.org>  
**Sent:** Monday, February 23, 2015 12:48 PM  
**To:** Rene Mirtza; Jackson-Chase Courtenaye; Guerra Charity  
**Subject:** FW: Letter from Adam Ross and Courtenaye Jackson-Chase

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420

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**From:** lazan  
**Sent:** Monday, February 23, 2015 12:30 PM  
**To:** Adam Ross  
**Cc:** CJackson-Chase@schools.nyc.gov; MRene3@schools.nyc.gov  
**Subject:** Re: Letter from Adam Ross and Courtenaye Jackson-Chase

Hello:

I will be attending in person, thanks.

Michael Lazan

\*\*\*\*\*

The views, opinions, and judgments expressed in this message are solely those of the author. The message contents have not been reviewed or approved by the UFT.

\*\*\*\*\*

---

**From:** James McKeever  
**Sent:** Monday, February 23, 2015 12:46 PM  
**To:** Rene Mirtza  
**Cc:** Rene Mirtza; Boateng Kalema; Ross Richard  
**Subject:** Re: Joint Education Law §3020-a Panel Meeting Livestream information

Hello. This email will confirm that I will be attending in person. Thank you.  
James McKeever.

Sent from my iPhone

On Feb 23, 2015, at 11:32 AM, Rene Mirtza <[MRene3@schools.nyc.gov](mailto:MRene3@schools.nyc.gov)> wrote:

Good day,

Below is the link for pre-registration, and to view the event through livestream:

<http://www.>

Please contact us if you require any further assistance.

---

**From:** Jackson-Chase Courtenaye  
**Sent:** Monday, February 23, 2015 1:05 PM  
**To:** Adam La Faci; Rene Mirtza  
**Cc:** Boateng Kalema; Lamont Naeemah; Ross Richard  
**Subject:** RE: NYC Department of Education - Livestream Request

We only invited 25 arbitrators, and I think only 7 may need to view the livestream.

**From:** Adam La Faci [mailto:adam@learningtimes.com]  
**Sent:** Monday, February 23, 2015 1:00 PM  
**To:** Rene Mirtza  
**Cc:** Boateng Kalema; Jackson-Chase Courtenaye; Lamont Naeemah; Ross Richard  
**Subject:** Re: NYC Department of Education - Livestream Request

We're just trying to get a rough estimate for the number of people we can expect to log into the website for the live event, so the question is more about outreach for the event (who are you inviting to join). Any information you can pass on would be very helpful!

Thank you,  
Adam

On Mon, Feb 23, 2015 at 12:54 PM, Rene Mirtza <[MRene3@schools.nyc.gov](mailto:MRene3@schools.nyc.gov)> wrote:

Courtenaye didn't mention that it would be open to the public.

I've included her on the email to let us know the answer.

---

**From:** Boateng Kalema  
**Sent:** Monday, February 23, 2015 12:35 PM  
**To:** Adam La Faci  
**Cc:** Rene Mirtza; Lamont Naeemah; Ross Richard

**Subject:** RE: NYC Department of Education - Livestream Request

Naeemah/Richard/Mirtza – is this event open to the public? Please see Adam's questions below.

Thank you,

Kalema

**From:** Adam La Faci [<mailto:adam@learningtimes.com>]  
**Sent:** Monday, February 23, 2015 12:33 PM  
**To:** Boateng Kalema  
**Subject:** Re: NYC Department of Education - Livestream Request

Hi Kalema,

Our team wants to properly prepare the website for expected web traffic. Is this event open to the general public or a more specific subset of the DOE? Do you have an expected number range for the participants that will be joining?

Thank you,

Adam

On Mon, Feb 23, 2015 at 11:51 AM, Adam La Faci <[adam@learningtimes.com](mailto:adam@learningtimes.com)> wrote:

Hi Kalema,

We will just re-activate the question submission form that we used to have on the Livestream page. Participants will be able to watch the live event and type in their questions directly next to the video feed (all using the same link). I will be sure to have a computer set up with the list of questions for Naeemah to review.

Best,

Adam

On Mon, Feb 23, 2015 at 11:02 AM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Adam, is it possible if we can make this happen? Do we need a different link for people who wish to submit questions throughout the event? Naeemah or a designated member of her team will be the point in reviewing the questions submitted by the audience the day of the event.



Naeemah, this is the pre-registration page link available to share with attendees or interested individuals:  
<http://www>

Please confirm.

Thanks all,

Kalema

**Kalema Boateng**

NYC Department of Education

[Kboateng2@schools.nyc.gov](mailto:Kboateng2@schools.nyc.gov)

office: [\(212\) 374-5472](tel:(212) 374-5472)

cell: [\(347\) 703-5434](tel:(347) 703-5434)

---

**From:** Lamont Naeemah

**Sent:** Monday, February 23, 2015 10:57 AM

**To:** Boateng Kalema; Adam La Faci

**Cc:** Mui Justin; Lessey-stallworth Alisha; Ross Richard; Rene Mirtza; Brantley Laura

**Subject:** RE: NYC Department of Education - Livestream Request

Hi Kalema,

We wanted to be able to see the questions.

We would in turn gather the questions and then respond to them by addressing the entire audience (and those livestreaming would hear the answer).

Naeemah Lamont

Director, Teacher Performance Unit

NYC Department of Education

Office of The General Counsel

51 Chambers Street, Room 611

New York, N.Y. 10007

Tel: (212) 374-6034

Fax: (212) 374-9298

NLamont@schools.nyc.gov

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---

**From:** Boateng Kalema  
**Sent:** Monday, February 23, 2015 10:14 AM  
**To:** Adam La Faci  
**Cc:** Mui Justin; Lessey-stallworth Alisha; Ross Richard; Lamont Naeemah  
**Subject:** RE: NYC Department of Education - Livestream Request

You're welcome, Adam.

I'm looping in Richard Ross and Naeemah Lamont that can speak on if we will need audience feedback (accept questions from audience via livestream portal). I believe there will not be any audience feedback but, I want Naeemah/Richard to confirm as this information may have changed since we last discussed.

Thanks,

Kalema

---

**From:** Adam La Faci [<mailto:adam@learningtimes.com>]  
**Sent:** Monday, February 23, 2015 10:10 AM  
**To:** Boateng Kalema  
**Cc:** Mui Justin; Lessey-stallworth Alisha  
**Subject:** Re: NYC Department of Education - Livestream Request

Thank you for touching base with us. It sounds like a similar set up to the recent events we did with the Chancellor on the 2nd floor. We will need; a spot across from the podium to set up the table/equipment, a hardwire Ethernet connection, a feed from the house audio system, and an extension cord for power.

Are you planning to take questions from the online audience during the event? If so, will a member of your team be previewing them with us as they are submitted?

Thank you,

Adam

--

Adam La Faci

Senior Producer / Manager

LearningTimes, LLC

[adam@learningtimes.com](mailto:adam@learningtimes.com)

Office: [212-239-2100](tel:212-239-2100) x806

Cell: [888-222-9749](tel:888-222-9749) x806

On Feb 23, 2015, at 9:48 AM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

+ Justin and Alisha

I believe there will be an in-person audience of approximately 90-100 people. Justin can you please confirm setup details with the event representative for the Tuesday, 2/24 livestream event taking place? I believe Mirtza may have more information.

Thank you,

Kalema

**Kalema Boateng**

NYC Department of Education

[Kboateng2@schools.nyc.gov](mailto:Kboateng2@schools.nyc.gov)

office: [\(212\) 374-5472](tel:(212)374-5472)

cell: [\(347\) 703-5434](tel:(347)703-5434)

**From:** Adam La Faci [<mailto:adam@learningtimes.com>]

**Sent:** Friday, February 20, 2015 3:21 PM

**To:** Boateng Kalema

**Subject:** Re: NYC Department of Education - Livestream Request

Hi Kalema,

I'd like to clarify the set up for the event:

- Is there going to be an in-person audience?
- Will presenters be at a podium with a microphone?
- How many presenters are speaking in the event?

Thank you,

Adam

On Tue, Feb 17, 2015 at 1:11 PM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Hi Adam,

Thanks again.

I sent it along to the event representative, I'll notify you if any changes are needed.

Best,

Kalema

**Kalema Boateng**

NYC Department of Education

[Kboateng2@schools.nyc.gov](mailto:Kboateng2@schools.nyc.gov)

office: (212) 374-5472

cell: (347) 703-5434

**From:** Adam La Faci [mailto:[adam@learningtimes.com](mailto:adam@learningtimes.com)]

**Sent:** Tuesday, February 17, 2015 10:04 AM

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**Subject:** Re: NYC Department of Education - Livestream Request

Hi Kalema,

The page is now live with the additional content: <http://www.>

Please review for any changes, and if it looks like it's all set, feel free to disseminate the link to potential registrants.

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Thanks, Adam!

Please incorporate the following information.

Once you have incorporated this information, please send me the link so I can send to my team and they can allow folks to pre-register.

- **Session/Event Name:** Joint Education Law §3020-a Panel Meeting
- **Description:**

The United Federation of Teachers, Local 2, AFL-CIO ("UFT") and the New York City Department of Education ("NYCDOE") are committed to the goal of providing a fair and efficient process for adjudicating charges filed pursuant to Education Law § 3020-a. We know that you share in this goal, and we look forward to your collaboration. As we work towards maintaining these standards of fairness and efficiency, we invite you to meet with us to review all agreed upon rules and procedures for the §3020-a hearing process. Attorneys from the DOE and New York State Unified Teachers (NYSUT) who regularly participate in the §3020-a process will also be in attendance.

The meeting will take place on Tuesday, February 24, 2015, at 4pm at 52 Chambers Street in the 2nd Floor conference room. Registration will remain open until the meeting's adjournment. A recording and transcript will be posted to this webpage following the meeting. The session is free, but registration is required to reserve a virtual seat. Please complete the form below. After registering below, you will receive an email with login instructions. Please mark your calendar for the event you select below, and save the confirmation email you receive, as you will need it to access the event online.

If you have any questions feel free to contact me directly.

Best,

Kalema

**Kalema Boateng**

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Thank you,  
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Great!

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How long approximately will it take to build the page?

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Is there a way we can hold on making the page live? We should start building the page now (see below). We will not have attendees submit questions but we will have the pre-registration page similar to the Panel for Educational Policy meeting page.

**Please do not make the page live to the public until I notify you directly.**

**The event details are as follows:**

- **Date & Time of Event:** Tuesday, February 24, 2015 at 4:00pm
- **Location:** Tweed, 52 Chambers Street, New York, NY 10007, 2<sup>nd</sup> floor

**Registrant Request Form details:**

Last Name:

First Name:

Organization:

Email Address:

Title/Position:

Phone Number:

Thanks,

Kalema

**Kalema Boateng**

NYC Department of Education

[Kboateng2@schools.nyc.gov](mailto:Kboateng2@schools.nyc.gov)

office: [\(212\) 374-5472](tel:(212) 374-5472)

cell: [\(347\) 703-5434](tel:(347) 703-5434)

**From:** Adam La Faci [<mailto:adam@learningtimes.com>]

**Sent:** Wednesday, February 11, 2015 2:49 PM

**To:** Boateng Kalema

**Cc:** Hope Kandel; John Walber; Range James; Ross Richard; [daniel@learningtimes.com](mailto:daniel@learningtimes.com)

**Subject:** Re: NYC Department of Education - Livestream Request

Hi Kalema,

I'm looking forward to supporting the Chancellor event in two weeks and just had a few questions for you as we prepare for the event. Our web design team will get started building the registration page based on past events, but let me know if there are any specific changes you would like made for this event.

Also, would you like us to include a question submission form for the online audience? If you prefer, we could activate a chat room for participants instead or set up the page so participants are only viewing the event without submitting questions/comments.

Thank you,

Adam

On Wed, Feb 11, 2015 at 10:16 AM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Hi Hope,

Thank you for sending this proposal.

Please move forward with this proposal, if there are changes, I'll be sure to alert you.

Best,

Kalema

**From:** Hope Kandel [mailto:[hope@learningtimes.com](mailto:hope@learningtimes.com)]  
**Sent:** Tuesday, February 10, 2015 9:52 PM  
**To:** Boateng Kalema  
**Cc:** John Walber  
**Subject:** Re: NYC Department of Education - Livestream Request

Hi Kalema,

Please see the attached quote for services scheduled for Tuesday, February 24th at 4 held at Tweed. Note we cannot provide a transcript without the closed captioning services so I've included that in the quote as well.

Please let me know if you have any questions and do let us know when additional event details are confirmed. Can you also copy Adam and Dan as they will be your onsite producers for this event.

Thank you,

Hope

Hope Kandel  
LearningTimes, LLC

Director, Business Development and Client Events

[www.learningtimes.com](http://www.learningtimes.com)  
[hope@learningtimes.com](mailto:hope@learningtimes.com)  
888.222.9749 x 87 (office)  
212.901.0954 (fax)  
skype: hopekandel

Have you seen Credly?

On Tue, Feb 10, 2015 at 2:49 PM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Event should be about 2-3 hours.

No closed captioning, but a transcript yes.

---

**From:** Hope Kandel [<mailto:hope@learningtimes.com>]  
**Sent:** Tuesday, February 10, 2015 05:45 PM

**To:** Boateng Kalema  
**Subject:** Re: NYC Department of Education - Livestream Request

Sorry, Kalema. Two questions...do you need closed captioning for the event on the 24th and also how long do you expect the event to run.

Thanks,

Hope

Hope Kandel  
LearningTimes, LLC  
Director, Business Development and Client Events

[www.learningtimes.com](http://www.learningtimes.com)  
[hope@learningtimes.com](mailto:hope@learningtimes.com)  
888.222.9749 x 87 (office)  
212.901.0954 (fax)  
skype: hopekandel

Have you seen Credly?

On Tue, Feb 10, 2015 at 2:38 PM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Okay. Thank you.

**From:** Hope Kandel [<mailto:hope@learningtimes.com>]

**Sent:** Tuesday, February 10, 2015 2:07 PM

**To:** Boateng Kalema

**Subject:** Re: NYC Department of Education - Livestream Request

Thanks! Will get you a quote more in line with pep than contracts and committee before I leave the office today.

Hope Kandel  
LearningTimes, LLC  
Director, Business Development and Client Events

[www.learningtimes.com](http://www.learningtimes.com)  
[hope@learningtimes.com](mailto:hope@learningtimes.com)  
888.222.9749 x 87 (office)  
212.901.0954 (fax)  
skype: hopekandel

Have you seen Credly?

On Tue, Feb 10, 2015 at 11:01 AM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Yes.

---

**From:** Hope Kandel [mailto:[hope@learningtimes.com](mailto:hope@learningtimes.com)]

**Sent:** Tuesday, February 10, 2015 01:59 PM

**To:** Boateng Kalema

**Subject:** Re: NYC Department of Education - Livestream Request

This email was sent before we talked, yes?

Hope Kandel  
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Director, Business Development and Client Events

[www.learningtimes.com](http://www.learningtimes.com)

[hope@learningtimes.com](mailto:hope@learningtimes.com)

888.222.9749 x 87 (office)

212.901.0954 (fax)

skype: hopekandel

Have you seen [Credly](#)?

On Tue, Feb 10, 2015 at 10:36 AM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

No changes, it just needs to reflect the date and location.

---

**From:** Hope Kandel [mailto:[hope@learningtimes.com](mailto:hope@learningtimes.com)]

**Sent:** Tuesday, February 10, 2015 01:32 PM

**To:** Boateng Kalema

**Cc:** Adam La Faci ([adam@learningtimes.com](mailto:adam@learningtimes.com)) <[adam@learningtimes.com](mailto:adam@learningtimes.com)>; [john@learningtimes.com](mailto:john@learningtimes.com) <[john@learningtimes.com](mailto:john@learningtimes.com)>; [daniel@learningtimes.com](mailto:daniel@learningtimes.com) <[daniel@learningtimes.com](mailto:daniel@learningtimes.com)>; Range James

**Subject:** Re: NYC Department of Education - Livestream Request

Hi Kalema,

We can do this event and I can get you a quote shortly. I just left you a voicemail, but you can disregard it if there are no changes needed to the document you attached.

Thank you,

Hope

Hope Kandel  
LearningTimes, LLC  
Director, Business Development and Client Events

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[hope@learningtimes.com](mailto:hope@learningtimes.com)  
888.222.9749 x 87 (office)  
212.901.0954 (fax)  
skype: hopekandel

Have you seen Credly?

On Tue, Feb 10, 2015 at 8:46 AM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Hi Hope,

I hope you and your team are doing well.

I'm reaching out regarding an upcoming event taking place on **Tuesday, February 24<sup>th</sup> at Tweed, 52 Chambers street, New York NY 10007 at 4:00pm**. I'm requesting if you can provide livestreaming capabilities, the same capabilities that are provided at our Contracts Committee meetings (see attached please).

Please send a proposal reflecting the event details and send it to me at your earliest convenience.

If you have any questions, feel free to contact me directly.

Thank you,

Kalema

**Kalema Boateng**

NYC Department of Education

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**From:** Adam La Faci <adam@learningtimes.com>  
**Sent:** Monday, February 23, 2015 4:53 PM  
**To:** Rene Mirtza  
**Cc:** Boateng Kalema; Lamont Naeemah; Ross Richard  
**Subject:** Re: NYC Department of Education - Livestream Request

You can access a real-time updated list of registrants at the hidden page located here: <http://www>  
Password:

Currently it looks like there are 3 registered locations (besides our team's two test registrations).

Best,  
Adam

On Mon, Feb 23, 2015 at 4:49 PM, Rene Mirtza <[MRene3@schools.nyc.gov](mailto:MRene3@schools.nyc.gov)> wrote:

Adam,

Thus far, can you let us know how many people registered for meeting's tomorrow?

---

**From:** Boateng Kalema  
**Sent:** Monday, February 23, 2015 12:35 PM  
**To:** Adam La Faci  
**Cc:** Rene Mirtza; Lamont Naeemah; Ross Richard

**Subject:** RE: NYC Department of Education - Livestream Request

Naeemah/Richard/Mirtza – is this event open to the public? Please see Adam's questions below.

Thank you,

Kalema

---

**From:** Adam La Faci [<mailto:adam@learningtimes.com>]  
**Sent:** Monday, February 23, 2015 12:33 PM  
**To:** Boateng Kalema  
**Subject:** Re: NYC Department of Education - Livestream Request

Hi Kalema,

Our team wants to properly prepare the website for expected web traffic. Is this event open to the general public or a more specific subset of the DOE? Do you have an expected number range for the participants that will be joining?

Thank you,

Adam

On Mon, Feb 23, 2015 at 11:51 AM, Adam La Faci <[adam@learningtimes.com](mailto:adam@learningtimes.com)> wrote:

Hi Kalema,

We will just re-activate the question submission form that we used to have on the Livestream page. Participants will be able to watch the live event and type in their questions directly next to the video feed (all using the same link). I will be sure to have a computer set up with the list of questions for Naeemah to review.

Best,

Adam

On Mon, Feb 23, 2015 at 11:02 AM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Adam, is it possible if we can make this happen? Do we need a different link for people who wish to submit questions throughout the event? Naeemah or a designated member of her team will be the point in reviewing the questions submitted by the audience the day of the event.

Naeemah, this is the pre-registration page link available to share with attendees or interested individuals:  
<http://www.>

Please confirm.

Thanks all,

Kalema

**Kalema Boateng**

NYC Department of Education

[Kboateng2@schools.nyc.gov](mailto:Kboateng2@schools.nyc.gov)

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---

**From:** Lamont Naeemah

**Sent:** Monday, February 23, 2015 10:57 AM

**To:** Boateng Kalema; Adam La Faci

**Cc:** Mui Justin; Lessey-stallworth Alisha; Ross Richard; Rene Mirtza; Brantley Laura

**Subject:** RE: NYC Department of Education - Livestream Request

Hi Kalema,

We wanted to be able to see the questions.

We would in turn gather the questions and then respond to them by addressing the entire audience (and those livestreaming would hear the answer).

Naeemah Lamont

Director, Teacher Performance Unit

NYC Department of Education

Office of The General Counsel

51 Chambers Street, Room 611

New York, N.Y. 10007

Tel: (212) 374-6034

Fax: (212) 374-9298

NLamont@schools.nyc.gov

Confidentiality Notice: This e-mail communication and any attachments may contain confidential and privileged information for the use of the designated recipients named above. If you are not the intended recipient, you are hereby notified that you have received this communication in error and that any review, disclosure, dissemination, distribution or copying of it or its contents is prohibited. If you have received this communication in error, please notify me immediately by replying to this message and deleting it from your computer. Thank you.

---

**From:** Boateng Kalema  
**Sent:** Monday, February 23, 2015 10:14 AM  
**To:** Adam La Faci  
**Cc:** Mui Justin; Lessey-stallworth Alisha; Ross Richard; Lamont Naeemah  
**Subject:** RE: NYC Department of Education - Livestream Request

You're welcome, Adam.

I'm looping in Richard Ross and Naeemah Lamont that can speak on if we will need audience feedback (accept questions from audience via livestream portal). I believe there will not be any audience feedback but, I want Naeemah/Richard to confirm as this information may have changed since we last discussed.

Thanks,

Kalema

---

**From:** Adam La Faci [<mailto:adam@learningtimes.com>]  
**Sent:** Monday, February 23, 2015 10:10 AM  
**To:** Boateng Kalema  
**Cc:** Mui Justin; Lessey-stallworth Alisha  
**Subject:** Re: NYC Department of Education - Livestream Request

Thank you for touching base with us. It sounds like a similar set up to the recent events we did with the Chancellor on the 2nd floor. We will need; a spot across from the podium to set up the table/equipment, a hardwire Ethernet connection, a feed from the house audio system, and an extension cord for power.

Are you planning to take questions from the online audience during the event? If so, will a member of your team be previewing them with us as they are submitted?

Thank you,

Adam

--

Adam La Faci

Senior Producer / Manager

LearningTimes, LLC

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On Feb 23, 2015, at 9:48 AM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

+ Justin and Alisha

I believe there will be an in-person audience of approximately 90-100 people. Justin can you please confirm setup details with the event representative for the Tuesday, 2/24 livestream event taking place? I believe Mirtza may have more information.

Thank you,

Kalema

**Kalema Boateng**

NYC Department of Education



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cell: [\(347\) 703-5434](tel:(347)703-5434)

**From:** Adam La Faci [<mailto:adam@learningtimes.com>]

**Sent:** Friday, February 20, 2015 3:21 PM

**To:** Boateng Kalema

**Subject:** Re: NYC Department of Education - Livestream Request

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Thanks, Adam!

Please incorporate the following information.

Once you have incorporated this information, please send me the link so I can send to my team and they can allow folks to pre-register.

- **Session/Event Name:** Joint Education Law §3020-a Panel Meeting
- **Description:**

The United Federation of Teachers, Local 2, AFL-CIO ("UFT") and the New York City Department of Education ("NYCDOE") are committed to the goal of providing a fair and efficient process for adjudicating charges filed pursuant to Education Law § 3020-a. We know that you share in this goal, and we look forward to your collaboration. As we work towards maintaining these standards of fairness and efficiency, we invite you to meet with us to review all agreed upon rules and procedures for the §3020-a hearing process. Attorneys from the DOE and New York State Unified Teachers (NYSUT) who regularly participate in the §3020-a process will also be in attendance.

The meeting will take place on Tuesday, February 24, 2015, at 4pm at 52 Chambers Street in the 2nd Floor conference room. Registration will remain open until the meeting's adjournment. A recording and transcript will be posted to this webpage following the meeting. The session is free, but registration is required to reserve a virtual seat. Please complete the form below. After registering below, you will receive an email with login instructions. Please mark your calendar for the event you select below, and save the confirmation email you receive, as you will need it to access the event online.

If you have any questions feel free to contact me directly.

Best,

Kalema

**Kalema Boateng**

NYC Department of Education

[Kboateng2@schools.nyc.gov](mailto:Kboateng2@schools.nyc.gov)

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Thank you,  
Adam

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Great!

**From:** Adam La Faci [mailto:[adam@learningtimes.com](mailto:adam@learningtimes.com)]

**Sent:** Thursday, February 12, 2015 4:54 PM

**To:** Boateng Kalema

**Subject:** Re: NYC Department of Education - Livestream Request

Hi Kalema,

It usually takes our team 1-2 business days to build a registration page. I will let you know if they have any questions as they build the site, otherwise I will send you the link once its complete.

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Thank you,  
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**Sent:** Thursday, February 12, 2015 04:49 PM

**To:** Boateng Kalema

**Subject:** Re: NYC Department of Education - Livestream Request

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Best,  
Adam

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Is there a way we can hold on making the page live? We should start building the page now (see below). We will not have attendees submit questions but we will have the pre-registration page similar to the Panel for Educational Policy meeting page.

**Please do not make the page live to the public until I notify you directly.**

**The event details are as follows:**

- **Date & Time of Event:** Tuesday, February 24, 2015 at 4:00pm
- **Location:** Tweed, 52 Chambers Street, New York, NY 10007, 2<sup>nd</sup> floor

**Registrant Request Form details:**

Last Name:

First Name:

Organization:

Email Address:

Title/Position:

Phone Number:

Thanks,

Kalema

**Kalema Boateng**

NYC Department of Education

[Kboateng2@schools.nyc.gov](mailto:Kboateng2@schools.nyc.gov)

office: [\(212\) 374-5472](tel:2123745472)

cell: (347) 703-5434

**From:** Adam La Faci [mailto:[adam@learningtimes.com](mailto:adam@learningtimes.com)]

**Sent:** Wednesday, February 11, 2015 2:49 PM

**To:** Boateng Kalema

**Cc:** Hope Kandel; John Walber; Range James; Ross Richard; [daniel@learningtimes.com](mailto:daniel@learningtimes.com)

**Subject:** Re: NYC Department of Education - Livestream Request

Hi Kalema,

I'm looking forward to supporting the Chancellor event in two weeks and just had a few questions for you as we prepare for the event. Our web design team will get started building the registration page based on past events, but let me know if there are any specific changes you would like made for this event.

Also, would you like us to include a question submission form for the online audience? If you prefer, we could activate a chat room for participants instead or set up the page so participants are only viewing the event without submitting questions/comments.

Thank you,

Adam

On Wed, Feb 11, 2015 at 10:16 AM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Hi Hope,

Thank you for sending this proposal.

Please move forward with this proposal, if there are changes, I'll be sure to alert you.

Best,

Kalema

**From:** Hope Kandel [mailto:[hope@learningtimes.com](mailto:hope@learningtimes.com)]  
**Sent:** Tuesday, February 10, 2015 9:52 PM  
**To:** Boateng Kalema  
**Cc:** John Walber  
**Subject:** Re: NYC Department of Education - Livestream Request

Hi Kalema,

Please see the attached quote for services scheduled for Tuesday, February 24th at 4 held at Tweed. Note we cannot provide a transcript without the closed captioning services so I've included that in the quote as well.

Please let me know if you have any questions and do let us know when additional event details are confirmed. Can you also copy Adam and Dan as they will be your onsite producers for this event.

Thank you,

Hope

Hope Kandel  
LearningTimes, LLC  
Director, Business Development and Client Events

[www.learningtimes.com](http://www.learningtimes.com)  
[hope@learningtimes.com](mailto:hope@learningtimes.com)  
888.222.9749 x 87 (office)



212.901.0954 (fax)  
skype: hopekandel

Have you seen Credly?

On Tue, Feb 10, 2015 at 2:49 PM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Event should be about 2-3 hours.

No closed captioning, but a transcript yes.

---

**From:** Hope Kandel [<mailto:hope@learningtimes.com>]  
**Sent:** Tuesday, February 10, 2015 05:45 PM

**To:** Boateng Kalema  
**Subject:** Re: NYC Department of Education - Livestream Request

Sorry, Kalema. Two questions...do you need closed captioning for the event on the 24th and also how long do you expect the event to run.

Thanks,

Hope

Hope Kandel  
LearningTimes, LLC  
Director, Business Development and Client Events

[www.learningtimes.com](http://www.learningtimes.com)  
[hope@learningtimes.com](mailto:hope@learningtimes.com)  
888.222.9749 x 87 (office)  
212.901.0954 (fax)  
skype: hopekandel

Have you seen Credly?

On Tue, Feb 10, 2015 at 2:38 PM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Okay. Thank you.

**From:** Hope Kandel [<mailto:hope@learningtimes.com>]

**Sent:** Tuesday, February 10, 2015 2:07 PM

**To:** Boateng Kalema

**Subject:** Re: NYC Department of Education - Livestream Request

Thanks! Will get you a quote more in line with pep than contracts and committee before I leave the office today.

Hope Kandel  
LearningTimes, LLC  
Director, Business Development and Client Events

[www.learningtimes.com](http://www.learningtimes.com)  
[hope@learningtimes.com](mailto:hope@learningtimes.com)  
888.222.9749 x 87 (office)  
212.901.0954 (fax)  
skype: hopekandel

Have you seen [Credly](#)?

On Tue, Feb 10, 2015 at 11:01 AM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Yes.

---

**From:** Hope Kandel [<mailto:hope@learningtimes.com>]

**Sent:** Tuesday, February 10, 2015 01:59 PM

**To:** Boateng Kalema

**Subject:** Re: NYC Department of Education - Livestream Request

This email was sent before we talked, yes?

Hope Kandel  
LearningTimes, LLC  
Director, Business Development and Client Events

[www.learningtimes.com](http://www.learningtimes.com)  
[hope@learningtimes.com](mailto:hope@learningtimes.com)  
888.222.9749 x 87 (office)  
212.901.0954 (fax)  
skype: hopekandel

Have you seen Credly?

On Tue, Feb 10, 2015 at 10:36 AM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

No changes, it just needs to reflect the date and location.

---

**From:** Hope Kandel [<mailto:hope@learningtimes.com>]  
**Sent:** Tuesday, February 10, 2015 01:32 PM  
**To:** Boateng Kalema  
**Cc:** Adam La Faci ([adam@learningtimes.com](mailto:adam@learningtimes.com)) <[adam@learningtimes.com](mailto:adam@learningtimes.com)>; [john@learningtimes.com](mailto:john@learningtimes.com) <[john@learningtimes.com](mailto:john@learningtimes.com)>; [daniel@learningtimes.com](mailto:daniel@learningtimes.com) <[daniel@learningtimes.com](mailto:daniel@learningtimes.com)>; Range James  
**Subject:** Re: NYC Department of Education - Livestream Request

Hi Kalema,

We can do this event and I can get you a quote shortly. I just left you a voicemail, but you can disregard it if there are no changes needed to the document you attached.

Thank you,

Hope

Hope Kandel  
LearningTimes, LLC  
Director, Business Development and Client Events

[www.learningtimes.com](http://www.learningtimes.com)  
[hope@learningtimes.com](mailto:hope@learningtimes.com)  
888.222.9749 x 87 (office)  
212.901.0954 (fax)  
skype: hopekandel

Have you seen Credly?

On Tue, Feb 10, 2015 at 8:46 AM, Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)> wrote:

Hi Hope,

I hope you and your team are doing well.

I'm reaching out regarding an upcoming event taking place on **Tuesday, February 24<sup>th</sup> at Tweed, 52 Chambers street, New York NY 10007 at 4:00pm**. I'm requesting if you can provide livestreaming capabilities, the same capabilities that are provided at our Contracts Committee meetings (see attached please).

Please send a proposal reflecting the event details and send it to me at your earliest convenience.

If you have any questions, feel free to contact me directly.

Thank you,

Kalema

**Kalema Boateng**

NYC Department of Education

[Kboateng2@schools.nyc.gov](mailto:Kboateng2@schools.nyc.gov)

office: (212) 374-5472

cell: (347) 703-5434

--

Adam La Faci  
Senior Producer / Manager  
LearningTimes, LLC

[adam@learningtimes.com](mailto:adam@learningtimes.com)  
Office: 212-239-2100 x806

Cell: 888-222-9749 x806

--

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Senior Producer / Manager  
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--

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LearningTimes, LLC

adam@learningtimes.com  
Office: 212-239-2100 x806  
Cell: 888-222-9749 x806



**From:** Lena Ackerman [<mailto:lackerma@nysutmail.org>]  
**Sent:** Monday, February 23, 2015 4:11 PM  
**To:** Adam Ross  
**Cc:** Claude Hersh; Jen Hogan  
**Subject:** NYSUT OGC Attorney Attendees - 2/24/15 Tweed Meeting

Adam,  
As per your request. See attached. Thanks.

LENA M. ACKERMAN  
Associate General Counsel  
Office of Richard E. Casagrande  
New York State United Teachers  
52 Broadway, 9th Floor  
Ph (212) 533-6300, x. 130  
Fax (212) 995-2347

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\*\*\*\*\*

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**From:** Michael Capone <caponeassociates@gmail.com>  
**Sent:** Monday, February 23, 2015 5:51 PM  
**To:** Rene Mirtza  
**Subject:** Re: Feb 24 Meeting

Thank you.

Michael Capone

Seaford, NY 11783

[caponeassociates@gmail.com](mailto:caponeassociates@gmail.com)

Sent from my iPhone

On Feb 23, 2015, at 4:47 PM, Rene Mirtza <[MRene3@schools.nyc.gov](mailto:MRene3@schools.nyc.gov)> wrote:

Below is the link for you to pre-register and view the event through livestream:

<http://www.>

---

**From:** Capone Michael [<mailto:caponeassociates@gmail.com>]  
**Sent:** Monday, February 23, 2015 4:31 PM  
**To:** Rene Mirtza  
**Subject:** Fwd: Feb 24 Meeting

Good afternoon,

I am writing regarding the meeting tomorrow at 4pm for hearing officers involved with the 3020-a hearings. I plan on participating through the live stream. Please advise as to how I can log on for the live session.

Thank you.

Michael Capone

Seaford. New York 11783

[caponeassociates@gmail.com](mailto:caponeassociates@gmail.com)

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Begin forwarded message:

**From:** Capone Michael <[caponeassociates@gmail.com](mailto:caponeassociates@gmail.com)>

**Subject:** Feb 24 Meeting

**Date:** February 17, 2015 1:26:48 PM EST

**To:** [mrene3@schools.nyc.gov](mailto:mrene3@schools.nyc.gov)

Good afternoon,

My name is Michael Capone and I am a hearing officer for the NYC 3020-a hearings. I am responding to the memo received February 13 regarding the meeting of February 24 at 4pm. I am writing to confirm that I will not be attending in person and will participate through the live stream.

Thank you.

Michael Capone

Seaford, New York 11783

[caponeassociates@gmail.com](mailto:caponeassociates@gmail.com)

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---

**From:** Jackson-Chase Courtenaye  
**Sent:** Monday, February 23, 2015 6:27 PM  
**To:** Adam Ross; Guerra Charity; Rene Mirtza  
**Subject:** Re: Arbitrators Meeting 2-24-15

I am in a meeting. Will call to discuss.

Sent from my BlackBerry 10 smartphone.

---

**From:** Adam Ross  
**Sent:** Monday, February 23, 2015 6:23 PM  
**To:** Jackson-Chase Courtenaye; Guerra Charity; Rene Mirtza  
**Subject:** Arbitrators Meeting 2-24-15

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420

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\*\*\*\*\*

---

**From:** Adam Ross <ARoss@uft.org>  
**Sent:** Monday, February 23, 2015 7:17 PM  
**To:** Jackson-Chase Courtenaye; Guerra Charity; Rene Mirtza  
**Subject:** RE: Arbitrators Meeting 2-24-15

On train. ..

---

**From:** Jackson-Chase Courtenaye  
**Sent:** Monday, February 23, 2015 6:54:11 PM  
**To:** Adam Ross; Guerra Charity; Rene Mirtza  
**Subject:** Re: Arbitrators Meeting 2-24-15

Tried calling you. Not sure if you are in transit.  
I left you a VM.  
Call me back later or tomorrow AM.  
Thanks.

Sent from my BlackBerry 10 smartphone.  
From: Adam Ross  
Sent: Monday, February 23, 2015 6:23 PM  
To: Jackson-Chase Courtenaye; Guerra Charity; Rene Mirtza  
Subject: Arbitrators Meeting 2-24-15

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420

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\*\*\*\*\*

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**From:**  
**Sent:** Monday, February 23, 2015 7:44 PM  
**To:** ARoss@uft.org; Rene Mirtza  
**Subject:** Re: Letter from Adam Ross and Courtenaye Jackson-Chase

I plan to attend the meeting at 52 Chambers Street

Gloria

Gloria Johnson  
1300 Mercantile Lane, Suite 158  
Largo, Maryland 20774  
301-390-2222

-----Original Message-----

From: Adam Ross <ARoss@uft.org>

To: 'Beirne

'HaydeeRosario

jmckeeverlaw

'iwoods

'Esginsberg

-----, ----lazan( ; 'gjlaw/b

Cc: 'Jackson-Chase Courtenaye' (CJackson-Chase@schools.nyc.gov) <CJackson-Chase@schools.nyc.gov>; Rene Mirtza (MRene3@schools.nyc.gov) <MRene3@schools.nyc.gov>

Sent: Mon, Feb 23, 2015 12:14 pm

Subject: Letter from Adam Ross and Courtenaye Jackson-Chase

On behalf of Courtenaye Jackson-Chase and myself, I am writing to follow up on your attendance at the mandatory meeting scheduled for tomorrow, February 24, at 4:00 PM at Tweed. Please see attached letter.

Thank you.

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420

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\*\*\*\*\*

---

**From:** Jackson-Chase Courtenaye  
**Sent:** Monday, February 23, 2015 8:27 PM  
**To:** Adam Ross  
**Subject:** Re: Arbitrators Meeting 2-24-15

Yes.

Sent from my BlackBerry 10 smartphone.

---

**From:** Adam Ross  
**Sent:** Monday, February 23, 2015 7:45 PM  
**To:** Jackson-Chase Courtenaye; Guerra Charity; Rene Mirtza  
**Cc:** Ellie Engler  
**Subject:** RE: Arbitrators Meeting 2-24-15

Can we discuss tomorrow morning?

---

**From:** Jackson-Chase Courtenaye  
**Sent:** Monday, February 23, 2015 6:54:11 PM  
**To:** Adam Ross; Guerra Charity; Rene Mirtza  
**Subject:** Re: Arbitrators Meeting 2-24-15

Tried calling you. Not sure if you are in transit.  
I left you a VM.  
Call me back later or tomorrow AM.  
Thanks.

Sent from my BlackBerry 10 smartphone.  
**From:** Adam Ross  
**Sent:** Monday, February 23, 2015 6:23 PM  
**To:** Jackson-Chase Courtenaye; Guerra Charity; Rene Mirtza  
**Subject:** Arbitrators Meeting 2-24-15

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420

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---

**From:** Patricia A. Cullen  
**Sent:** Tuesday, February 24, 2015 9:04 AM  
**To:** Rene Mirtza  
**Subject:** RE: Joint Education Law §3020-a Panel Meeting Livestream information

Thanks. I think I am all set.

*Patricia A. Cullen*

Patricia A. Cullen, Esq.  
31 Mountain Boulevard, Suite E  
Warren, New Jersey 07059  
(908) 500-8618 (phone)  
(908) 753-9384 (fax)  
[cullenadr@comcast.net](mailto:cullenadr@comcast.net)

---

**From:** Rene Mirtza [<mailto:MRene3@schools.nyc.gov>]  
**Sent:** Monday, February 23, 2015 11:33 AM  
**To:** Rene Mirtza  
**Cc:** Boateng Kalema; Ross Richard  
**Subject:** Joint Education Law §3020-a Panel Meeting Livestream information

Good day,

Below is the link for pre-registration, and to view the event through livestream:

<http://www.>

Please contact us if you require any further assistance.

## Jackson-Chase Courtenaye

---

**From:** Jackson-Chase Courtenaye  
**Sent:** Tuesday, February 24, 2015 9:12 AM  
**To:** Rene Mirtza  
**Subject:** Fw: Arbitrators Meeting 2-24-15  
**Attachments:** Arbitrator Documents for 2-24-15.pdf

---

**From:** Adam Ross <[ARoss@uft.org](mailto:ARoss@uft.org)>  
**Sent:** Monday, February 23, 2015 6:23 PM  
**To:** Jackson-Chase Courtenaye; Guerra Charity; Rene Mirtza  
**Subject:** Arbitrators Meeting 2-24-15

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420

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**Effective: March 30, 2012**

McKinney's Consolidated Laws of New York Annotated Currentness

Education Law (Refs & Annos)

Chapter 16. Of the Consolidated Laws (Refs & Annos)

▣ Title IV. Teachers and Pupils

▣ Article 61. Teachers and Supervisory and Administrative Staff (Refs & Annos)

→ → § 3020-a. Disciplinary procedures and penalties

1. Filing of charges. All charges against a person enjoying the benefits of tenure as provided in subdivision three of section eleven hundred two, and sections twenty-five hundred nine, twenty-five hundred seventy-three, twenty-five hundred ninety-j, three thousand twelve and three thousand fourteen of this chapter shall be in writing and filed with the clerk or secretary of the school district or employing board during the period between the actual opening and closing of the school year for which the employed is normally required to serve. Except as provided in subdivision eight of section twenty-five hundred seventy-three and subdivision seven of section twenty-five hundred ninety-j of this chapter, no charges under this section shall be brought more than three years after the occurrence of the alleged incompetency or misconduct, except when the charge is of misconduct constituting a crime when committed.

2. Disposition of charges. a. Upon receipt of the charges, the clerk or secretary of the school district or employing board shall immediately notify said board thereof. Within five days after receipt of charges, the employing board, in executive session, shall determine, by a vote of a majority of all the members of such board, whether probable cause exists to bring a disciplinary proceeding against an employee pursuant to this section. If such determination is affirmative, a written statement specifying (i) the charges in detail, (ii) the maximum penalty which will be imposed by the board if the employee does not request a hearing or that will be sought by the board if the employee is found guilty of the charges after a hearing and (iii) the employee's rights under this section, shall be immediately forwarded to the accused employee by certified or registered mail, return receipt requested or by personal delivery to the employee.

b. The employee may be suspended pending a hearing on the charges and the final determination thereof. The suspension shall be with pay, except the employee may be suspended without pay if the employee has entered a guilty plea to or has been convicted of a felony crime concerning the criminal sale or possession of a controlled substance, a precursor of a controlled substance, or drug paraphernalia as defined in article two hundred twenty or two hundred twenty-one of the penal law; or a felony crime involving the physical abuse of a minor or student. The employee shall be terminated without a hearing, as provided for in this section, upon conviction of a sex offense, as defined in subparagraph two of paragraph b of subdivision seven-a of section three hundred five of this chapter. To the extent this section applies to an employee acting as a school administrator or supervisor, as defined in subparagraph three of paragraph b of subdivision seven-b of section three hundred five of this chapter, such employee shall be terminated

without a hearing, as provided for in this section, upon conviction of a felony offense defined in subparagraph two of paragraph b of subdivision seven-b of section three hundred five of this chapter.

c. Within ten days of receipt of the statement of charges, the employee shall notify the clerk or secretary of the employing board in writing whether he or she desires a hearing on the charges and when the charges concern pedagogical incompetence or issues involving pedagogical judgment, his or her choice of either a single hearing officer or a three member panel, provided that a three member panel shall not be available where the charges concern pedagogical incompetence based solely upon a teacher's or principal's pattern of ineffective teaching or performance as defined in section three thousand twelve-c of this article. All other charges shall be heard by a single hearing officer.

d. The unexcused failure of the employee to notify the clerk or secretary of his or her desire for a hearing within ten days of the receipt of charges shall be deemed a waiver of the right to a hearing. Where an employee requests a hearing in the manner provided for by this section, the clerk or secretary of the board shall, within three working days of receipt of the employee's notice or request for a hearing, notify the commissioner of the need for a hearing. If the employee waives his or her right to a hearing the employing board shall proceed, within fifteen days, by a vote of a majority of all members of such board, to determine the case and fix the penalty, if any, to be imposed in accordance with subdivision four of this section.

3. Hearings. a. Notice of hearing. Upon receipt of a request for a hearing in accordance with subdivision two of this section, the commissioner shall forthwith notify the American Arbitration Association (hereinafter "association") of the need for a hearing and shall request the association to provide to the commissioner forthwith a list of names of persons chosen by the association from the association's panel of labor arbitrators to potentially serve as hearing officers together with relevant biographical information on each arbitrator. Upon receipt of said list and biographical information, the commissioner shall forthwith send a copy of both simultaneously to the employing board and the employee. The commissioner shall also simultaneously notify both the employing board and the employee of each potential hearing officer's record in the last five cases of commencing and completing hearings within the time periods prescribed in this section.

b. (i) Hearing officers. All hearings pursuant to this section shall be conducted before and by a single hearing officer selected as provided for in this section. A hearing officer shall not be eligible to serve in such position if he or she is a resident of the school district, other than the city of New York, under the jurisdiction of the employing board, an employee, agent or representative of the employing board or of any labor organization representing employees of such employing board, has served as such agent or representative within two years of the date of the scheduled hearing, or if he or she is then serving as a mediator or fact finder in the same school district.

(A) Notwithstanding any other provision of law, for hearings commenced by the filing of charges prior to April first, two thousand twelve, the hearing officer shall be compensated by the department with the customary fee paid for service as an arbitrator under the auspices of the association for each day of actual service plus necessary travel and other reasonable expenses incurred in the performance of his or her duties. All other expenses of the disciplinary proceedings commenced by the filing of charges prior to April first, two thousand twelve shall be paid in accordance with rules promulgated by the commissioner. Claims for such compensation for days of actual service and reimbursement for necessary travel and other expenses for hearings commenced by the filing of charges prior to April first,

two thousand twelve shall be paid from an appropriation for such purpose in the order in which they have been approved by the commissioner for payment, provided payment shall first be made for any other hearing costs payable by the commissioner, including the costs of transcribing the record, and provided further that no such claim shall be set aside for insufficiency of funds to make a complete payment, but shall be eligible for a partial payment in one year and shall retain its priority date status for appropriations designated for such purpose in future years.

(B) Notwithstanding any other provision of law, rule or regulation to the contrary, for hearings commenced by the filing of charges on or after April first, two thousand twelve, the hearing officer shall be compensated by the department for each day of actual service plus necessary travel and other reasonable expenses incurred in the performance of his or her duties, provided that the commissioner shall establish a schedule for maximum rates of compensation of hearing officers based on customary and reasonable fees for service as an arbitrator and provide for limitations on the number of study hours that may be claimed.

(ii) The commissioner shall mail to the employing board and the employee the list of potential hearing officers and biographies provided to the commissioner by the association, the employing board and the employee, individually or through their agents or representatives, shall by mutual agreement select a hearing officer from said list to conduct the hearing and shall notify the commissioner of their selection.

(iii) Within fifteen days after receiving the list of potential hearing officers as described in subparagraph (ii) of this paragraph, the employing board and the employee shall each notify the commissioner of their agreed upon hearing officer selection. If the employing board and the employee fail to agree on an arbitrator to serve as a hearing officer from the list of potential hearing officers, or fail to notify the commissioner of a selection within such fifteen day time period, the commissioner shall appoint a hearing officer from the list. The provisions of this subparagraph shall not apply in cities with a population of one million or more with alternative procedures specified in section three thousand twenty of this article.

(iv) In those cases in which the employee elects to have the charges heard by a hearing panel, the hearing panel shall consist of the hearing officer, selected in accordance with this subdivision, and two additional persons, one selected by the employee and one selected by the employing board, from a list maintained for such purpose by the commissioner. The list shall be composed of professional personnel with administrative or supervisory responsibility, professional personnel without administrative or supervisory responsibility, chief school administrators, members of employing boards and others selected from lists of nominees submitted to the commissioner by statewide organizations representing teachers, school administrators and supervisors and the employing boards. Hearing panel members other than the hearing officer shall be compensated by the department at the rate of one hundred dollars for each day of actual service plus necessary travel and subsistence expenses. The hearing officer shall be compensated as set forth in this subdivision. The hearing officer shall be the chairperson of the hearing panel.

c. Hearing procedures. (i)(A) The commissioner shall have the power to establish necessary rules and procedures for the conduct of hearings under this section.

(B) The department shall be authorized to monitor and investigate a hearing officer's compliance with statutory timelines pursuant to this section. The commissioner shall annually inform all hearing officers who have heard cases

pursuant to this section during the preceding year that the time periods prescribed in this section for conducting such hearings are to be strictly followed. A record of continued failure to commence and complete hearings within the time periods prescribed in this section shall be considered grounds for the commissioner to exclude such individual from the list of potential hearing officers sent to the employing board and the employee for such hearings.

(C) Such rules shall not require compliance with technical rules of evidence. Hearings shall be conducted by the hearing officer selected pursuant to paragraph b of this subdivision with full and fair disclosure of the nature of the case and evidence against the employee by the employing board and shall be public or private at the discretion of the employee. The employee shall have a reasonable opportunity to defend himself or herself and an opportunity to testify in his or her own behalf. The employee shall not be required to testify. Each party shall have the right to be represented by counsel, to subpoena witnesses, and to cross-examine witnesses. All testimony taken shall be under oath which the hearing officer is hereby authorized to administer.

(D) An accurate record of the proceedings shall be kept at the expense of the department at each such hearing in accordance with the regulations of the commissioner. A copy of the record of the hearings shall, upon request, be furnished without charge to the employee and the board of education involved. The department shall be authorized to utilize any new technology or such other appropriate means to transcribe or record such hearings in an accurate, reliable, efficient and cost-effective manner without any charge to the employee or board of education involved.

(i-a)(A) Where charges of incompetence are brought based solely upon a pattern of ineffective teaching or performance of a classroom teacher or principal, as defined in section three thousand twelve-c of this article, the hearing shall be conducted before and by a single hearing officer in an expedited hearing, which shall commence within seven days after the pre-hearing conference and shall be completed within sixty days after the pre-hearing conference. The hearing officer shall establish a hearing schedule at the pre-hearing conference to ensure that the expedited hearing is completed within the required timeframes and to ensure an equitable distribution of days between the employing board and the charged employee. Notwithstanding any other law, rule or regulation to the contrary, no adjournments may be granted that would extend the hearing beyond such sixty days, except as authorized in this subparagraph. A hearing officer, upon request, may grant a limited and time specific adjournment that would extend the hearing beyond such sixty days if the hearing officer determines that the delay is attributable to a circumstance or occurrence substantially beyond the control of the requesting party and an injustice would result if the adjournment were not granted.

(B) Such charges shall allege that the employing board has developed and substantially implemented a teacher or principal improvement plan in accordance with subdivision four of section three thousand twelve-c of this article for the employee following the first evaluation in which the employee was rated ineffective, and the immediately preceding evaluation if the employee was rated developing. Notwithstanding any other provision of law to the contrary, a pattern of ineffective teaching or performance as defined in section three thousand twelve-c of this article shall constitute very significant evidence of incompetence for purposes of this section. Nothing in this subparagraph shall be construed to limit the defenses which the employee may place before the hearing officer in challenging the allegation of a pattern of ineffective teaching or performance.

(C) The commissioner shall annually inform all hearing officers who have heard cases pursuant to this section during the preceding year that the time periods prescribed in this subparagraph for conducting expedited hearings are to be

strictly followed. A record of continued failure to commence and complete expedited hearings within the time periods prescribed in this subparagraph shall be considered grounds for the commissioner to exclude such individual from the list of potential hearing officers sent to the employing board and the employee for such expedited hearings.

(ii) The hearing officer selected to conduct a hearing under this section shall, within ten to fifteen days of agreeing to serve in such position, hold a pre-hearing conference which shall be held in the school district or county seat of the county, or any county, wherein the employing school board is located. The pre-hearing conference shall be limited in length to one day except that the hearing officer, in his or her discretion, may allow one additional day for good cause shown.

(iii) At the pre-hearing conference the hearing officer shall have the power to:

(A) issue subpoenas;

(B) hear and decide all motions, including but not limited to motions to dismiss the charges;

(C) hear and decide all applications for bills of particular or requests for production of materials or information, including, but not limited to, any witness statement (or statements), investigatory statement (or statements) or note (notes), exculpatory evidence or any other evidence, including district or student records, relevant and material to the employee's defense.

(iv) Any pre-hearing motion or application relative to the sufficiency of the charges, application or amendment thereof, or any preliminary matters shall be made upon written notice to the hearing officer and the adverse party no less than five days prior to the date of the pre-hearing conference. Any pre-hearing motions or applications not made as provided for herein shall be deemed waived except for good cause as determined by the hearing officer.

(v) In the event that at the pre-hearing conference the employing board presents evidence that the professional license of the employee has been revoked and all judicial and administrative remedies have been exhausted or foreclosed, the hearing officer shall schedule the date, time and place for an expedited hearing, which hearing shall commence not more than seven days after the pre-hearing conference and which shall be limited to one day. The expedited hearing shall be held in the local school district or county seat of the county or any county, wherein the said employing board is located. The expedited hearing shall not be postponed except upon the request of a party and then only for good cause as determined by the hearing officer. At such hearing, each party shall have equal time in which to present its case.

(vi) During the pre-hearing conference, the hearing officer shall determine the reasonable amount of time necessary for a final hearing on the charge or charges and shall schedule the location, time(s) and date(s) for the final hearing. The final hearing shall be held in the local school district or county seat of the county, or any county, wherein the said employing school board is located. In the event that the hearing officer determines that the nature of the case requires the final hearing to last more than one day, the days that are scheduled for the final hearing shall be consecutive. The day or days scheduled for the final hearing shall not be postponed except upon the request of a party and then only for good cause shown as determined by the hearing officer. In all cases, the final hearing shall be completed no later than



sixty days after the pre-hearing conference unless the hearing officer determines that extraordinary circumstances warrant a limited extension.

(vii) All evidence shall be submitted by all parties within one hundred twenty-five days of the filing of charges and no additional evidence shall be accepted after such time, absent extraordinary circumstances beyond the control of the parties.

d. Limitation on claims. Notwithstanding any other provision of law, rule or regulation to the contrary, no payments shall be made by the department pursuant to this subdivision on or after April first, two thousand twelve for: (i) compensation of a hearing officer or hearing panel member, (ii) reimbursement of such hearing officers or panel members for necessary travel or other expenses incurred by them, or (iii) for other hearing expenses on a claim submitted later than one year after the final disposition of the hearing by any means, including settlement, or within ninety days after the effective date of this paragraph, whichever is later; provided that no payment shall be barred or reduced where such payment is required as a result of a court order or judgment or a final audit.

4. Post hearing procedures. a. The hearing officer shall render a written decision within thirty days of the last day of the final hearing, or in the case of an expedited hearing within ten days of such expedited hearing, and shall forward a copy thereof to the commissioner who shall immediately forward copies of the decision to the employee and to the clerk or secretary of the employing board. The written decision shall include the hearing officer's findings of fact on each charge, his or her conclusions with regard to each charge based on said findings and shall state what penalty or other action, if any, shall be taken by the employing board. At the request of the employee, in determining what, if any, penalty or other action shall be imposed, the hearing officer shall consider the extent to which the employing board made efforts towards correcting the behavior of the employee which resulted in charges being brought under this section through means including but not limited to: remediation, peer intervention or an employee assistance plan. In those cases where a penalty is imposed, such penalty may be a written reprimand, a fine, suspension for a fixed time without pay, or dismissal. In addition to or in lieu of the aforementioned penalties, the hearing officer, where he or she deems appropriate, may impose upon the employee remedial action including but not limited to leaves of absence with or without pay, continuing education and/or study, a requirement that the employee seek counseling or medical treatment or that the employee engage in any other remedial or combination of remedial actions.

b. Within fifteen days of receipt of the hearing officer's decision the employing board shall implement the decision. If the employee is acquitted he or she shall be restored to his or her position with full pay for any period of suspension without pay and the charges expunged from the employment record. If an employee who was convicted of a felony crime specified in paragraph b of subdivision two of this section, has said conviction reversed, the employee, upon application, shall be entitled to have his or her pay and other emoluments restored, for the period from the date of his or her suspension to the date of the decision.

c. The hearing officer shall indicate in the decision whether any of the charges brought by the employing board were frivolous as defined in section eighty-three hundred three-a of the civil practice law and rules. If the hearing officer finds that all of the charges brought against the employee were frivolous, the hearing officer shall order the employing board to reimburse the department the reasonable costs said department incurred as a result of the proceeding and to reimburse the employee the reasonable costs, including but not limited to reasonable attorneys' fees, the employee

incurred in defending the charges. If the hearing officer finds that some but not all of the charges brought against the employee were frivolous, the hearing officer shall order the employing board to reimburse the department a portion, in the discretion of the hearing officer, of the reasonable costs said department incurred as a result of the proceeding and to reimburse the employee a portion, in the discretion of the hearing officer, of the reasonable costs, including but not limited to reasonable attorneys' fees, the employee incurred in defending the charges.

5. Appeal. a. Not later than ten days after receipt of the hearing officer's decision, the employee or the employing board may make an application to the New York state supreme court to vacate or modify the decision of the hearing officer pursuant to section seventy-five hundred eleven of the civil practice law and rules. The court's review shall be limited to the grounds set forth in such section. The hearing panel's determination shall be deemed to be final for the purpose of such proceeding.

b. In no case shall the filing or the pendency of an appeal delay the implementation of the decision of the hearing officer.

#### CREDIT(S)

(Added L.1970, c. 717, § 16. Amended L.1971, c. 703, §§ 1 to 3; L.1973, c. 772, § 1; L.1977, c. 82, § 4; L.1978, c. 591, § 1; L.1978, c. 594, § 1; L.1994, c. 565, § 5; L.1994, c. 691, § 3; L.2008, c. 296, § 2, eff. July 21, 2008; L.2008, c. 325, § 2, eff. July 21, 2008; L.2010, c. 103, §§ 3 to 5, eff. July 1, 2010; L.2012, c. 57, pt. B, § 1, eff. March 30, 2012.)

#### HISTORICAL AND STATUTORY NOTES

L.2008, c. 325 legislation

L.2008, c. 325, § 4, provides:

"This act shall take effect immediately [July 21, 2008] and shall apply to convictions of school administrators or supervisors occurring on or after such date."

L.2008, c. 296 legislation

L.2008, c. 296, § 4, provides:

"This act shall take effect immediately [July 21, 2008] and shall apply to convictions of teachers occurring on or after such date."

L.1996, c. 474 legislation

L.1996, c. 474, § 134, eff. Aug. 8, 1996, retroactive to Sept. 1, 1994, applicable to hearings commenced by the filing of charges on or after Sept. 1, 1994, provided:

"Notwithstanding the provisions of section 3020-a of the education law, the fee payable by the education department to panel chairpersons or single hearing officers who conduct hearings on charges against tenured employees under a contractual alternative procedure which alters the procedures for selection of hearing officers but otherwise provides for the conduct of hearings in accordance with paragraph c of subdivision 3 of such section 3020-a shall not exceed \$200 per day. The fee payable by the education department to other hearing panel members for such hearings under such a contractual alternative shall be the same as the amount payable to additional hearing panel members in all other school districts."

L.1994, c. 691 legislation

L.1994, c. 691, § 5, provided:

"This act [amending this section and §§ 2590-j and 3020] shall take effect on the thirtieth day after it shall have become a law [became law Aug. 2, 1994; eff. Sept. 1, 1994] and shall apply to hearings commenced by the filing of charges pursuant to section 3020-a of the education law on or after such date; provided, however, that section three of this act [amending subd. 4 of this section] shall take effect on the same day that a chapter of the laws of 1994 amending the public health law and the education law relating to smoking, as proposed in legislative bills numbers A.7139E/S.5021C takes effect [L.1994, c. 565, eff. Aug. 25, 1994]."

L.1994, c. 565 legislation

L.1994, c. 565, § 5, eff. Aug. 25, 1994, amended subd. 4. This amendment was repealed by L.1994, c. 691, § 4, eff. Sept. 1, 1994; L.1994, c. 691, § 3, eff. Aug. 25, 1994, amended subd. 4 without reference to or incorporating the amendment by L.1994, c. 565, § 5. These amendments have been executed as if L.1994, c. 565, § 5 never took effect, as being the probable intent of the legislature.

#### Derivation

Section 3012, former subds. 3 and 4; former § 3013, subds. 2-a, 3, and 4. Said § 3012, L.1947, c. 820; relevant amendments L.1959, c. 868, § 4; L.1960, c. 326, §§ 1, 3; L.1962, c. 310, § 116; repeal of subds. L.1970, c. 717, §§ 9, 10. Derived from Education Law of 1910, § 312-a, added L.1937, c. 314. Said former § 3013 was added L.1947, c. 820; amended L.1952, c. 407, § 2; L.1955, c. 859, § 5; L.1959, c. 868, § 5; L.1962, c. 310, § 117; L.1970, c. 717, §§ 11 to 13; L.1971, c. 116, §§ 3, 4; L.1971, c. 732, § 4; L.1972, c. 953, § 4; L.1974, c. 735, § 4; L.1974, c. 952, § 3; L.1975, c. 140, § 4; L.1975, c. 436, §§ 1 to 3; L.1975, c. 468, § 4; L.1976, c. 551, § 4; L.1977, c. 467, § 1; and repealed by L.1978, c. 358, § 3. Provisions similar to said former § 3013 were contained in Education Law of 1910 § 312-b, added L.1945, c. 833.

#### CROSS REFERENCES

Appointment and removal in cities, see Education Law §§ 2509, 2573, 2590-j.

N.Y. Comp. Codes R. & Regs. tit. 8, § 82-1.1

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Part 82. Hearings of Charges Against Employees on Tenure

■ Subpart 82-1. Procedures for Hearings Commenced on or After August 25, 1994 (Refs & Annos)

→ → Section 82-1.1. Application of Subpart

This Subpart applies to hearings on charges against tenured school employees pursuant to section 3020-a of the Education Law that are commenced by the filing of charges on or after August 25, 1994.

Sec. filed: Sept. 27, 1994 as emergency measure; Dec. 20, 1994 as emergency measure eff. Dec. 20, 1994; Dec. 20, 1994 eff. Jan. 5, 1995.

8 NYCRR 82-1.1, 8 NY ADC 82-1.1

Current with amendments included in the New York State Register, Volume XXXVII, Issue 7, dated February 18, 2015.

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N.Y. Comp. Codes R. & Regs. tit. 8, § 82-1.2

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■ Subpart 82-1. Procedures for Hearings Commenced on or After August 25, 1994 (Refs & Annos)

→ → Section 82-1.2. Definitions

(a) As used in this Subpart:

(1) *Employee* means any person or persons against whom charges may be filed pursuant to section 3020-a of the Education Law, or, except where the context indicates a contrary intent, the attorney designated to represent such person or persons in a hearing pursuant to this Part.

(2) *Chief school administrator* means the district superintendent of schools of the board of cooperative educational services employing a person against whom charges are made; or the superintendent of schools, community superintendent, chancellor or the principal of the school district employing a person against whom charges are made.

(3) *Board* means the employing trustee, board of trustees, board of education, community board or board of cooperative educational services.

(4) *Commissioner* means Commissioner of Education.

(5) *Association* means the American Arbitration Association.

(6) *Hearing officer* means a single hearing officer selected to conduct a hearing pursuant to section 3020-a of the Education Law, or the panel chairperson in the case of a hearing before a three member hearing panel.

(7) *Panel member* means a member of a three member hearing panel, other than a hearing officer, who is selected by either the employee or the board.

Sec. filed: Sept. 27, 1994 as emergency measure; Dec. 20, 1994 as emergency measure eff. Dec. 20, 1994; Dec. 20, 1994 eff. Jan. 5, 1995.

N.Y. Comp. Codes R. & Regs. tit. 8, § 82-1.2

8 NYCRR 82-1.2, 8 NY ADC 82-1.2

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N.Y. Comp. Codes R. & Regs. tit. 8, § 82-1.3

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■ Subpart 82-1. Procedures for Hearings Commenced on or After August 25, 1994 (Refs & Annos)

→ → Section 82-1.3. Filing of charges

(a) Charges may not be filed by the chief school administrator or other party authorized to file charges against an employee more than five days before the next regularly scheduled meeting of the board except with the permission of the board.

(b) A copy of a written statement specifying in detail each charge as to which the board finds probable cause exists shall be immediately forwarded to the employee by certified or registered mail, return receipt requested, or by personal delivery to the employee and to the commissioner by first class mail. Such statement shall state the maximum penalty which will be imposed by the board if the employee does not request a hearing or that will be sought by the board if the employee is found guilty of the charge after a hearing and shall outline the employee's rights under section 3020-a, including the right to request a hearing and the right to choose either a single hearing officer or a three member panel when the charges involve pedagogical incompetence or issues involving pedagogical judgment.

(c) Charges against an employee must be made separately from charges against any other employee.

(d) Where charges concerning pedagogical incompetence or issues involving pedagogical judgment are filed with other charges, the employee shall have the right to choose either a single hearing officer or a three member panel to hear all charges.

Sec. filed: Sept. 27, 1994 as emergency measure; Dec. 20, 1994 as emergency measure eff. Dec. 20, 1994; Dec. 20, 1994 eff. Jan. 5, 1995; emergency rulemaking eff. Apr. 24, 2012, expired July 22, 2012; emergency rulemaking eff. July 22, 2012, expired; amd. filed July 17, 2012 eff. Aug. 1, 2012.

8 NYCRR 82-1.3, 8 NY ADC 82-1.3

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N.Y. Comp. Codes R. & Regs. tit. 8, § 82-1.3

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N.Y. Comp. Codes R. & Regs. tit. 8, § 82-1.4

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Subpart 82-1. Procedures for Hearings Commenced on or After August 25, 1994 (Refs & Annos)

→ → Section 82-1.4. Request for a hearing

Where the employee desires a hearing, he or she may file a written request for a hearing with the clerk or secretary of the employing board within 10 days of receipt of the charges, and where the charges concern pedagogical incompetence or issues involving pedagogical judgment, the employee shall choose either a single hearing officer or a three member panel. In the request for a hearing, the employee may designate an attorney who will represent the employee at the hearing and who shall be authorized to receive correspondence from the commissioner pertaining to the 3020-a proceeding on his or her behalf.

Sec. filed: Sept. 27, 1994 as emergency measure; Dec. 20, 1994 as emergency measure eff. Dec. 20, 1994; Dec. 20, 1994 eff. Jan. 5, 1995; emergency rulemaking eff. Apr. 24, 2012, expired July 22, 2012; emergency rulemaking eff. July 22, 2012, expired; amd. filed July 17, 2012 eff. Aug. 1, 2012.

8 NYCRR 82-1.4, 8 NY ADC 82-1.4

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N.Y. Comp. Codes R. & Regs. tit. 8, § 82-1.5

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Subpart 82-1. Procedures for Hearings Commenced on or After August 25, 1994 (Refs & Annos)

→ → Section 82-1.5. Notice of need for hearing

(a) The notification of the need for a hearing shall be sent to the commissioner within three working days of the request for a hearing with a copy to the employee, or the employee's designated attorney, and shall contain the following information:

- (1) an affidavit of service of the charges upon the employee;
- (2) a copy of the employee's request for hearing;
- (3) a place within the district or the county seat of a county in which the board is located which will be made available by the board at school district expense for the holding of the prehearing conference and hearing;
- (4) the name and contact information for the attorney, if any, who will represent the board at the hearing;
- (5) whether an expedited hearing is sought, and whether the employee is suspended either with, or without pay;
- (6) an estimate of the number of days needed for the hearing;
- (7) the name of the panel member selected by the board, if applicable; and
- (8) where the board has received written notice that the employee will be represented by an attorney at the hearing, the name and contact information for such attorney.

(b) If the board shall fail to notify the commissioner of its selection of a panel member and the employee has not waived his or her right to a panel hearing, the commissioner shall select the member of the hearing panel for the board.

(c) Separate notification of the need for a hearing shall be given with respect to each employee against whom charges have been filed.

(d) Whenever an employee shall be deemed to have waived his/her right to a hearing, the clerk or secretary of the

N.Y. Comp. Codes R. & Regs. tit. 8, § 82-1.5

board shall immediately file notice of such waiver with the commissioner.

(e) Where the matter is resolved prior to the decision of the hearing officer, the board shall notify the commissioner and send a copy of such resolution to the commissioner within ten days of the resolution.

Sec. filed: Sept. 27, 1994 as emergency measure; Dec. 20, 1994 as emergency measure eff. Dec. 20, 1994; Dec. 20, 1994 eff. Jan. 5, 1995; emergency rulemaking eff. Apr. 24, 2012, expired July 22, 2012; emergency rulemaking eff. July 22, 2012, expired; amd. filed July 17, 2012 eff. Aug. 1, 2012.

8 NYCRR 82-1.5, 8 NY ADC 82-1.5

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N.Y. Comp. Codes R. & Regs. tit. 8, § 82-1.6

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■ Subpart 82-1. Procedures for Hearings Commenced on or After August 25, 1994 (Refs & Annos)

→ → Section 82-1.6. Appointment of hearing officer and notice of prehearing conference

(a) Forthwith after receipt of notification of the need for a hearing, the commissioner shall notify the association, obtain a list of potential hearing officers, together with relevant biographical information, and send a copy thereof to the attorneys representing the employing board and employee, or to the employee if he or she is not so represented. Such list shall consist of individuals selected by the association who are qualified to serve as hearing officers. To be qualified to serve as a hearing officer, an individual shall:

- (1) be on the association's panel of labor arbitrators;
- (2) be a resident of New York or an adjoining state;
- (3) be willing to serve under the conditions imposed by Education Law, section 3020-a and this Subpart; and
- (4) not be ineligible to serve in the particular hearing pursuant to Education Law, section 3020-a(3)(i).

(b) Within 15 days after receiving the list of potential hearing officers, the parties or their agents or representatives shall by agreement select a hearing officer and each party shall notify the commissioner thereof.

(c) If the parties fail to notify the commissioner of a selection within the 15 day time period prescribed by subdivision (b) of this section, the commissioner shall appoint a hearing officer from the list. The provisions of this subdivision shall not apply in cities with a population of one million or more with alternative procedures specified in section 3020 of the Education Law.

(d) The commissioner shall notify the hearing officer selected pursuant to subdivision (b) or (c) of this section, and confirm his or her acceptance of such selection.

(e) The hearing officer shall contact the parties and, within 10 to 15 days of receipt of notice from the commissioner confirming his or her acceptance of a selection to serve as hearing officer, hold a prehearing conference.

Sec. filed: Sept. 27, 1994 as emergency measure; Dec. 20, 1994 as emergency measure eff. Dec. 20, 1994; Dec. 20,

N.Y. Comp. Codes R. & Regs. tit. 8, § 82-1.6

1994 eff. Jan. 5, 1995; emergency rulemaking eff. Apr. 24, 2012, expired July 22, 2012; emergency rulemaking eff. July 22, 2012, expired; amd. filed July 17, 2012 eff. Aug. 1, 2012.

8 NYCRR 82-1.6, 8 NY ADC 82-1.6

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N.Y. Comp. Codes R. & Regs. tit. 8, § 82-1.7

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■ Subpart 82-1. Procedures for Hearings Commenced on or After August 25, 1994 (Refs & Annos)

→→ Section 82-1.7. Panel members

(a) The commissioner shall maintain a list of persons eligible to serve as panel members pursuant to Education Law, section 3020-a(3)(b)(iv), which list shall be updated as necessary.

(b) Copies of such list of panel members appointed by the commissioner shall be available for public inspection upon request to the commissioner.

(c) No person may be selected from a list to serve as a panel member when that person is serving as a panel member in connection with charges being heard against another employee, except with the consent of the commissioner.

Sec. filed: Sept. 27, 1994 as emergency measure; Dec. 20, 1994 as emergency measure eff. Dec. 20, 1994; Dec. 20, 1994 eff. Jan. 5, 1995; emergency rulemaking eff. Apr. 24, 2012, expired July 22, 2012; emergency rulemaking eff. July 22, 2012, expired; amd. filed July 17, 2012 eff. Aug. 1, 2012.

8 NYCRR 82-1.7, 8 NY ADC 82-1.7

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N.Y. Comp. Codes R. & Regs. tit. 8, § 82-1.8

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→ → **Section 82-1.8. Selection of panel member by employee**

Where an employee has exercised the option to have the hearing conducted before a hearing panel, within five days after receiving the copy of the notification to the commissioner of the need for a panel hearing, the employee shall, in writing by certified mail, notify the board and the commissioner of the name of his or her selection for the hearing panel. If the employee shall fail to notify the commissioner and the board as required and the employee has not waived his or her right to a hearing, the commissioner shall select the employee panel member for the employee.

Sec. filed: Sept. 27, 1994 as emergency measure; Dec. 20, 1994 as emergency measure eff. Dec. 20, 1994; Dec. 20, 1994 eff. Jan. 5, 1995.

8 NYCRR 82-1.8, 8 NY ADC 82-1.8

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N.Y. Comp. Codes R. & Regs. tit. 8, § 82-1.9

**C**

Compilation of Codes, Rules and Regulations of the State of New York Currentness

Title 8. Education Department

Chapter II. Regulations of the Commissioner

Subchapter C. Teachers

Part 82. Hearings of Charges Against Employees on Tenure

Subpart 82-1. Procedures for Hearings Commenced on or After August 25, 1994 (Refs & Annos)

→→ Section 82-1.9. Demand for public hearing

Unless the employee notifies the hearing officer at least 24 hours before the first day of the hearing that he or she demands a public hearing, the hearing shall be private. The prehearing conference shall be private.

Sec. filed: Sept. 27, 1994 as emergency measure; Dec. 20, 1994 as emergency measure eff. Dec. 20, 1994; Dec. 20, 1994 eff. Jan. 5, 1995.

8 NYCRR 82-1.9, 8 NY ADC 82-1.9

Current with amendments included in the New York State Register, Volume XXXVII, Issue 7, dated February 18, 2015.

END OF DOCUMENT



N.Y. Comp. Codes R. & Regs. tit. 8, § 82-1.10



Compilation of Codes, Rules and Regulations of the State of New York Currentness

Title 8. Education Department

Chapter II. Regulations of the Commissioner

Subchapter C. Teachers

Part 82. Hearings of Charges Against Employees on Tenure

Subpart 82-1. Procedures for Hearings Commenced on or After August 25, 1994 (Refs & Annos)

→ → Section 82-1.10. Conduct of hearings

- (a) Cine photographs, still photographs, videotape recordings and audiotape recordings may not be taken at private hearings, and may be taken at public hearings only when permitted by the hearing officer.
- (b) Public hearings shall be open to members of the public and to representatives of the news media, except that the hearing officer may, in his or her discretion, exclude any persons other than parties, witnesses, and their attorneys from all or any portion of the hearing where such exclusion is warranted for the protection of the privacy or reputation of any person under the age of 18 years.
- (c) The hearing officer shall have the power to consolidate with the pending charges amended or additional charges against an employee as to which the board has found that probable cause exists no later than five days before the date of the prehearing conference, provided that the employee may file a waiver of the right to a hearing on such amended or additional charges with the hearing officer and provided further that charges involving pedagogical incompetence or issues involving pedagogical judgment may not be consolidated with pending charges unless the employee has previously exercised his or her right to choose between a single hearing officer and hearing panel in the request for a hearing.
- (d) If the hearing officer determines that the absence of a hearing panel member is likely to delay unduly the prosecution of the hearing, he or she shall order the replacement of such panel member. If the party who selected such panel member fails to select a replacement within two business days, the commissioner shall select such replacement. If the hearing officer needs to be replaced and the parties fail to notify the commissioner of their mutually agreed upon replacement within two business days, the commissioner shall select the replacement. In no event shall a panel hearing proceed except in the presence of two panel members and the hearing officer.
- (e) Members of the hearing panel may question witnesses and parties, subject to the right of the hearing officer to disallow such questions if he or she deems them improper. Notwithstanding the foregoing, no questions may be addressed to the employee unless he or she has been sworn as a witness with his or her own consent.
- (f) All evidence shall be submitted by all parties within 125 days of the filing of charges and no additional evidence

N.Y. Comp. Codes R. & Regs. tit. 8, § 82-1.10

shall be accepted after such time, absent extraordinary circumstances beyond the control of the parties.

(g) The hearing officer shall have the power to regulate the course of the hearing, set the time and place for continued hearings, and direct the parties to appear, so that no party is unduly prejudiced by the prohibition on the submission of evidence after 125 days.

(h) At the conclusion of the testimony, the hearing officer may adjourn the hearing to a specified date after conclusion of the testimony, to permit preparation of the record, submission by the parties of memoranda of law, and deliberation; provided that such specified date may not be more than 60 days after the prehearing conference unless the hearing officer determines that extraordinary circumstances warrant a later date. Upon request, the hearing officer shall arrange for the preparation and delivery of one copy of the record of the hearing to each panel member, to the employee and the board.

(i) The hearing officer or hearing panel shall render a written decision within 30 days of the last day of the final hearing, or within 10 days of the last day of an expedited hearing and shall forthwith forward a copy to the commissioner, in a manner prescribed by the commissioner, who shall send copies to the parties and/or their designated attorneys. Such written decision shall include the hearing officer's findings of fact on each charge, his or her conclusions with regard to each charge based on such findings and shall state the penalty or other action, if any, which shall be taken by the board, provided that such findings, conclusions and penalty determination shall be based solely upon the record in the proceedings before the hearing officer or panel, and shall set forth the reasons and the factual basis for the determination.

Sec. filed: Sept. 27, 1994 as emergency measure; Dec. 20, 1994 as emergency measure eff. Dec. 20, 1994; Dec. 20, 1994 eff. Jan. 5, 1995; emergency rulemaking eff. Apr. 24, 2012, expired July 22, 2012; emergency rulemaking eff. July 22, 2012, expired; amd. filed July 17, 2012 eff. Aug. 1, 2012.

8 NYCRR 82-1.10, 8 NY ADC 82-1.10

Current with amendments included in the New York State Register, Volume XXXVII, Issue 7, dated February 18, 2015.

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N.Y. Comp. Codes R. & Regs. tit. 8, § 82-1.11

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Title 8. Education Department

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Subchapter C. Teachers

Part 82. Hearings of Charges Against Employees on Tenure

Subpart 82-1. Procedures for Hearings Commenced on or After August 25, 1994 (Refs & Annos)

→ → **Section 82-1.11. Monitoring and enforcement of timelines**

The Department will monitor and investigate a hearing officer's compliance with the timelines prescribed in Education Law section 3020-a. A record of continued failure to commence and complete hearings within the time periods prescribed in this section shall be considered grounds for the commissioner to exclude such individual from the list of potential hearing officers for these hearings.

Sec. filed: Sept. 27, 1994 as emergency measure; Dec. 20, 1994 as emergency measure eff. Dec. 20, 1994; Dec. 20, 1994 eff. Jan. 5, 1995; renumbered to § 82-1.12 and new § 82-1.11 adopted by emergency rulemaking eff. Apr. 24, 2012, expired July 22, 2012; emergency rulemaking eff. July 22, 2012, expired; amd. filed July 17, 2012 eff. Aug. 1, 2012.

8 NYCRR 82-1.11, 8 NY ADC 82-1.11

Current with amendments included in the New York State Register, Volume XXXVII, Issue 7, dated February 18, 2015.

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N.Y. Comp. Codes R. &amp; Regs. tit. 8, § 82-1.12

**C**

## Compilation of Codes, Rules and Regulations of the State of New York Currentness

## Title 8. Education Department

## Chapter II. Regulations of the Commissioner

## Subchapter C. Teachers

## Part 82. Hearings of Charges Against Employees on Tenure

## ■ Subpart 82-1. Procedures for Hearings Commenced on or After August 25, 1994 (Refs &amp; Annos)

## →→ Section 82-1.12. Reimbursable hearing expenses

(a) Except as otherwise provided in this section, the commissioner shall compensate the hearing officer with the customary fee paid for service as an arbitrator for each day of actual service rendered by the hearing officer. For hearings commenced by the filing of charges prior to April 1, 2012, a day of actual service shall be five hours. In the event a hearing officer renders more or less than five hours of service on a given calendar day, the per diem fee shall be prorated accordingly. For hearings commenced by the filing of charges on or after April 1, 2012, a day of actual service shall be defined in guidelines prescribed by the commissioner. Any late cancellation fee charged by the hearing officer shall be paid by the party or parties responsible for the cancellation.

(b) In addition to the statutory fees payable to the hearing officer and panel members for each day of actual service, the commissioner shall reimburse hearing officers and panel members for their necessary travel and other related reasonable expenses in accordance with the rules and limits on travel applicable to state employees.

(c) The commissioner shall arrange for the preparation of an accurate record of the proceedings. Upon request, a copy of the record shall be provided by the commissioner to the hearing officer, panel members and/or the parties at the department's expense. Upon request of one or more parties, the commissioner may arrange to have a daily copy of the record prepared and distributed to each party making such request and to the hearing officer, in addition to any final copies provided by the commissioner after conclusion of the hearing. Any incremental cost incurred for preparing a daily copy for a party and the hearing officer that is in addition to the base amount payable by the commissioner for preparation of the final record shall be paid by the party requesting daily copy, or shall be shared equally by the parties where both parties request daily copy.

(d) Additional hearing costs, other than facilities costs, incurred to make a reasonable accommodation to an employee or a witness based on such individual's disability, including but not limited to the retention of a qualified interpreter for the deaf or hearing impaired, shall be paid by the commissioner. Except as otherwise provided in this Subpart, any other additional hearing costs shall be paid by the board.

(e) Limitations on fees for hearing officers. For hearings commenced by the filing of charges on or after April 1, 2012, a hearing officer shall not be reimbursed beyond the maximum rates of compensation of hearing officers, as set forth

N.Y. Comp. Codes R. & Regs. tit. 8, § 82-1.12

in a schedule prescribed by the commissioner, based on customary and reasonable fees for service as an arbitrator and shall not be reimbursed for more than a certain amount of study hours, as prescribed by the commissioner.

(f) Limitation on claims. No payments shall be made by the department on or after April 1, 2012 for the following if they are on a claim submitted later than one year after the final disposition of the hearing by any means, including settlement, or within 90 days after April 1, 2012 whichever is later; provided that no payment shall be barred or reduced where such payment is required as a result of a court order or judgment or a final audit:

- (1) compensation of a hearing officer or hearing panel member;
- (2) reimbursement of such hearing officers or panel members for necessary travel or other expenses incurred by them, or
- (3) for other hearing expenses.

Renumbered from § 82-1.11 by emergency rulemaking eff. Apr. 24, 2012, expired July 22, 2012; emergency rulemaking eff. July 22, 2012, expired; new adopted filed July 17, 2012 eff. Aug. 1, 2012.

8 NYCRR 82-1.12, 8 NY ADC 82-1.12

Current with amendments included in the New York State Register, Volume XXXVII, Issue 7, dated February 18, 2015.

END OF DOCUMENT



United Federation of Teachers  
A Union of Professionals

June 27, 2008

Joel I. Klein  
Chancellor  
Department of Education  
52 Chambers Street  
New York, NY 10007

Dear Chancellor Klein,

This letter will confirm certain mutual understandings and agreements between the Board of Education of the City School District of the City of New York (the "DOE") and the United Federation of Teachers ("UFT").

*Temporary Reassignment Centers ("TRCs")*

Effective immediately, the letter the DOE provides to each UFT-represented employee ("Employee") to inform the Employee that he or she has been reassigned to a TRC will indicate the general grounds for each reassignment (where an Employee is being investigated by the Office of the Special Commissioner of Investigation ("SCI"), just that information will be supplied). The DOE will provide all currently reassigned Employees who have not been arrested or charged under Education Law § 3020-a with written confirmation of the general grounds for the reassignment.

Effective with the end of 2007-08 school year, where a UFT-represented employee is reassigned, the amount of time for the Office of Special Investigations ("OSI") to conduct an investigation shall be 90 days; the amount of time to transfer criminal cases to the Administrative Trials Unit ("ATU") shall be 30 days; and the amount of time for the DOE to draft Education Law § 3020-a charges shall be 40 days. The DOE will diligently attempt to comply with these timeframes. The preceding two sentences shall not be enforceable through either the grievance processes set forth in the relevant collective bargaining agreements or any other legal mechanism. Each year, a labor-management committee composed, in equal parts, of UFT and DOE representatives shall meet to discuss whether these time frames are being complied with and, if not, to agree on further actions to be taken with respect to the time frames. This paragraph shall not constitute a waiver of any other rights an Employee may have.

52 Broadway, New York, NY 10006 p: 212.777.7600 www.uft.org

Officers: Randi Weingarten President, Michael Mendel Secretary, Mei Aaronson Treasurer, Robert Astrowitz Assistant Secretary, Muna Rimmun Assistant Treasurer  
Vice Presidents: Carmen Alaraz, Michelle Bodden, Richard Farber, Aminda Garcia, Michael McGowan, Frank Volpeola

The DOE has identified a unit within the Division of Human Resources that will be responsible for managing and tracking all reassignment cases, ensuring that all reassignments are made consistent with applicable policy, and working with the other DOE offices involved to make sure that the process is accelerated based on, among others, the initiatives set forth in this letter. This unit will be making regular quarterly reports that will be shared with the UFT.

Absent unusual circumstances, effective immediately, allegations being investigated by principals will not result in an Employee being removed from his or her school.

The DOE has conducted a central review of all investigations of currently reassigned Employees conducted by principals and, where appropriate, reassigned Employees back to their schools.

Any reassignments that are not authorized by the Office of Personnel Investigation or OSI will be reviewed by central DOE. The DOE will consult with the UFT within a week to explain this review process and seek to improve it. The DOE will provide the UFT with regular listings of reassigned pedagogues, no less frequently than on a weekly basis, and if the UFT disagrees with any reassignment decisions it can present its objections for consideration to the Office of Labor Relations. Should a principal reassign an Employee without proper approval pursuant to the central DOE process, the central DOE shall return the Employee to the school from which the Employee was reassigned and the principal's school-based budget shall be charged for the salary the Employee earned while reassigned (the agreement contained in this sentence shall not be a mandatory subject of bargaining).

Wherever possible, Employees reassigned to a TRC will be reassigned in the borough in which such Employee works. Employees who wish to perform duties or activities while assigned to a TRC shall be permitted to do so, with the proposed duty or activity subject to the appropriate supervisor's approval. This paragraph shall not be construed as a modification to Chancellor's Regulation C-770.

The DOE will review issues raised by the UFT with respect to the TRC facilities and work space provided to reassigned Employees. In order to help ensure a safe working environment, the UFT and DOE will work together to develop a facilities protocol for building concerns consistent with the Public Employee Safety and Health Act.

The DOE will continue to submit cases through the expedited time and attendance procedures if the DOE deems the particular case appropriate for that procedure. The DOE will evaluate cases of tenured Employees receiving unsatisfactory rating(s) for poor performance and, where it deems it appropriate, will refer the case to PIP Plus.

The disciplinary process should never be used to retaliate against whistleblowers or for any other illegal reasons. All employees who make a knowingly false allegation shall be subject to discipline, but decisions relating to the imposition of such discipline on non-UFT bargaining unit members shall not be subject to the grievance processes set forth in the relevant collective bargaining agreements.

The UFT and the DOE are committed to exploring innovative settlement approaches that would permit the parties to Education Law § 3020-a proceedings to reach settlement in a greater number of cases brought under Education Law § 3020-a.

*Education Law § 3020-a Hearing Procedures*

The UFT and the DOE, in addition to those agreements set forth in the relevant collective bargaining agreements, have also agreed to the following Education Law § 3020-a hearing procedures:

The permanent arbitration panel provided for in Article 21(G)(2) of the Collective Bargaining Agreement governing Teachers (and the corresponding provisions in the other UFT-DOE collective bargaining agreements) will be expanded from 20 panel members to 28 panel members. A sub-panel of up to 14 individual arbitrators on the permanent arbitration panel will hear cases based predominantly on charges of incompetence (the actual number of arbitrators hearing cases based predominantly on charges of incompetence, up to 14, being determined by the DOE in consultation with the UFT). Arbitrators selected for the permanent panel will be randomly assigned to the sub-panel on a rotational basis each year prior to the deadline for both parties to mutually agree to have arbitrators serve on the permanent panel for an additional one-year term. A labor-management committee composed, in equal parts, of UFT and DOE representatives shall meet as needed to discuss any issues regarding the 3020-a panel or process.

The UFT and DOE will jointly explore the feasibility of expediting the receipt of Education Law § 3020-a hearing transcripts by the UFT and DOE jointly paying the court reporters' fees and then seeking reimbursement from the New York State Education Department.

Without waiver or limitation of any other materials and information that the respondent Employee ("Respondent") is entitled to under Education Law § 3020-a and the relevant collective bargaining agreements ("Discovery"), or the timing for providing such other Discovery, at least one week prior to the Pre-Hearing Conference, the DOE's attorney will supply the Respondent (or Respondent's attorney) with the following:

- a. Copies of all letters in the Respondent's personnel file(s) related to the Education Law § 3020-a charges;
- b. Copies of the final report regarding the investigation conducted by either the Special Commissioner of Investigations ("SCI"), the Office of Special Investigations ("OSI") or by a principal; and
- c. Copies of all witness statements related to the charges in the DOE's possession at that time. (The DOE will diligently attempt to obtain all witness statements prior to providing copies to Respondent or Respondent's attorney pursuant to this provision "c" though failure to do so will not be grounds for exclusion of evidence from an Education Law § 3020-a hearing.)

Without waiver or limitation of any other materials and information that the DOE may be entitled to from Respondent, or the timing for providing such other Discovery, at least one week prior to the Pre-Hearing Conference, the Respondent (or Respondent's attorney) will provide a witness list to the DOE's attorney if the Respondent (or Respondent's attorney) has possession of such. Otherwise, a witness list will be provided to the DOE's attorney by Respondent (or Respondent's attorney) whenever practicable one week prior to the presentation of Respondent's defense.



This letter shall not constitute a waiver of either the Respondent's or the DOE's right to object to the admissibility of documents obtained in the regular course of discovery pursuant to the Education Law and/or the relevant collective bargaining agreements.

In addition to any other obligations the DOE may have to preserve potential Discovery material, at the time the DOE prefers Education Law § 3020-a charges against an Employee, the Office of Legal Services will send a letter to the relevant principal or school leader requiring the principal or school leader to direct all DOE employees and agents under his/her supervision to preserve (i) any relevant records related to students who may be called to testify and (ii) all relevant class rosters.

At the Pre-Hearing Conference, the DOE's attorney and the Respondent (or Respondent's attorney), along with the Hearing Officer, will attempt to: (i) pre-mark exhibits; (ii) stipulate to any facts which are not in dispute; and (iii) stipulate to the admission of any documents to which there is not a dispute about admissibility.

Every effort should be made for a Respondent to attend the Pre-Hearing Conference as well as for the DOE to have a person available who has authority to approve a settlement of the case.

The DOE will provide the student records for testifying students to the Hearing Officer for in camera inspection by the Hearing Officer prior to the hearing date at which the student testifies. It will continue to be the Hearing Officer's decision, within the requirements of Education Law § 3020-a and the relevant collective bargaining agreements, as to whether, and when, these student records are provided to Respondent or Respondent's attorney. This provision remains subject to the Family Educational Rights and Privacy Act.

The UFT and the DOE shall jointly hold meetings with the Hearing Officers and instruct them with respect to the applicable time limitations in Education Law § 3020-a and the relevant collective bargaining agreements.

#### *Contract Arbitrations*

The 140 arbitration dates that are permitted to be scheduled per year for all UFT grievances shall be increased to 175.

The UFT agrees principals may testify at arbitrations by telephone subject to the following conditions: (i) the principal may not look at any written material or be aided by anyone in the room during his/her testimony except as authorized or directed by the arbitrator; (ii) the principal may not be joined in the room by anyone without notifying the arbitrator, all parties and their representatives; (iii) the UFT district representative, or the UFT district representative's designee, may be present in the room with the principal; and (iv) the principal's testimony shall still be under oath. The sole role of the UFT district representative, or the UFT district representative's designee, shall be to verify the principal's compliance with these conditions; the UFT district representative or designee may not participate in the proceedings except to notify the arbitrator and/or the parties' representatives if he or she believes these conditions are being violated. The UFT district representative, or the UFT district representative's designee, shall not be released from his/her classroom responsibilities for this purpose. Nothing in this agreement

shall in any way limit the right of the UFT arbitration advocate to cross-examine the principal. If the arbitrator orders the principal to testify or be cross-examined in person, the principal shall not be allowed to testify or be cross-examined by telephone.

Nothing in this agreement shall in any way limit the currently existing rights of Employees to attend arbitrations.

The use of the 175 days will be governed in all respects by the rules in the relevant collective bargaining agreements governing the use of the 140 arbitration days, including, but not limited to, rules that exclude certain arbitrations from the 140 day limit. Pursuant to the procedures set forth in Article 22C of the collective bargaining agreement governing teachers (and corresponding provisions of other UFT-DOE collective bargaining agreements) for the selection of arbitrators, the number of arbitrators hearing arbitrations may be increased from seven.

Sincerely,



Randi Weingarten  
President  
United Federation of Teachers

Agreed and Accepted By:



Joel I. Klein  
Chancellor  
Board of Education of the City School  
District of the City of New York

\_\_\_\_\_

Date

TOTAL P.05



THE NEW YORK CITY DEPARTMENT OF EDUCATION

JOEL I. KLEIN, *Chancellor*

OFFICE OF THE CHANCELLOR

52 CHAMBERS STREET - NEW YORK, NY 10007

April 15, 2010

Michael Mulgrew, President  
United Federation of Teachers  
52 Broadway, 14<sup>th</sup> Floor  
New York, New York 10004

Dear Mr. Mulgrew:

This letter will confirm the mutual understandings and agreements between the Board of Education of the City School District of the City of New York ("DOE") and the United Federation of Teachers ("UFT"). Nothing in this Agreement shall constitute a waiver or modification of any provision of any collective bargaining agreement, letter (including but not limited to the June 27, 2008 letter from the Chancellor to the President of the UFT) or other agreement between the DOE and the UFT except as specifically set forth herein. Nothing in this agreement shall be construed to convert non-mandatory subjects of bargaining into mandatory subjects of bargaining. As used herein, the term "CBA" shall refer to the collective bargaining agreement covering teachers and corresponding provisions of other UFT-DOE collective bargaining agreements.

The long delays that have arisen in the current process of investigating alleged acts of misconduct and adjudicating charges pursuant to Education Law § 3020-a benefit neither the DOE nor the employees represented by the UFT. The DOE and the UFT are committed to ensuring that the agreements reached here will be carried out so that those delays will be ended and the process outlined in the law, the contracts between the parties, and this Agreement will be adhered to.

For purposes of this Agreement, all timelines shall be measured in calendar days, but shall not include the summer break, all recess periods and holidays.

***Reassignment***

*Misconduct Cases* (i.e., any case deemed by the DOE to deal exclusively or primarily with an employee's behavior, not his or her pedagogy): Pending investigation of possible misconduct and completion of the § 3020-a hearing, the DOE may reassign an employee only to (i) a DOE administrative office to do work consistent with law (an "Administrative Office Assignment") or (ii) an administrative assignment within his or her school with a program consisting of Professional or Administrative Activities (as listed in CBA Articles 7(A)(6)(a), 7(B)(8)(a), 7(C)(4)(g)(1), or 7(K)(3)(d)) other than items #1 (small group instruction), #2 (one to one tutoring), #3 (advise student activities such as clubs, teams or publications) and #7 (conflict resolution for students), which shall be scheduled consistent with CBA Article 7(B)(2)(c) regardless of the division in which the employee works ("Administrative School Assignment").

Where the Chancellor or his designee determines that it is in the best interests of the school system that an employee accused of sexual misconduct as defined in CBA Article 21(G)(6) or serious financial misconduct involving more than \$1,000 not be allowed to work in an Administrative Office Assignment or an Administrative School Assignment pending the outcome of the investigation, the DOE may suspend the employee with pay rather than reassign him/her. The determination of the Chancellor or his designee to suspend an employee with pay shall be in writing. Prior to a suspension from all duties with pay, the Chancellor or his designee shall consult with the UFT President or his designee.

The DOE shall prefer charges pursuant to Education Law § 3020-a<sup>1</sup> within 60 days of an employee being reassigned or suspended, except in cases where the reassignment or suspension was caused by (i) an allegation of sexual misconduct as defined in CBA Article 21(G)(6) that is being investigated by the Special Commissioner of Investigation for the New York City School District ("SCI"), (ii) an allegation of serious financial misconduct involving more than \$1,000 that is being investigated by SCI, (iii) criminal charges pending against the employee, (iv) an allegation of serious assault that is being investigated by SCI, (v) an allegation of tampering with a witness or evidence, where the allegation of tampering is being investigated by SCI. In cases where the 60 day period does not apply, when SCI issues a report or, in the case of criminal charges, the employee notifies the DOE of the disposition of the criminal case pursuant to Chancellor's Regulation C-105, the DOE shall have 15 days to bring § 3020-a charges against the employee or return the employee to his or her prior assignment. Nothing herein shall waive any limitations period for the bringing of charges pursuant to Education Law § 3020-a. The Chancellor or his designee and the President of the UFT or his designee shall meet monthly, or less frequently if the UFT and DOE agree, to review the status of these cases. At the end of the first year of this Agreement, and in subsequent years if requested by the UFT, the DOE and the UFT will meet to review the issue of investigations and reassignments extending beyond 60 days and, if there has been a significant increase in the number of such investigations and reassignments, to negotiate ways to address this issue.

Except in those cases where the DOE is not required to prefer charges within 60 days, should the DOE not prefer § 3020-a charges within 60 days, the employee shall be returned to his/her prior assignment. If an employee is returned to his/her prior assignment, adverse action shall not be taken against the employee solely because of the reassignment. If § 3020-a charges are preferred subsequent to the expiration of the 60 day period, the employee may then again be reassigned to an Administrative Office Assignment or an Administrative School Assignment or, where the Chancellor or his designee determines that it is in the best interests of the school system that an employee accused of sexual misconduct as defined in CBA Article 21(G)(6) or serious financial misconduct involving more than \$1,000 not be allowed to work in an Administrative Office Assignment or an Administrative School Assignment pending the outcome of the investigation, suspend the employee with pay rather than reassign him/her pending determination of the § 3020-a charges. The determination of the Chancellor or his designee to suspend an employee with pay shall be in writing. Prior to a suspension from all duties with pay, the Chancellor or his designee shall consult with the UFT President or his

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<sup>1</sup> Probationary employees will be reassigned in the same manner as tenured employees under this Agreement, i.e., to an Administrative Office Assignment, Administrative School Assignment, or suspension with pay (if permitted by this Agreement). This Agreement shall not be construed to create tenure or Education Law § 3020-a rights for an employee.

designee. An employee's assignment pending investigation and/or a hearing shall not be raised at the hearing or deemed relevant in any way to the determination of the charges, any penalty issued or the adjudication of any issue in the hearing.

*Incompetence Cases* (i.e., any case deemed by the DOE to deal exclusively or primarily with an employee's pedagogy) – Pending the bringing of Education Law § 3020-a charges for alleged incompetence and completion of the § 3020-a hearing, the DOE may reassign an employee only to an (i) Administrative Office Assignment or (ii) an Administrative School Assignment. The DOE shall prefer charges pursuant to Education Law § 3020-a within 10 days of an employee being reassigned. Should the DOE not prefer § 3020-a charges within 10 days, the employee shall be returned to his/her prior assignment. If an employee is returned to his/her prior assignment, adverse action shall not be taken against the employee solely because of the reassignment. If § 3020-a charges are preferred subsequent to the expiration of the 10 day period, the employee may then again be reassigned to an Administrative Office Assignment or an Administrative School Assignment pending determination of the § 3020-a charges.

*Tolling:* If the DOE gives a reassigned employee 48 hours notice of an interview which may lead to disciplinary action and the reassigned employee either fails to appear on the scheduled day or fails to notify the DOE that s/he is invoking any right he/she may have to not answer questions, the DOE shall reschedule the interview within a reasonable period of time and the time between the originally scheduled interview and the rescheduled interview shall not count towards the applicable 60-day or 10-day limits on the length of time an employee may be reassigned or suspended with pay. Where a principal schedules an interview which may lead to disciplinary action of an employee that has been given an Administrative School Assignment and 48 hours notice is not required by the CBA, Chancellor's regulations, or law, the following shall apply: If the reassigned employee either fails to appear on the scheduled day or fails to notify the principal that s/he is invoking any right he/she may have to not answer questions, the principal shall reschedule the interview within a reasonable period of time and the time between the first scheduled interview and the rescheduled interview shall not count towards the applicable 60-day or 10-day limits on the length of time an employee may be reassigned. Nothing herein shall constitute a waiver or alteration of any right the DOE may have to compel an employee to attend an interview which may lead to disciplinary action or any right an employee may have to not answer questions.

### ***Service of Charges***

In order to make the process as efficient as possible, service of notice of the nature of the charges and the actual charges shall be consolidated and served together upon an employee along with specifications and, in incompetence cases, a bill of particulars. Nothing in this Agreement shall alter a Respondent's entitlement, if any, to a bill of particulars in misconduct cases.

### ***Probable Cause Determinations***

In addition to the enumerated acts set forth in CBA Article 21(G)(5), serious misconduct shall also include actions that would constitute a class A-I or A-II felony or any felony defined as a violent felony offense in NY Penal Law § 70.02. An indictment on a class A-I or A-II felony, an indictment on any felony defined as a violent felony offense in NY Penal Law § 70.02, or a felony indictment on any other conduct that constitutes serious misconduct pursuant to CBA Article 21(G)(5) shall create a rebuttable presumption of probable cause.

If a finding of probable cause was based on an indictment pursuant to CBA Article 21(G)(5), the employee shall remain off payroll pending the disposition of the criminal case. The DOE shall have 15 days after the employee notifies the DOE of the disposition of the criminal case pursuant to Chancellor's Regulation C-105 to bring Education Law § 3020-a charges based on the same conduct as was at issue in the criminal case. If the DOE prefers § 3020-a charges on the same conduct as was at issue in the criminal case within the 15 days, and the employee was convicted in the criminal case of any offense that constitutes serious misconduct, he/she shall remain off payroll until a decision in the § 3020-a case and such § 3020-a case shall be completed within the timeframes for hearings set forth in this Agreement. If the DOE prefers § 3020-a charges on the same conduct as was at issue in the criminal case within the 15 days, and the employee was acquitted of all offenses that constitute serious misconduct, the DOE shall reassign the employee to an Administrative Office Assignment or an Administrative School Assignment, suspend the employee with pay (if permitted pursuant to this Agreement) or request a second probable cause hearing to continue the suspension without pay until the final outcome of the § 3020-a hearing and such § 3020-a case shall be completed within the timeframes for hearings set forth in this Agreement. If the DOE does not bring Education Law § 3020-a charges within those 15 days, the employee shall be restored to the payroll effective as of the date the disposition of the criminal case and returned to his/her prior position.

If a finding of probable cause was based on criminal charges pursuant to CBA Article 21(G)(6), the DOE shall have 15 days after the employee notifies the DOE of the disposition of the criminal charge pursuant to Chancellor's Regulation C-105 to bring Education Law § 3020-a charges based on the same conduct as was at issue in the criminal charge. If the DOE brings such a § 3020-a charge, the employee shall remain off payroll until a decision in the § 3020-a case and such § 3020-a case shall be completed within the timeframes for hearings set forth in this Agreement. If the DOE does not bring § 3020-a charges based on the same conduct as was at issue in the criminal charge within 15 days of the employee notifying the DOE of the disposition of the criminal charge pursuant to Chancellor's Regulation C-105, the employee shall be restored to the payroll effective as of the date the disposition of the criminal charge.

Nothing in this Agreement shall alter the provisions of CBA Article 21(G)(5) and (6) with respect to entitlement to back pay. The DOE agrees to meet on a bimonthly basis with the UFT to assess the status of investigations extending beyond 60 days where the employee has been suspended without pay. ***Timeframe for Hearings***

Within 10 - 15 days of DOE's receipt of the request for a hearing from an employee charged under Education Law § 3020-a, a pre-hearing conference shall be held. Both Education Law

§ 3020-a and the collective bargaining agreements require hearings, including closing statements, to be completed within sixty (60) days of the pre-hearing conference and a decision to be rendered within thirty (30) days of the final hearing date. The UFT and DOE agree this timeframe must be adhered to by all parties to the hearings and strictly enforced by hearing officers. Hearing officers shall establish a trial schedule at the pre-hearing conference to ensure that hearings are completed within the required statutory and contractual timeframes and ensure an equitable distribution of days between the DOE and the charged employee.

Education Law § 3020-a permits "limited extensions" beyond the 60 days where it is determined that "extraordinary circumstances" warrant. "Extraordinary circumstances" shall be construed narrowly by hearing officers so that the granting of "limited extensions" allowing hearings to last beyond sixty (60) days is the exception and not the rule. Pursuant to CBA Article 21, a hearing officer may be removed prior to the end of his or her one-year term only for good and sufficient cause, which may include failure to comply with this Agreement, upon mutual agreement of the UFT and DOE.

If the hearing officer determines that a necessary witness is a former student who is unavailable because he/she is residing outside of New York City or a current student who is unavailable because he/she has left New York City for an extended period of time, this shall constitute an "extraordinary circumstance." In such a case, the hearing officer shall schedule the hearing to begin or continue as soon as possible given the availability of the witness as demonstrated to the hearing officer.

Arbitrators serving on the competence panel must agree to provide seven (7) consecutive hearing dates as defined in CBA Article 21(G)(2)(a) per month for the months of September through June and two (2) hearing dates for the months of July and August.

### ***Discovery and Testimony***

In order to comply with timelines for hearings, the UFT and DOE agree that hearings must be held in as efficient a manner as possible. Disputes relating to document production, witness lists and other procedural issues often consume hearing time and should be dealt with to the maximum extent possible in the pre-hearing conference. To that end, the UFT and DOE have already agreed in the June 27, 2008 letter from the Chancellor to President of the UFT to certain discovery procedures.

The hearing process itself can be conducted in a more efficient manner that allows for issues to be fully and fairly litigated. To accomplish this, the parties to the hearings shall adhere to the following guidelines:

1. It is the intent of the UFT and DOE that, to the extent practicable, hearing days shall be fully utilized, that hearing days not end before 5pm and the parties to the hearing have multiple witnesses ready to testify to avoid the loss of part of the day.
2. Where a hearing day is not fully used, the unused time will be counted towards the time allocated to the party that caused the delay.
3. Attorneys shall not meet with others between direct and cross examination for longer than 20 minutes, except in unusual circumstances.

4. Hearing Officers shall ensure that cross-examination is not used by either party as a dilatory tactic in order to reduce one of the parties' allotted time to present its case.
5. Evidence shall be limited to relevant matters.
6. Rebuttal shall be used only to deny some affirmative fact that the opposing party has tried to prove. During rebuttal, a party to the hearing may not offer proof to corroborate evidence that has already been presented by that party or proof tending merely to support that party's case after the opposing party has rested.

If relevant and requested at the pre-hearing conference, either party may introduce (i) relevant background evidence about a witness by affidavit from the witness; (ii) an affidavit from a doctor's office attesting to an employee's visit or non-visit on a particular date; (iii) an affidavit attesting to the date of an employee's arrest, the charge (if any) against the arrested employee, and the disposition of that charge. Such a witness may be cross-examined regarding any matter discussed in an affidavit.

If relevant, a (i) business record, (ii) attendance list from a faculty meeting, orientation and/or training session, or (iii) any human resource document submitted by a respondent (e.g., absence or sick note) may be admitted with an affidavit from a custodian of the record, without the need for live testimony from a witness to authenticate the document.

A party to the hearing or the hearing officer may request an unedited copy of the relevant transcript if a certified transcript is not available when needed. The unavailability of a certified transcript shall not excuse adherence to the time limitations for completion of a hearing and issuance of a decision.

### ***Non-Termination Cases***

The expedited hearing process as described in CBA Article 21(G)(3) shall be utilized as set forth therein, with the following modification: If the DOE decides not to seek a penalty of more than a suspension of 4 weeks or an equivalent fine, the case shall be heard under the expedited procedures provided in CBA Article 21(G)(3), without the need for the employee to accept an offer of expedited arbitration.

A separate track of "non-termination" cases will be established with a separate panel of additional hearing officers that exclusively hears expedited cases.

### ***Panel of Hearing Officers***

The number of hearing officers shall be as follows:

Incompetence Cases shall be heard by a panel of 14 hearing officers.

Misconduct Cases shall be heard by a panel of 25 hearing officers.

Expedited Cases shall be heard by a panel of hearing officers, the size of which will be set by the UFT and DOE as described below.



Representatives of the UFT and DOE shall meet monthly, or less frequently if the UFT and DOE agree, for the first year of this Agreement and at least twice a year thereafter (i) to agree on the number of hearing officers hearing expedited cases, (ii) to discuss the appropriateness of the number of hearing officers, including the possibility of agreeing to increase or decrease the number of hearing officers on either the incompetence or misconduct panels on either a temporary or permanent basis, and (iii) to discuss the appropriateness of the number of probable cause arbitrators, including the possibility of agreeing to increase or decrease the number of probable cause arbitrators. If the DOE believes there is a need for more hearing officers to comply with the timelines set forth in this Agreement, it shall request that the UFT agree to increase the number of hearing officers and the UFT shall not unreasonably deny an increase.

### ***Decisions***

Both Education Law § 3020-a and the collective bargaining agreements require decisions within 30 days of the completion of the hearing.

### ***Meeting with the Panel of Hearing Officers***

The Chancellor and the President of the UFT will personally, jointly meet with the panel of hearing officers annually to impress upon the hearing officers that both parties to this Agreement are serious about meeting the timelines in the law, the collective bargaining agreements, and this Agreement. The Chancellor and the President will urge the hearing officers to strictly control the hearings and require all parties to the hearing to conform to the timelines provided herein. They will assure the hearing officers that no hearing officer will be removed by either party to this Agreement for enforcing these rules.

### ***Mediation of Education Law § 3020-a charges***

This section, "Mediation of Education Law § 3020-a charges," shall apply to all employees with pending Education Law § 3020-a charges on or before September 1, 2010 or being investigated on or before September 1, 2010 and the investigation results in § 3020-a charges. The parties to the § 3020-a hearings shall begin mediating such cases upon the signing of this Agreement.

The UFT and DOE shall agree on hearing officers on the rotational panel that shall serve as mediators one day per month (in addition to their required hearing days that month). The UFT and DOE may also jointly select mediators not currently on the panel of hearing officers.

Each case subject to mediation shall be assigned, on a rotational basis, to a mediator, other than the hearing officer assigned to decide the case.

The employee (and the employee's representative, if any) and a representative of the DOE with authority to negotiate settlement agreements (subject to final supervisory approval) shall meet with the mediator. The mediator shall work informally to assist the charged employee and the DOE in reaching, if possible, a voluntary, negotiated resolution of the Education Law § 3020-a charges. The mediator shall not decide the merits of the Education Law § 3020-a charges or

impose a decision. Instead, the mediator shall help the charged employee and the DOE to, if possible, agree on a mutually acceptable resolution.

No mediator shall be compelled to or voluntarily disclose (including in any subsequent proceedings under §3020-a of the Education Law) any information learned during the mediation.

***Backlog***

Effective the first day of the 2010-2011 school year, all employees who, prior to August 31, 2010, have been (i) removed from their positions and assigned to a temporary reassignment center or (ii) charged pursuant to Education Law § 3020-a shall be reassigned to an Administrative Office Assignment or an Administrative School Assignment or suspended with pay (if permitted by this Agreement).

For all employees charged prior to August 31, 2010, the requirement that the pre-hearing conference be scheduled within 10-15 days of the charge shall not apply, but the § 3020-a hearing and decision shall be completed by December 31, 2010.


For all employees who were assigned to a TRC prior to August 31, 2010 and were not charged prior to August 31, 2010, the 10 or 60 day period to charge an employee or return him/her to his/her prior assignment, shall run from September 1, 2010.

Effective September 1, 2010, the parties will implement the new timelines set forth in this Agreement, which shall apply to all cases charged after September 1, 2010.

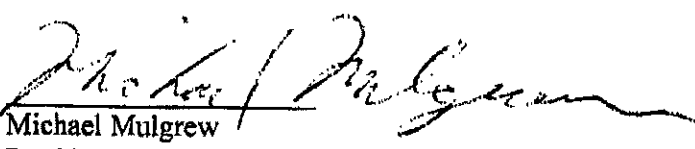
Sincerely,



Joel I. Klein  
Chancellor  
New York City Department of Education



Agreed and Accepted By:



Michael Mulgrew  
President  
United Federation of Teachers

# TENTATIVE CONTRACT 2014



## MEMORANDUM OF AGREEMENT

**MEMORANDUM OF AGREEMENT** (the "MOA" or "Agreement") entered into this \_\_\_\_\_ day of \_\_\_\_\_ by and between the Board of Education of the City School District of the City of New York (the "Board") and the United Federation of Teachers, Local 2, AFT, AFL-CIO (the "Union") modifying certain collective bargaining agreements between the Board and the Union that expired on October 31, 2009, as set forth more particularly below.

**IN WITNESS THEREOF NOW, THEREFORE,** it is mutually agreed as follows:

### 1. INTRODUCTION

The collective bargaining agreements between the Board and the Union which expired on October 31, 2009, covering the titles and/or bargaining units set forth in paragraph 3, below, shall be replaced by successor agreements that shall continue all their terms and conditions except as modified or amended below.

### 2. DURATION

The terms of the successor agreements shall be from November 1, 2009 through October 31, 2018.

### 3. WAGES

#### A. Ratification Bonus

A lump sum cash payment in the amount of \$1,000, pro-rated for other than full time employees, shall be payable as soon as practicable upon ratification of the Agreement to those employees who are on the payroll as of the day of ratification. This lump sum is pensionable, consistent with applicable law, and shall not be part of the Employee's basic salary rate.

#### B. 2009-2011 Round –

Salaries and rates of pay as customarily done:

- i. 5/1/15: 2%
- ii. 5/1/16: 2%
- iii. 5/1/17: 2%
- iv. 5/1/18: 2%

#### C. Structured Retiree Claims Settlement Fund

Upon ratification, the City shall establish a Structured Retiree Claims Settlement Fund in the total amount of \$180 million to settle all claims by retirees who have retired between November 1, 2009 through June 30, 2014 concerning wage increases arising out of the 2009-2011 round of bargaining. The Fund will be distributed based upon an agreed upon formula.

**D. Retirements** after 6/30/14 shall receive lump sum payments based on the same schedule as actives as set forth below in paragraph E.

#### E. Lump Sum Payments stemming from the 2009-2011 Round and schedule for actives for those continuously employed as of the day of payout.

- i. 10/1/15 – 12.5%
- ii. 10/1/17 – 12.5%
- iii. 10/1/18 – 25%
- iv. 10/1/19 – 25%
- v. 10/1/20 – 25%

#### F. General Wage Increases

Salaries and rates of pay as customarily done:

- i. 5/1/13: 1%
- ii. 5/1/14: 1%
- iii. 5/1/15: 1%
- iv. 5/1/16: 1.5%
- v. 5/1/17: 2.5%
- vi. 5/1/18: 3%

#### G. Entry Level Salary Schedule

- a. A joint labor-management committee shall be established to discuss increases to the entry level steps on the salary schedule for the pedagogues and increases for physical therapist, hearing officers (Per Session), nurses, and occupational therapist titles.
- b. A fund in the amount of \$20 million shall be established for these purposes.

#### H. Healthcare Savings

- a. The UFT and the City/DOE agree the UFT will exercise its best efforts to have the MLC agree to the following:
  - i. for fiscal year 2015 (July 1, 2014-June 30, 2015),

#### **G. Education Law §3020-a Procedures**

Tenured teachers facing disciplinary charges filed, or in the case of Section 1 "Time and Attendance", discipline pursuant to that Section, will be subject to Section 3020-a of the Education Law as modified by paragraphs 1-10 below.

##### **1. Time and Attendance**

If the Board seeks to discipline a tenured pedagogue regarding absences and/or lateness but seeks a penalty short of termination, the following expedited procedure will apply:

The Board will notify the employee that it intends to bring disciplinary action against the employee pursuant to this section. The Board will include in this notice the employee's attendance record and any other documentation it intends to introduce at the hearing and a statement that pursuant to this section the arbitrator may award any penalty, or take other action, short of termination.

Within 15 calendar days following this notice, the employee must notify the Board in writing of the nature of his/her defense and submit any documentation s/he intends to submit into evidence as well as a medical release for any medical documents related to such defense.

If either party believes that it requires additional documents, it may request a telephonic conference with the arbitrator.

The expedited hearing will occur within one month of the Board's notification to the employee mentioned above. The hearing will be informal and the normal rules of trial procedure and evidence shall not apply. The arbitrator will issue an award and short decision within 15 calendar days of the hearing. The arbitrator's award will be final and binding on all parties. The award may be introduced in another Education Law §3020-a hearing and any findings shall be binding on the §3020-a arbitrator.

One arbitrator, agreed upon between the parties, will hear all absence and lateness cases hereunder. The parties may expand the number of arbitrators if necessary. The arbitrator will hear 4 cases per hearing date on a staggered schedule, but in no situation will one case take more than ½ a day. The parties may expand the number of cases heard in a day if they deem it practical.

##### **2. Rotational Panel**

As discussed and agreed upon, all parties would be served better by the implementation of a permanent arbitration panel. The panel members must be agreeable to both sides, however, if the parties cannot agree to a full complement of 20 panel members, additional impartial arbitrators shall be selected by the parties in accordance with the American Arbitration Association (AAA) procedures (strike and rank method) from list(s) provided by the AAA until the desired number (20) is reached to establish such permanent panel.

Panel members shall serve for a maximum of a one-year term. At the expiration of such term, the parties must agree to have arbitrators continue to serve on the panel, and if not, replacement members will be elected by the method outlined above. Removal prior to the end of the one-year term must be for good and sufficient cause upon mutual agreement of the parties.

Any arbitrator who agrees to serve on the rotational panel must agree to the following terms:

a. Each arbitrator selected to serve on this rotational panel must agree to provide five (5) consecutive hearing dates per month for the months of September through June and two (2) hearing dates for the months of July and August. Consecutive days may be construed to mean five (5) dates within two (2) weeks unless otherwise agreed.

b. Arbitrators must provide three (3) dates, within ten (10) to fifteen (15) calendar days from the date the case was assigned to him or her, for a pre-hearing conference. One of the dates shall be at 9:00 a.m. Advocates must accept one (1) of the three (3) dates offered or it will be assumed that the date or dates offered at 9:00 a.m. is (or are) acceptable. Said dates must be in compliance with Education Law §3020-a (within 10 to 15 days from the date selected to serve).

c. At the pre-hearing conference, arbitrators must provide and parties must accept five (5) consecutive hearing dates within the statutory timeframe as delineated in Education Law §3020-a. Consecutive days may be construed to mean five (5) dates within two (2) weeks unless mutually agreed.

d. The parties are committed to having these cases heard in an expeditious manner. For this reason, absent extraordinary circumstances, arbitrators are not to adjourn hearing dates. It should be noted that normally attorney or party scheduling conflicts are not extraordinary circumstances.

e. In all cases, as delineated in Education Law §3020-a the final hearing shall be completed no later than 60 days from the pre-hearing conference and the written decision must be rendered within 30 days from the final hearing date.

f. There is a presumption that charges against the same employee will be consolidated unless the arbitrator finds that to do so would deny a fair hearing. Additionally, in routine matters, any motions must be made and responded to orally. Thereafter, a decision shall be rendered on the issue the same date the motion was made. Should the arbitrator find that written motion practice is necessary, either party reserves the right to respond orally but in no case shall motion practice take place outside the scope of the timelines as outlined in Education Law §3020-a.

Failure to abide by these rules shall be "good and sufficient" grounds for removal of an arbitrator.

### **3. Expedited Hearings**

Prior to the pre-hearing conference, the Board shall determine whether the nature of the case would permit offering Respondent expedited arbitration rather than regular arbitration of the case. If the Respondent accepts the offer of expedited arbitration, the hearing shall proceed in accordance with the expedited procedure set forth below and the Board may not seek a penalty to exceed six (6) months suspension or the equivalent monetary penalty. Should the Respondent reject the offer of expedited arbitration, the case shall proceed in accordance with the regular arbitration proceeding and the Board may seek any penalty including termination.

Where the offer of expedited arbitration was rejected, the arbitrator (or the arbitration panel) shall not be informed of the offer of expedited arbitration nor that the offer was rejected.

Cases heard under the expedited arbitration procedure shall be completed in three (3) consecutive days. Each advocate shall be provided equal time to present his or her respective case. Cross-examination usually will not go beyond the scope or duration of the direct examination.

During the course of the hearings, should the evidence reveal more serious misconduct than originally charged, the arbitrator, upon his or her initiative, or upon the Board's motion, is empowered for good cause to end the expedited proceeding and order a new, regular arbitration proceeding before a different arbitrator. At the regular arbitration, the Board may seek any penalty including termination. Upon a showing of unavailability during the regular arbitration, the prior record of a completed witness who testified in the expedited arbitration shall be admissible.

#### **4. Investigations**

Where the Board conducts an investigation of an employee and the employee has been reassigned to administrative duties pending the outcome of such investigation, the parties agree that the employee will be restored to service no later than 6 months from the date of his or her removal unless Education Law §3020-a charges have been preferred against the employee. Should the employee be restored to service, this event does not preclude the Board from subsequently preferring Education Law §3020-a charges against the employee. If charges are preferred, the employee shall remain reassigned, at the Board's discretion, pending the outcome of the disciplinary process. This requirement to restore an employee to service after 6 months does not include investigations conducted by the Special Commissioner of Investigation or investigations that are related to criminal prosecutions.

#### **5. Serious Misconduct**

The parties agree that certain types of alleged misconduct are so serious that the employee should be suspended without pay pending the outcome of the disciplinary process. Serious misconduct shall be defined as actions that would constitute:

- the felony sale, possession, or use of marijuana, a controlled substance, or a precursor of a controlled substance or drug paraphernalia as defined in Article 220 or 221 of the Penal Law, or
- any crime involving physical abuse of a minor or student (crimes involving sexual abuse of a minor or student are addressed in paragraph 6 below.), or
- any felony committed either on school property or while in the performance of teaching duties, or
- any felony involving firearms as defined in Article 265 of the Penal Law.

If an employee is accused of committing serious misconduct, the employee shall be removed from payroll for a term not to exceed two (2) months after a finding by the "probable cause arbitrator" that there is probable cause to believe that the actions alleged were committed by the employee and that they constitute "serious misconduct" as defined above. Probable cause exists when evidence or information which appears reliable discloses facts or circumstances making it likely that such conduct occurred and that such person committed the conduct. To establish probable cause, the investigator assigned to the matter must be present and testify under oath before the arbitrator. The Board may also be required to produce signed statements from the victim or witnesses, if any. Thereafter, the Respondent shall have an opportunity to respond orally to the offer of proof. The arbitrator may ask relevant questions or may make further inquiry at the request of Respondent. The hearing shall not require testimony of witnesses nor shall cross-examination be permitted.

Said probable cause hearing usually shall not exceed one half of a hearing day.

One arbitrator, agreed to by both parties, shall be assigned to hear all probable cause matters for a period of one year. If the parties cannot agree upon one arbitrator, each party shall select one arbitrator who together will select the probable cause arbitrator.

Should the Board meet its burden of establishing probable cause of serious misconduct, the employee shall remain suspended without pay during the pendency of the disciplinary action, but in no event shall such period exceed two months except as set forth herein.

The parties expect that these cases shall be completed within two (2) months. However, where it is not possible to complete the hearing within the two (2) month period despite the best efforts of all parties, and where the arbitrator believes that the evidence already presented tends to support the charges of serious misconduct, the arbitrator may extend the period of suspension without pay for up to thirty (30) days in order to complete the proceedings.

If the Respondent requests not to have the case proceed for a period of thirty (30) days or more and that request is granted, during the period of this adjournment, the Respondent shall remain in non-paid status. As noted above, however, the parties are committed to having these cases heard in an expeditious manner. For this reason, absent extraordinary circumstances, arbitrators are not to adjourn hearing dates.

While suspended without pay pending the arbitration hearing on serious misconduct charges, the Respondent may continue his or her existing health coverage, except that in no event shall the Respondent be entitled to continue his or her existing health coverage for more than six (6) months while on non-paid status except at the absolute discretion of the Chancellor. In the event that the Respondent is exonerated of all serious misconduct charges, the employee shall be restored to his or her position and be entitled to receive back pay and be made whole for the amount of time he or she remained off payroll. In the event that the arbitrator finds the employee guilty of the serious misconduct and imposes a penalty less than termination, the arbitrator shall decide whether and to what extent a reinstated employee shall be entitled to receive any back pay for the time the employee was suspended without pay.

The parties agree that these types of cases shall receive the highest priority, and, upon the Board's request, hearings may be held on such matters during any days previously committed by a rotational panel to other employees, as set forth above. In other words, hearings for serious misconduct take precedence over other disciplinary matters, and the Board may require adjourning other cases previously scheduled before the assigned arbitrator during that time frame in order for that arbitrator to hear serious misconduct cases within the two-month time frame.

#### **6. Sexual Offenses Involving Students or Minors**

A tenured pedagogue who has been charged under the criminal law or under §3020-a of the New York State Education Law with an act or acts constituting sexual misconduct (defined below) shall be suspended without pay upon a finding by a hearing officer of probable cause that sexual misconduct was committed.

A rebuttable presumption of probable cause shall exist where the Special Commissioner of Investigations ("SCI") substantiates allegations of sexual misconduct, or a tenured pedagogue has been charged with criminal conduct based on act(s) of sexual misconduct.

A report from the Chancellor's Office of Special Investigations ("OSI") substantiating allegations of sexual misconduct is relevant evidence of probable cause but does not create a rebuttable presumption of probable cause.

In §3020-a proceedings, a mandatory penalty of discharge shall apply to any tenured pedagogue a) found by a hearing officer to have engaged in sexual misconduct, or b) who has pleaded guilty to or been found guilty of criminal charges for such conduct.

The §3020-a hearing should be completed within two months, but the suspension without pay shall be extended one additional month if the hearing has not been completed, unless the Board has received an adjournment or otherwise delayed the proceeding. The suspension without pay shall also be extended until a criminal action is resolved and any §3020-a proceeding is also completed.

If the §3020-a hearing results in a dismissal of the charges or if the criminal proceeding ends in an acquittal or dismissal (and the Board has decided not to prefer charges), the pedagogue shall be entitled to back pay with interest for the entire period of the suspension without pay.

For purposes of this section, sexual misconduct shall include the following conduct involving a student or a minor who is not a student: sexual touching, serious or repeated verbal abuse (as defined in Chancellor's Regulations) of a sexual nature, action that could reasonably be interpreted as soliciting a sexual relationship, possession or use of illegal child pornography, and/or actions that would constitute criminal conduct under Article 130 of the Penal Law against a student or minor who is not a student.

A letter of agreement dated October 2, 2005 regarding sexual misconduct is attached as Appendix G.

#### **7. Other Felony Offenses**

Tenured pedagogues who have been convicted of, or who have pled guilty to, any felony not addressed in paragraph 5, above shall be suspended without pay pending the final outcome of the Education Law §3020-a disciplinary proceeding. The §3020-a hearing should be completed within two months, but the suspension without pay shall be extended one additional month if the hearing has not been completed, unless the Board has received an adjournment or otherwise delayed the case.

#### **8. Discovery Procedures**

To effectuate the purpose of the statute, the parties agree that Education Law §3020-a authorizes the following in advance of the hearing:

Both sides will exchange witness lists, witness statements, and physical evidence (e.g., photographs) at least before the presentation of their direct case and earlier upon motion to the arbitrator.

The Respondent shall receive copies of investigatory statements, notes, other exculpatory evidence, and relevant student records after in camera review.

The Board shall receive evidence and documents from the Respondent upon a showing during the hearing that it is relevant.

Additionally, if the case has stemmed from an investigation conducted by the Special Commissioner of Investigation (SCI), the Board will provide the entire SCI file to Respondent, including exculpatory evidence, during the discovery phase of the §3020-a hearing unless such information is privileged. Failure to do so shall form the basis of such evidence being precluded from introduction in the §3020-a proceedings. This provision remains subject to the Family Educational Rights and Privacy Act.



#### **9. Incompetence Cases**

The parties agree that in the spirit of progressive discipline, rather than necessarily charge an employee with incompetence, an employee who receives an unsatisfactory rating for the first time may be offered the opportunity to enroll in the Peer Intervention Program ("PIP") for a term of one year. Refusal to enter the PIP program is admissible in any future disciplinary proceedings. The parties further agree that during the first school term of the intervention, no formal observations will be made. During the second school term, although the employee will still be in the PIP, the administration is free to conduct observations and to rate the employee accordingly. Since the end-of-year rating will be based on these observations, a minimum of two (2) observations shall be conducted during the second school term. PIP may not be invoked by the employee once the disciplinary process has commenced.

Pursuant to, and as further described in section J "Peer Intervention Plus Program" below, during their participation in the Peer Intervention Plus Program ("PIP Plus"), participating teachers shall not be charged with incompetence pursuant to Education Law §3020-a. The fact that an employee has declined to participate or that the BOE has denied a request to participate or has not offered the teacher an opportunity to participate in the programs will be admissible in §3020-a proceedings. Observation reports of the consulting teachers will be admissible in §3020-a proceedings.

#### **10. Attorney Teams**

Each Board attorney will be paired with a Union attorney for four (4) consecutive cases. Should one case settle, another case between the same attorneys shall be substituted for the case settled in an effort to utilize the dates set by the parties with the arbitrator.

#### **H. False Accusations**

Knowingly false accusations of misconduct against employees will not be tolerated.

If an accusation of sexual misconduct or physical abuse against an employee is found by the Board or Special Commissioner of Investigation to have been knowingly false when made, the Board will take the following actions to restore the falsely accused employee's reputation: removing all references to the charges from the employee's personnel file(s) and adding evidence of the unfounded nature of the charge to departmental files that may have to be maintained to satisfy other legal requirements, if any; and restoring any back pay owed with interest and, at the employee's request, confirming to any regulatory agency the finding that the employee was falsely accused. In addition, where the knowingly false accusation was made by a student of the employee, absent compelling and extraordinary circumstances the student will be permanently reassigned from the employee's class.

#### **I. Peer Intervention Program (PIP)**

The Board and the Union recognize that instructional services should be delivered by a highly qualified and motivated staff, accorded the respect and professional treatment to which they are entitled. Towards that end the Board and the Union have agreed to provide resources and peer assistance on a voluntary confidential basis to staff who have completed probation and who believe that their teaching competence will benefit from that assistance in the manner provided below:



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

EXECUTIVE DEPUTY COMMISSIONER

E-mail: [vgrey@mail.nysed.gov](mailto:vgrey@mail.nysed.gov)

To: District Superintendents  
School Superintendents  
New York City Department of Education  
New York State Council of School Superintendents  
New York State School Boards Association  
United Federation of Teachers  
New York State United Teachers  
School Administrators Association of New York State  
Council of School Supervisors & Administrators  
New York State Association of School Personnel Administrators  
New York State Association of School Attorneys  
New York State Association of Management Advocates for School Labor Affairs  
American Arbitration Association

From: Valerie Grey *Valerie Grey*

Subject: Education Law §3020-a Changes (Effective April 1, 2012)

Date: April 4, 2012

As part of its 2011 legislative agenda, the Board of Regents sought a number of modifications to the tenured teacher hearing process set forth in Education Law §3020-a to address spiraling costs and the extraordinary length of time to conduct hearings. This legislation was introduced in the Assembly and Senate. The Governor's proposed 2012-13 State Budget included some of these reforms and the State Budget as adopted by the Legislature included a number of important programmatic and fiscal reforms.

The purpose of this memorandum is to clarify and provide guidance on the major changes set forth in Education Law §3020-a. The Department is reviewing these changes and will make conforming amendments to the regulations to implement the law. The Department will also be updating TEACH (a web-based data information system) to allow for greater access to case information and relevant dates. During this transitional period, the Department thanks all affected parties in advance for their patience and cooperation as we work together to ensure successful implementation of the new Education Law §3020-a reform measures.

Below is a summary of the major Education Law §3020-a revisions. For specific guidance, please refer to the actual statutory language, a copy of which has been attached to this memo.

### **Effective Date**

The change set forth in the amendments to Education Law §3020-a take place **immediately** and apply to all charges against tenured educators filed with the clerk or secretary of the school district or employing board on or after April 1, 2012.

- All affected parties should be aware of this effective date and are strongly advised to carefully review these changes and how they may affect any cases currently in progress or those that are anticipated.
- The parties are strongly encouraged to develop the necessary tracking systems to ensure that responsibilities are carried out in a timely and professional manner, so that no party is unduly penalized by the very stringent timelines set forth in the statute.

### **Prohibition on Introduction of Evidence After 125 days**

A significant change is the prohibition on the introduction of evidence more than 125 days after the filing of charges unless there are extraordinary circumstances beyond control of the parties set forth in Education Law §3020-a(3)(c)(vii). Proceedings under §3020-a have traditionally taken far too long to resolve and this provision is designed to ensure timely resolution by prohibiting the introduction of evidence beyond a certain point in the proceeding. This means that once the charges are filed, all parties should work expeditiously and cooperatively to complete the case in a timely manner so that cases are resolved within the statutory timeline of 125 days after the filing of charges. After 125 days no additional evidence shall be accepted unless there are extraordinary circumstances beyond control of the parties. The "extraordinary circumstances" rule was meant to provide for that rare occasion when evidence truly could not be introduced in a timely manner.

- The Department anticipates that modifications to TEACH will help the parties easily identify the relevant dates. Until that time, arbitrators are expected to closely monitor the relevant dates and ensure adherence.

### **Department Selects Arbitrator When Parties Can Not Agree**

The new amendments also modify the manner in which an arbitrator is selected if the parties fail to agree on an arbitrator selection within 15 days of receipt of the list. Education Law §3020-a(3)(b)(iii) states that "[i]f the employing board and the employee fail to agree on an arbitrator to serve as a hearing officer from the list of potential hearing officers, or fail to notify the commissioner of a selection within such fifteen day time period, the commissioner shall appoint a hearing officer from the list." This provision authorizes the Commissioner to select the arbitrator if the parties fail to agree by the 15<sup>th</sup> day. It does not apply to NYC where there is an alternative procedure.

- Historically, the Department only intervened when notified of the failure to agree, however, the amended language does not require the Commissioner to wait until notification of the failure to agree. The Commissioner will be authorized to select an arbitrator if no selection is affirmatively made by the 15<sup>th</sup> day.

- To ensure that all parties get proper notice of the list, the Department will continue its current practice of emailing the list of potential arbitrators to the school attorney and the employee attorney, if one has been designated by the employee. Where no attorney is provided by the employee, the list will be sent directly to the employee.
- A hearing officer selection will be considered timely, if it is emailed to the dedicated tenure email box ([TENURE@mail.nysed.gov](mailto:TENURE@mail.nysed.gov)) by the close of business on 15<sup>th</sup> calendar day.
- To minimize any potential delays that may occur at the school district level, the American Arbitration Association ("AAA") has agreed to directly bill the school district for the production of the arbitrator list. Schools are strongly encouraged to send the charges to the Department immediately without a check to AAA and make payment arrangements directly with AAA after the compilation of the list. AAA will take payment in the form of check or credit card for the \$150 fee.

#### **Department Can Establish Maximum Arbitrator Rates and Study Hours**

An amendment to Education Law §3020-a(3)(b)(i)(B) requires the Commissioner to establish a schedule for "maximum rates of compensation of hearing officers based on *customary and reasonable* fees for service as an arbitrator and provide for limitations on the number of study hours that may be claimed" (emphasis added). The purpose of this amendment was to give the Commissioner the authority to control costs.

- Over the next several weeks, the Department will be conducting an analysis to determine both the appropriate rates and the maximum number of study hours for these types of proceedings. Once the analysis is complete, the Commissioner will be establishing guidelines for arbitrator fees and study hours.
- All new arbitrator appointments will be contingent upon accepting the new maximum fee and study hour rates established by the Commissioner.
- It is anticipated that the new TEACH modifications will incorporate changes in the manner in which arbitrator invoices are filed with the Department, to permit online filing to ensure accuracy, and improve the time it takes to process payments.

#### **Department Can Exclude Arbitrators For Untimeliness**

Pursuant to Education Law §3020-a(3)(c)(i)(B) the Department is authorized to monitor and investigate a hearing officer's compliance with the timelines set forth in the statute. The Commissioner may exclude any hearing officer who has a record of continued failure to commence and conclude hearings within the timelines prescribed in the statute.

- The Department anticipates that modifications to TEACH will help the parties easily identify the relevant dates. Until that time, the Department will monitor manually.

### **New Technology for Recording Hearings is Allowed**

Education Law §3020-a(3)(c)(i)(D) continues the requirement that an accurate "record" of the proceedings be kept at the expense of the Department and furnished upon request to the employee and the board of education. The statutory changes, however, permit the Department to take advantage of any new technology to transcribe or record the hearings in an accurate, reliable, efficient and cost effective manner.

- The Department will explore other cost-effective alternatives to recording and producing transcripts for these proceedings, however, there will be no immediate change to the manner in which these hearings are recorded.

### **Appropriation For New Cases**

In order to ensure that the new reforms are successful, the law provides that any claims for cases in which charges were filed after April 1, 2012 be paid first out of the funds appropriated for the 2012-13 fiscal year pursuant to Education Law §3020-a(3)(b)(i)(A). Total spending for 2012-13 is limited to \$3.8 million.

- This amendment will ensure that the Department is able to make timely payments for services rendered for new cases under the new system during 2012-13. Thus arbitrators who accept cases under the new system with the new time constraints will be reimbursed for their services in a timely manner. Any funds remaining will be used to pay for claims on cases that had charges filed prior to April 1, 2012.

### **One Year limitation on Claims**

Education Law §3020-a(3)(d) imposes a one-year limitation, following the final disposition of the hearing, for the submission of claims for reimbursement for services rendered. The purpose of this amendment was to encourage timely submission of claims so that accurate budget assumptions can be made and claims can be paid for in a reasonable time.

### **New Forms**

The Education Law §3020-a forms are in the process of being updated. It is imperative that schools use the updated forms for any cases commenced under the new system because they will reflect the new changes and provide critical information necessary to expedite the administrative steps for opening of cases and the appointment of the hearing officer. It is anticipated that the new forms will be available within a week. Please refer to:

[www.highered.nysed.gov/tcert/reteachers/employeremployee](http://www.highered.nysed.gov/tcert/reteachers/employeremployee) for further information.

### **Questions**

If you have any questions please contact Deborah A. Marriott, Director, Office of School Personnel Review and Accountability at 518-474-3021 or send an email to her attention at [TENURE@mail.nysed.gov](mailto:TENURE@mail.nysed.gov).

c: Deborah A. Marriott



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

EXECUTIVE DEPUTY COMMISSIONER  
(518) 473-8381  
E-mail: vgray@mail.nysed.gov

May 9, 2012

To: American Arbitration Association  
Education Law Section 3020-a Hearing Officers

From: Valerie Grey *Valerie Grey*

Subject: Education Law Section 3020-a Hearing Officer Rates  
(effective April 1, 2012 through March 31, 2013)

Pursuant to New York State Education Law §3020-a(3)(b)(i)(B), the Commissioner sets forth the following maximum rates of compensation and study hours for hearing officers adjudicating matters under Section 3020-a. The rates and study hour limitations are part of a package of fiscal and programmatic reforms recently enacted to contain costs and speed resolution of proceedings.

**Maximum Rate of Compensation:**

Hearing officers shall be compensated by the New York State Education Department ("Department") on a per diem basis. The per diem fee shall be that listed in the biographical profile for the arbitrator that the American Arbitration Association (AAA) submits to the Department pursuant to Education Law §3020-a(3)(a); provided, however, that such per diem fee shall not exceed **\$1,400 per day**. In no instance will an arbitrator be reimbursed a "special rate" for adjudicating an Education Law §3020-a matter that is higher than the arbitrator's customary per diem fee for other non-Education Law §3020-a labor arbitration hearings. Except for the initial hearing day, hearing officers should submit charges only for actual time spent on a hearing.

The Department will further compensate hearing officers for the costs of necessary travel and other reasonable expenses that the hearing officers incur in the performance of their duties. The Department expects that claims for any services rendered, other than the initial hearing day, will be appropriately prorated to the nearest 1/10<sup>th</sup> of an hour. In addition, when time or expenses are involved for two or more hearings on the same day or trip, hearing officers shall appropriately prorate such time and/or expenses.

**Definition of a "day":**

The Department defines a "day" for per diem purposes to mean seven (7) hours of service. Except for the initial hearing day, billings for days of service that constitute less than seven hours shall be prorated to the nearest 1/10<sup>th</sup> of an hour and shall be subject to any applicable cancellation fees in accordance with 8 NYCRR §82-1.12(a).

**Maximum Study Time:**

Charges for study time should not be in excess of actual time spent, prorated to the nearest 1/10<sup>th</sup> of an hour. The Department will not reimburse for study time beyond a maximum of a 1:1 ratio of hearing days to study days, and expects that the study time for a hearing that lasts in excess of seven days will not require more than seven days of study time. If a hearing officer requires more than

seven days of study time for a particularly complex matter, the officer can make application to the Department for additional reimbursement. In situations where good cause substantiates additional study time, at the Department's sole discretion, such applications will be granted.

Accordingly, the following schedule will typically apply to compensation for study time:

<u>Total Hearing Days</u>	<u>Maximum Allowable Study Days</u>
1	1
2	2
3	3
4	4
5	5
6	6
7	7
more than 7	no more than 7 unless good cause shown

**General Reimbursement Principles:**

The Department asks hearing officers to charge only for expenses that are normally reimbursable and that are incurred in connection with the particular Education Law §3020-a case involved. Further, to the extent practicable, the Department requests that hearing officers schedule cases that the parties anticipate will be settled on days on which the hearing officer can adjudicate other Education Law §3020-a cases. That is, hearing officers are encouraged to avoid scheduling, and charging a full per diem rate, simply to "put a settlement on the record."

**Order of Payments:**

For fiscal year 2012-13, the legislature has appropriated \$3.8 million for the total costs of the Education Law §3020-a program (including costs of transcribing records of proceedings). In accordance with the new statutory amendments found at Education Law §3020-a(3)(b)(i)(A), the Commissioner will give priority to claims for arbitrator fees incurred in cases in which charges were filed after April 1, 2012, in the order in which such claims are received.

If you have any questions, please contact Tina Sciocchetti, Executive Director, Test Security and Educator Integrity, at 518.474.1385 or [tsciocch@mail.nysed.gov](mailto:tsciocch@mail.nysed.gov), or Deborah Marriott, Director of the Office of school Personnel Review and Accountability, at 518.474.3021 or [dmarriot@mail.nysed.gov](mailto:dmarriot@mail.nysed.gov).



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY

EXECUTIVE DIRECTOR  
Test Security and Educator Integrity  
Office of School Personnel Review and Accountability

To: American Arbitration Association  
Education Law §3020-a Hearing Officers

From: Tina Sciocchetti *Tina Sciocchetti*

Date: December 14, 2012

Subject: Hearing Officer Voucher Guidelines

The purpose of this memorandum is to provide further clarification regarding maximum rates of compensation and study hours, and audit guidelines for reimbursement of travel expenses for hearing officers providing services on Education Law §3020-a hearings.

### COMPENSATION RATES AND HOURS

The maximum rate of compensation and the eligible hours for reimbursement set forth in the Memorandum of Valerie Grey dated May 9, 2012 **remain unchanged**. This memorandum provides additional guidance based on inquiries to the New York State Education Department ("NYSED") concerning that memorandum. The following guidelines apply to all requests for reimbursement submitted by hearing officers for services rendered on post-April 1, 2012 cases.

#### Probable Cause Hearings (New York City only):

- **Hearing Time:** The New York State Education Department (NYSED) will reimburse for a minimum of two hours (irrespective of the transcript times) up to the actual time spent to the nearest 1/10<sup>th</sup> of an hour. For charges exceeding two hours, NYSED will use the transcript as the source for actual time spent.
- **Study Time:** Study time (which includes all other administrative tasks, such as preparation, phone calls, correspondence and decision writing), shall be limited to actual time spent to the nearest 1/10<sup>th</sup> of an hour. NYSED will reimburse study time for a minimum of two hours and a maximum of the actual number of hours of the probable cause hearing. Certain *limited* exceptions to exceed this time may be granted in the sole discretion of NYSED on a case by case basis where good cause substantiates additional study time, upon the submission of a written justification along with the voucher.
- **Cancellation Fees:** To the extent that the hearing officer committed an entire day or a block of time, the balance of the unused anticipated time (not reimbursed by NYSED) may be subject to any cancellation fee charged by the hearing officer to the responsible party or parties (at the discretion of the hearing officer). NYSED will not participate in the billing, monitoring or payment of cancellation fees.



### **Pre-Hearing Conference:**

- **Conference Time:** The majority of pre-hearing conferences are held via conference call with the parties. Therefore, NYSED will reimburse only the actual time spent to the nearest 1/10<sup>th</sup> of an hour. NYSED will use the transcript as the source for actual time spent.
- **Study Time:** Study time (includes all other administrative tasks, such as preparation, phone calls, correspondence and decision writing), shall be limited to actual time spent to the nearest 1/10<sup>th</sup> of an hour and shall not exceed the actual number of hours of the pre-hearing conference. Certain *limited* exceptions to exceed this time may be granted in the sole discretion of NYSED on a case by case basis where good cause substantiates additional study time, upon the submission of a written justification along with the voucher.
- **Cancellation Fees:** To the extent that the hearing officer committed an entire day or a block of time on the pre-hearing conference (e.g., the parties wanted the pre-hearing conference in person), the balance of the unused anticipated time (not reimbursed by NYSED) may be subject to any cancellation fee charged by the hearing officer to the responsible party or parties (at the discretion of the hearing officer). NYSED will not participate in the billing, monitoring or payment of cancellation fees.

### **Hearings:**

- **Hearing Time:** It is anticipated that unless a case is settled or otherwise resolved, the parties will make good use of the initial hearing day. NYSED realizes that many cases get resolved on the first day of the hearing. Therefore, NYSED will reimburse for a full seven hours, irrespective of actual time spent. All subsequent hearing days will be reimbursed for actual time spent at the hearing to the nearest 1/10<sup>th</sup> of the hour. NYSED will use the transcript times as the source for the actual time spent.
- **Study time:** Study time (includes all other administrative tasks, such as preparation, phone calls, correspondence and decision writing) shall be limited to actual time spent to the nearest 1/10<sup>th</sup> of an hour. NYSED will reimburse study time for a minimum of two hours and a maximum of the actual number of hours of the hearing, except that study time is capped at seven days (49 hours), even if the actual number hearing hours exceeds this amount. Certain *limited* exceptions to exceed this time may be granted in the sole discretion of NYSED on a case by case basis where good cause substantiates additional study time, upon the submission of a justification along with the voucher.
- **Cancellation Fees:** To the extent that the hearing officer committed an entire day or a block of time, the balance of the unused anticipated time (not reimbursed by NYSED) may be subject to any cancellation fee charged by the hearing officer to the responsible party or parties (at the discretion of the hearing officer). NYSED will not participate in the billing, monitoring or payment of cancellation fees.

## TRAVEL, HOTEL AND OTHER EXPENSES

In addition to the compensation for services rendered, hearing officers are entitled to reimbursement for "necessary travel and other reasonable expenses" pursuant to Education Law §3020-a(3)(b)(i)(A). There have been many questions surrounding what constitutes "necessary travel and other reasonable expenses." This memorandum clarifies existing rules with respect to "necessary travel and other reasonable expenses" and provides information concerning audit guidelines. **It applies to all vouchers submitted on post-April 1, 2012 cases and all other vouchers submitted after the date of this memorandum, irrespective of the date the hearing was commenced, or the date that services were rendered.**

Necessary travel and other related reasonable expenses will be reimbursed "in accordance with the rules and limits on travel applicable to state employees" (8 NYCRR 82-1.12[b]). State employees are required to travel to and from a destination by using the most economical method. Hearing officers who exceed the amount equal to the most economical method of travel or travel by a more expensive method will only receive reimbursement in accordance with this memorandum. Certain limited exceptions to the rates or method of travel may be granted upon the submission of a justification on a case-by-case basis in the sole discretion of NYSED.

In order to be eligible for reimbursement, all vouchers must have an original signature and original receipts (see section pertaining to receipts below). Additionally, a photocopy of the voucher *and* the receipts must be submitted with the original voucher in order to be processed.

**Travel:** Any travel will be reimbursed up to a maximum of the least expensive mode of travel. As a general rule, public transportation is cheapest, although not always. Airfare will only be reimbursed if it can be demonstrated that it is the least expensive method of travel and has received advance approval from NYSED. NYSED will only reimburse travel expenses from a contiguous state, or from the public transportation station, terminal, depot or airport located in New York State closest to the hearing location. Mileage will only be reimbursed at the state rate. If using a rental car, the rate that will be reimbursed will be the rate for a full-size car from the starting point of the travel. Unless a train or bus is used, to be eligible for reimbursement, the hearing officer must do a cost analysis to determine the least expensive mode of travel and submit a copy of the cost analysis with his or her voucher (see Example 1).

- **Example 1.** A hearing officer lives in Syracuse and is scheduled to do a hearing in Albany. The total mileage is 300 miles.

Expense	Receipt Required	Amount
<b>Personal Car</b>		
Mileage (300 miles x \$.555)	No	\$116.50
<b>Rental Car</b>		
Daily Rate (use full-size)	Yes	\$35.00
Gas for Car (est. 25/mpg)		
(300 mi/25mpg x \$4 gal.)	Yes	\$48.00
Mileage to and from Car rental	No	\$18.00
	<b>Total</b>	<b>\$101.00</b>

In **Example 1**, the least expensive mode of travel is the use of a rental car. Any expenses over and above the least expensive mode of travel will not be reimbursed by NYSED and may not be passed to the parties. Unless a personal car is used, receipts for travel must be provided. Please see the instructions for receipts below.

**Hotels:** Hotels will be reimbursed at the rate of one night per full day hearing, and only to the extent that travel to and from the hearing on day of the hearing is not practical due to the distance of the travel and the start and end times of the hearing. Reimbursement will be limited to the rates provided for by the GSA for New York State. The rates are available here: <http://www.gsa.gov/portal/category/100120>. Itemized hotel receipts must be provided to be eligible for reimbursement.

**Overnight Meals:** When a hearing officer stays in a hotel overnight, meals will be reimbursed in accordance with the amounts set forth by the GSA at the above webpage. Receipts are not necessary to claim overnight meal reimbursement.

**Daily Meals:** A hearing officer is eligible for the reimbursement of breakfast and/or dinner when the travel is completed in the same day, or where there is a partial travel day. A partial travel day is where the hearing officer leaves his or her home, travels, conducts the hearing, stays overnight and returns home the following day. The daily meal reimbursements apply to the meals at the beginning or end of the travel (not the meals connected to the overnight portion of the trip). On the days the hearing officer leaves before 7:00 a.m., a claim may be made for a meal allowance for breakfast in the amount of \$5.00. On the days, the hearing officer returns home after 7:00 p.m., a claim may be made for a meal allowance for dinner in the amount of \$12.00. If a hearing officer stays overnight in a hotel the dinner the night before and the breakfast the morning after, will be reimbursed in accordance with the rates established above. Lunch is not eligible for reimbursement. Receipts are not necessary to claim meal reimbursement.

**Receipts/Miscellaneous Expenses:** Other receipted *reasonable* miscellaneous expenses are eligible for reimbursement, such as parking fees, tolls, subway fares, taxicab fares, etc. Receipts are not required for miscellaneous small individual expenses (such as parking meter fees and subway tokens). To be eligible for reimbursement, original receipts must be affixed to 8.5 x 11 sheet of paper and sent in with the original voucher. A photocopy of the receipts must be also provided. Illegible receipts will be disallowed.

- **Example 2.** A hearing officer lives in Poughkeepsie and takes the train to New York City for a hearing. He leaves his house at 6:30 a.m. and drives 10 miles to go to the train station. He pays \$20 to park his car for the day. He pays \$78 for a round trip train ticket. Once in New York City, he purchases two subway tokens for \$5 to get to and from the hearing location. Once at the hearing, the parties take a lunch break and he pays \$17 for lunch. They conclude the hearing at 5:00 p.m. and he returns home on the train. He arrives at his home at 7:30 p.m. The following expenses may be claimed (with appropriate receipts):

Expense	Receipt Required	Amount
Mileage (20 miles x \$.555)	No	\$11.10
Parking	Yes	\$20.00
Breakfast	No	\$5.00
Lunch (not eligible)	Not Eligible	\$0.00
Dinner	No	\$12.00
Train Ticket	Yes	\$78.00
Subway Tokens	No	\$5.00
	<b>Total</b>	<b>\$131.11</b>

- **Example 3.** A hearing officer lives in Saratoga and travels to New York City for a hearing. The hearing is scheduled for an early morning start time, so the hearing officer travels to New York City the evening before the hearing. She leaves her home at 3:00 p.m. and drives 30 miles to go to the train station. She pays \$30 to park her car for two days. She pays \$110 for a round trip train ticket. Once in New York City, she travels by cab to the hotel which costs \$12. She stays overnight and gets to the hearing location by foot. At the conclusion of the hearing, she takes a cab for \$10 back to the train station and returns home on the train. She arrives at her home at 9:00 p.m. The following expenses may be claimed (with appropriate receipts):

Expense	Receipt Required	Amount
Mileage (60 miles x \$.555)	No	\$33.30
Parking	Yes	\$30.00
Hotel (GSA Rates)	Yes	\$295.00
Overnight Meals (GSA Rates)	No	\$71.00
Dinner	No	\$12.00
Train Ticket	Yes	\$110.00
Cab Fares	Yes	\$22.00
	<b>Total</b>	<b>\$573.30</b>

#### ASSISTANCE REGARDING VOUCHER MATTERS

NYSED staff are available to assist you with any questions about submitting claims for reimbursement. If you have any questions, please contact Clare Carroll, Education Finance Specialist, Office of School Personnel Review and Accountability, at (518) 486-5352 or [ccarroll@mail.nysed.gov](mailto:ccarroll@mail.nysed.gov).

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**From:** Adam Ross <ARoss@uft.org>  
**Sent:** Tuesday, February 24, 2015 10:10 AM  
**To:** Jackson-Chase Courtenaye; Rene Mirtza; Guerra Charity  
**Cc:** Ellie Engler  
**Subject:** RE: NYSUT OGC Attorney Attendees - 2/24/15 Tweed Meeting

Sorry – one more addition – Allie Constanzo

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420

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**From:** Adam Ross  
**Sent:** Tuesday, February 24, 2015 7:52 AM  
**To:** Jackson-Chase Courtenaye; Rene Mirtza; Guerra Charity  
**Cc:** Ellie Engler  
**Subject:** RE: NYSUT OGC Attorney Attendees - 2/24/15 Tweed Meeting

Please add Jason Veny to the list.

Sent with Good ([www.good.com](http://www.good.com))

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**From:** Jackson-Chase Courtenaye  
**Sent:** Monday, February 23, 2015 5:04:54 PM  
**To:** Adam Ross; Rene Mirtza; Guerra Charity  
**Cc:** Ellie Engler  
**Subject:** RE: NYSUT OGC Attorney Attendees - 2/24/15 Tweed Meeting

Yes, there will be a list of expected attendees.

**From:** Adam Ross [<mailto:ARoss@uft.org>]  
**Sent:** Monday, February 23, 2015 5:04 PM  
**To:** Rene Mirtza; Jackson-Chase Courtenaye; Guerra Charity  
**Cc:** Ellie Engler  
**Subject:** FW: NYSUT OGC Attorney Attendees - 2/24/15 Tweed Meeting

I assume there will be a list of people who are permitted in. Attached is the list of NYSUT attorneys coming.

From the UFT:

Michael Mulgrew

Ellie Engler

Adam Ross

Ellen Gallin-Procida

Adam S. Ross, Esq.  
General Counsel  
United Federation of Teachers  
14th Floor  
52 Broadway  
New York, NY 10004  
(212) 701-9420

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**From:** Lena Ackerman [<mailto:lackerma@nysutmail.org>]  
**Sent:** Monday, February 23, 2015 4:11 PM  
**To:** Adam Ross  
**Cc:** Claude Hersh; Jen Hogan  
**Subject:** NYSUT OGC Attorney Attendees - 2/24/15 Tweed Meeting

Adam,  
As per your request. See attached. Thanks.

LENA M. ACKERMAN  
Associate General Counsel  
Office of Richard E. Casagrande  
New York State United Teachers

52 Broadway, 9th Floor  
Ph (212) 533-6300, x. 130  
Fax (212) 995-2347

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The views, opinions, and judgments expressed in this message are solely those of the author. The message contents have not been reviewed or approved by the UFT.  
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**From:** Mui Justin  
**Sent:** Tuesday, February 24, 2015 11:49 AM  
**To:** 52CSecurity1  
**Cc:** Rene Mirtza; Lessey-stallworth Alisha  
**Subject:** FW: Guest list  
**Attachments:** Feb 14 guest list.csv

Security – Please see attached list of attendees for 4pm today.  
Thanks

Justin Mui  
Building Manager, Tweed Courthouse  
NYC Department of Education  
52 Chambers Street, Room 318, New York, NY 10007  
Tel: (212) 374-2430  
Email: [JMui3@schools.nyc.gov](mailto:JMui3@schools.nyc.gov)

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**From:** Rene Mirtza  
**Sent:** Tuesday, February 24, 2015 11:18 AM  
**To:** Mui Justin; Lessey-stallworth Alisha  
**Subject:** Guest list

Hi Justin/Alisha,

In addition to the attached list, the individuals named below are also attending the meeting.

Thanks.

UFT  
Michael Mulgrew  
Ellie Engler  
Adam Ross  
Ellen Gallin-Procida  
Allie Constanzo  
Jason Veny



Name	First Name	Last Name	E-Mail	Add Office	Phor Office	Stre Office	City	Office Stat	Office Post
O'Beirne, S	Stephen	O'Beirne							
Rosario, H	Haydee	Rosario							
Cullen, Pat	Patricia	Cullen							
McKeever, James		McKeever							
Winters, M	Marc	Winters							
O'Connell, Mary		O'Connell							
Reilly, David	David	Reilly							
Williams, R	Richard	Williams							
Conlon, Jar	James	Conlon							
O'Connor, I	Doyle	O'Connor							
Capone, M	Michael	Capone							
Espinosa, S	Sarah	Espinosa							
Pierce, Judi	Judith	Pierce							
Woods, Jo	John	Woods							
Brogan, Lis	Lisa	Brogan							
Brown, Jan	James	Brown							
Kinsella, Dr	Donald	Kinsella							
Pryor, Doyl	Doyle	Pryor							
Bellifemine	Susan	Bellifemine							
Ginsberg, E	Eugene	Ginsberg							
Lazan, Micl	Michael	Lazan							
Shaller, Elli	Elliot	Shaller							
Johnson, G	Gloria	Johnson							
Murphy, Le	Leah	Murphy							
Goldman, I	Barry	Goldman							
Friedman, I	Steven	Friedman							
Miller, Sara	Sarah	Miller							
ACKERMAN	Lena	Ackerman							
AINSLEY, G	Gregory	Ainsley							
BATTLE, CA	Cathreine	Battle							
BOKSER, St	Sherry	Bokser							
BROWN, P,	Paul	Brown							
CALLAGY, C	Christophe	Callagy							
CAVALLAR	Antonio	Cavallaro							
CHEN, ERIC	Eric	Chen							
DEL PIANO	Michael	Del Piano							
DONNELLA	Ariana	Donnellan							
EISENSTEIN	David	Eisenstein							
FYNES, PAM	Pamela	Fynes							
GONZALEZ, Maria		Gonzalez							
GROSS, KEI	Keith	Gross							
HOGAN, JE	Jennifer	Hogan							
KLUYTENA,	Brie	Kluytenaar							
LEWIS, CHF	Christophe	Lewis							
MARIETTE, Yvonne		Mariette							
SALSICH, D	Deirdre	Salsich							

SMITH, LOI Lori	Smith
STAR, WEN Wendy	Star

Attendance

waiting for response

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Livestream

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**From:** :pierce  
**Sent:** Tuesday, February 24, 2015 3:34 PM  
**To:** Rene Mirtza  
**Subject:** Re: February 24th Meeting

What room is the meeting in at 4 today.

Jude Pierce

> On Feb 23, 2015, at 10:31 AM, Rene Mirtza <[MRene3@schools.nyc.gov](mailto:MRene3@schools.nyc.gov)> wrote:

>

> Great, thank you.

>

> -----Original Message-----

> From: :pierce

> Sent: Wednesday, February 18, 2015 12:59 AM

> To: Rene Mirtza

> Subject: February 24th Meeting

>

> I will attend the February 24th meeting in person.

>

> Arbitrator Judith T Pierce

---

**From:** Lisa Brogan  
**Sent:** Tuesday, February 24, 2015 4:02 PM  
**To:** Rene Mirtza  
**Subject:** Fw: Joint Education Law §3020-a Panel Meeting Livestream information

I went in through the alternate way, and there is a screen saying "will begin soon." It is after 4:00. Am I having a problem, or has it just not started yet?  
Sent from my Verizon Wireless BlackBerry

---

**From:** "Lisa Brogan"  
**Date:** Tue, 24 Feb 2015 20:55:41 +0000  
**To:** Rene Mirtza <[MRene3@schools.nyc.gov](mailto:MRene3@schools.nyc.gov)>  
**ReplyTo:** [brogan](mailto:brogan)  
**Subject:** Re: Joint Education Law §3020-a Panel Meeting Livestream information

I can't get. On. Is it because it is not yet 4pm?  
Sent from my Verizon Wireless BlackBerry

---

**From:** Rene Mirtza <[MRene3@schools.nyc.gov](mailto:MRene3@schools.nyc.gov)>  
**Date:** Mon, 23 Feb 2015 16:32:38 +0000  
**To:** Rene Mirtza <[MRene3@schools.nyc.gov](mailto:MRene3@schools.nyc.gov)>  
**Cc:** Boateng Kalema <[KBoateng2@schools.nyc.gov](mailto:KBoateng2@schools.nyc.gov)>; Ross Richard <[RRoss@schools.nyc.gov](mailto:RRoss@schools.nyc.gov)>  
**Subject:** Joint Education Law §3020-a Panel Meeting Livestream information

Good day,

Below is the link for pre-registration, and to view the event through livestream:

<http://www.>

Please contact us if you require any further assistance.

---

**From:** Capone Michael <caponeassociates@gmail.com>  
**Sent:** Tuesday, February 24, 2015 4:07 PM  
**To:** Rene Mirtza  
**Subject:** Re: Feb 24 Meeting

Ms. Rene,

I registered and am trying to get access to the webinar but I'm not getting through. I'm getting a "Next Steps" page with a message to principals. Is there anything else I should be doing?

Michael Capone

Seaford, New York 11783

[caponeassociates@gmail.com](mailto:caponeassociates@gmail.com)

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On Feb 23, 2015, at 4:47 PM, Rene Mirtza wrote:

Below is the link for you to pre-register and view the event through livestream:

<http://www.>

---

**From:** Capone Michael [<mailto:caponeassociates@gmail.com>]  
**Sent:** Monday, February 23, 2015 4:31 PM  
**To:** Rene Mirtza  
**Subject:** Fwd: Feb 24 Meeting

Good afternoon,

I am writing regarding the meeting tomorrow at 4pm for hearing officers involved with the 3020-a hearings. I plan on participating through the live stream. Please advise as to how I can log on for the live session.

Thank you.

Michael Capone

Seaford, New York 11783

[caponeassociates@gmail.com](mailto:caponeassociates@gmail.com)

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Begin forwarded message:

**From:** Capone Michael <[caponeassociates@gmail.com](mailto:caponeassociates@gmail.com)>

**Subject:** Feb 24 Meeting

**Date:** February 17, 2015 1:26:48 PM EST

**To:** [mrene3@schools.nyc.gov](mailto:mrene3@schools.nyc.gov)

Good afternoon,

My name is Michael Capone and I am a hearing officer for the NYC 3020-a hearings. I am responding to the memo received February 13 regarding the meeting of February 24 at 4pm. I am writing to confirm that I will not be attending in person and will participate through the live stream.

Thank you.

Michael Capone

Seaford, New York 11783

[caponeassociates@gmail.com](mailto:caponeassociates@gmail.com)

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---

**From:** Sandra Lopes <slopes@dohertyinc.com>  
**Sent:** Wednesday, February 25, 2015 10:47 AM  
**To:** Boateng Kalema  
**Cc:** Rene Mirtza  
**Subject:** RE: Catering Request - Tuesday, February 24th Event at Tweed

It's always my pleasure to assist you ☺

I will send you the invoice shortly.

Thank you,

## Catering

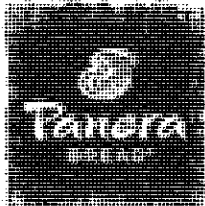
### Sandra Lopes

Regional Catering Manager  
Ph: (516) 712-5761  
Fax: (516) 977-3068  
[slopes@dohertyinc.com](mailto:slopes@dohertyinc.com)

---

**From:** Boateng Kalema [<mailto:KBoateng2@schools.nyc.gov>]  
**Sent:** Wednesday, February 25, 2015 10:46 AM  
**To:** Sandra  
**Cc:** Rene  
**Subject:** RE: Catering Request - Tuesday, February 24th Event at Tweed

Thanks for all your help with the catering for yesterday's event!



---

**From:** Sandra Lopes [<mailto:slopes@dohertyinc.com>]  
**Sent:** Monday, February 23, 2015 11:27 AM  
**To:** Boateng Kalema  
**Cc:** Rene Mirtza  
**Subject:** RE: Catering Request - Tuesday, February 24th Event at Tweed

Will do ☺

Thank you,

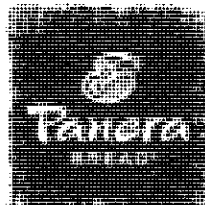
## Catering

### Sandra Lopes

Regional Catering Manager  
Ph: (516) 712-5761  
Fax: (516) 977-3068  
[slopes@dohertyinc.com](mailto:slopes@dohertyinc.com)

---

**From:** Boateng Kalema [<mailto:KBoateng2@schools.nyc.gov>]  
**Sent:** Monday, February 23, 2015 11:25 AM  
**To:** Sandra  
**Cc:** Rene  
**Subject:** RE: Catering Request - Tuesday, February 24th Event at Tweed  
**Importance:** High



Hi Sandra,

Let's keep the order as is.

Please disregard the voicemail message I left you.

Thank you,  
Kalema

**Kalema Boateng**  
NYC Department of Education  
[Kboateng2@schools.nyc.gov](mailto:Kboateng2@schools.nyc.gov)  
office: (212) 374-5472  
cell: (347) 703-5434

---

**From:** Boateng Kalema  
**Sent:** Thursday, February 19, 2015 12:35 PM  
**To:** 'Sandra Lopes'  
**Subject:** RE: Catering Request - Tuesday, February 24th Event at Tweed

Great!

The delivery time should be 3:00pm. I want to have enough time to load the food into the conference space.

Thanks again and enjoy your weekend!

---

**From:** Sandra Lopes [<mailto:slopes@dohertyinc.com>]  
**Sent:** Thursday, February 19, 2015 10:01 AM  
**To:** Boateng Kalema  
**Subject:** RE: Catering Request - Tuesday, February 24th Event at Tweed

Good morning Kalema,

You are all set for Tuesday's dinner order.

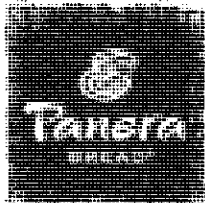
Enjoy your day and stay warm!!!

Thank you,

**Catering**  
**Sandra Lopes**  
Regional Catering Manager  
Ph: (516) 712-5761  
Fax: (516) 977-3068  
[slopes@dohertyinc.com](mailto:slopes@dohertyinc.com)

---

**From:** Boateng Kalema [<mailto:KBoateng2@schools.nyc.gov>]  
**Sent:** Wednesday, February 18, 2015 11:46 AM  
**To:** Sandra Lopes  
**Subject:** RE: Catering Request - Tuesday, February 24th Event at Tweed



Hi Sandra,

Please proceed with this request.

The PO# WR5173100 for your reference.

Thank you,

Kalema

---

**From:** Sandra Lopes [mailto:slopes@dohertyinc.com]

**Sent:** Tuesday, February 17, 2015 7:52 PM

**To:** Boateng Kalema

**Subject:** RE: Catering Request - Tuesday, February 24th Event at Tweed

Hey Kalema,

Attached you will find your menu for Tuesday's luncheon.

Shall I proceed with the attached order? Please advise.

Thank you,

## Catering

**Sandra Lopes**

Regional Catering Manager

Ph: (516) 712-5761

Fax: (516) 977-3068

slopes@dohertyinc.com

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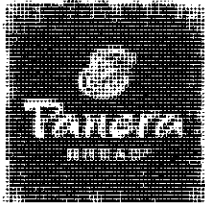
**From:**

**Sent:**

**To:** Sandra

**Subject:**

**Importance:**



Boateng Kalema [mailto:KBoateng2@schools.nyc.gov]

: Tuesday, February 17, 2015 12:20 PM

: Lopes

: Catering Request - Tuesday, February 24th Event at Tweed

: High

Hi Sandra,

I hope you are doing well.

On **Tuesday, February 24, 2015** the NYC Department of Education will hold an event at **Tweed, 52 Chambers Street, New York, NY 10007** at **4:00pm** in the **2<sup>nd</sup> floor conference room**. The anticipated number of attendees should be around 90-100 people.

Please prepare a lunch proposal for 100 people.

Details of the order:

(lunch for 100)

- Coffee/ tea, cream sugar on the side
- cookies, chips, apples
- Water for 100 people
- Mustard on the side
- Pickles on the side

- Assortment of sandwiches
- Tomatoes on the side
- Large fruit bowl
- large salads (Caesar & mixed green)

Contacts: Kalema Boateng (347-703-5434) or Mirtza Rene (  
Title of Event: Joint Education Law §3020-a Panel Meeting

If you have any questions or concerns, feel free to contact me directly.

Thank you,  
Kalema

**Kalema Boateng**  
NYC Department of Education  
[Kboateng2@schools.nyc.gov](mailto:Kboateng2@schools.nyc.gov)  
office:(212) 374-5472  
cell: (347) 703-5434