

NEWARK TEACHERS UNION UPDATE

January 4, 2019

Letter from the President New Year, New Message!



John M. Abeigon
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Dear Union Brothers and Sisters,

Welcome back. They tell me that the beginning of a new year is the perfect time to start with a clean slate. Ring out the old, ring in the new, etc. That's fine as long as your Smart Board has a connection. That's fine if you haven't been emotionally scarred or economically-armed after twenty years of state-operation. Turning a cheek is always easier said than done, especially if you're not the victim. Some damage is not so easily undone. For certain harm we will be seeking restorative justice for all.

2019 for the Newark Board of Education will be historic for many reasons. It will be the first time in 20 years that the Newark Teachers Union negotiates a contract without a state-operated gun pointed at its' head. The first time our members can raise their opinion at a staff meeting or attend an NTU Building Rep meeting without fear of retaliation. Supt León has stated and already proven to us that he will not tolerate any vengeful action against a teacher or support staff member for raising a legitimate issue or concern professionally. In fact, he welcomes the feedback.

During this reorganizational year, the NTU will be working tirelessly to rebuild our own sense of pride and demanding a seat at the table. **Everything that has to do with education is our domain.** And we all need to start acting that way!

In Solidarity,

John M. Abeigon
President/Director of Organization
Newark Teachers Union Local 481, AFT, AFL-CIO

Observation-Evaluation Tips—Midyears



Michael Iovino

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MIDYEAR REVIEW & OBSERVATION FAQs and REMINDERS

I want to take a moment and answer some of our most frequently asked questions regarding OBSERVATIONS/MIDYEARS...

1. YES, you can be observed as many times as an admin feels is necessary. HOWEVER, if an admin seems to be singling YOU out for multiples this MAY be a problem. Document everything, make sure you are getting feedback that is HELPFUL...and reach out to us.

2. YES, your admin can stay the ENTIRE period, multiple periods, etc...as long as they observe a MINIMUM of 20 minutes, it's fine. HOWEVER, if an admin seems to be singling YOU out for longer observations this MAY be a problem. Document everything, make sure you are getting feedback that is HELPFUL...and reach out to us.

3) No, the district won't automatically throw out an observation if your admin does NOT get you your feedback within TEN days of your observation. While it is a violation of the contract, it still can and will be used against you. The only time we have been able to get these thrown out is IF they give you another observation after the first without having gone over the feedback with you.

4. YES, the information from walkthroughs, observations can be part of your MIDYEAR/ANNUAL Evaluation

5. NO, MIDYEARS are NOT required for Tenured teachers, only for NON-TENURED, and teachers on a CAP...but..

6. YES, your admin can still ask you to complete a midyear review, and hold a review session with you. It is an excellent CHECK-IN for you to see where you WOULD be if the year were over...giving you a great chance to correct your areas of weakness.

As always, you should write a rebuttal to all or any part of an observation or annual that you disagree with in a TIMELY MANNER, and reach out with any questions...

Michael Iovino is in his 22nd year of teaching at Technology High School and represents the NTU on the Peer Oversight Committee, the District Evaluation Advisory Committee and is one of our Academic Specialists.

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Upcoming Professional Development



The Role of a Paraprofessional in Special Education Classrooms

The Newark Teachers Union will be offering two trainings around what the role of a Paraprofessional is in a Special Education Classroom.

- For Aides—Wednesday, January 16 4 PM @ Newark Teachers Union
- For Teachers—Thursday, January 17, 4 PM @ Newark Teachers Union

If you would like to attend, please RSVP to yesntu@newarkteachersunion.com.

Message from the Professional Improvement Fund

For any Health and Physical Education teachers that want to attend the NJAHPERD Conference which starts on February 25th and receive PIF funding, they must get the paperwork entered into People Soft by January 18th.

Thank you!

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NTU Legal Update— Conduct Unbecoming (Page 1)



CONDUCT UNBECOMING WITHIN THE SCHOOL

What teacher conduct within the school environment has warranted termination and/or increment denial of non-tenured teachers and increment denials and tenure charges against tenured teachers?

Before defining conduct unbecoming a teacher we must know the high standard that the Court's hold teachers too as a result of being entrusted with the care, custody and character building of children. Please remember that. Unfortunately, and perhaps unfairly, little mercy is given to teachers when it comes to alleged misdeeds upon students by teachers. That doesn't mean that vigorous defenses are not mount-

ed and cases oftentimes won but you must know that when students are injured by a teacher it becomes an uphill fight. The sympathy lies with the student!

PLEASE READ AND RE-READ

And here's why ... the Courts state public school educators are professional employees to whom the people have entrusted the care and custody of school children with the hope that this trust will result in the maximum educational growth and development for each child. This **heavy duty requires a degree of self restraint and controlled behavior rarely requisite to other types of employment.** Teachers must act in a professional manner and serve the welfare of the students in their care and **it is their duty to exercise self-restraint and controlled behavior** in the performance of their teaching. Although teachers often face high levels of frustration in dealing with difficult students, it is imperative that educators must retain control of their actions and their classrooms and this is especially true when dealing with vulnerable populations. (An urban Paterson case). The same rule applies in Newark's schools.

Teachers are **prohibited from physical contact and corporal punishment with students unless the incident falls within the below exemptions.** You can help with clothing or lightly redirect but beyond that you are placing yourself in harm's way if you touch students. That's why we say Hands off!! Hands off!!! Hands off!! and so does DYFS! It's better to be wise than arrested and brought before the Newark Municipal Court.

NTU Legal Update— Conduct Unbecoming (Page 2)

(READ AND RE-READ AND DISCUSS WITH YOUR COLLEAGUES)

N.J.S.A. 18A: 6-1:

No person employed or engaged in a school or educational institution, whether public or private, shall inflict or cause to be inflicted corporal punishment upon a pupil attending such school or institution; but any such person may, within the scope of his employment, use and apply such amounts of force as is reasonable and necessary:

(1) to quell a disturbance, threatening physical injury to others;

(2) to obtain possession of weapons or other dangerous objects upon the person or within the control of a pupil;

(3) For the purpose of self-defense; and

(4) For the protection of persons or property;

and such acts, or any of them, shall not be construed to constitute corporal punishment within the meaning and intent of this section. Every resolution, bylaw, rule, ordinance, or other act or authority permitting or authorizing corporal punishment to be inflicted upon a pupil attending a school or educational institution shall be void.

By endearing yourself to students by touching and hugging, you can't imagine the danger you are placing yourself in! Last year innocent teachers were too often brought before detectives of the Special Crimes Unit over alleged wrongful touching!

What's the phrase "unbecoming conduct mean?" It's an elastic phrase encompassing conduct that adversely affects the morale or efficiency of a governmental unit or that has a tendency to destroy public respect in the delivery of governmental services. Karins v. City of Atl City, 152 N.J. 532, 554, 706 A.2d 706 (1998); see also In re Emmons, 63 N.J. Super. 136, 140, 164 A.2d 184 (App. Div. 1960). "It is sufficient that the complained-of conduct and its attending circumstances be such as to offend publicly accepted standards of decency." Karins, supra, 152 N.J. at 555.

Such misconduct need not necessarily "be predicated upon the violation of any particular rule or regulation, but may be based merely upon the violation of the implicit standard of good behavior which devolves, upon one who stands in the public eye as an upholder of that which is morally and legally correct." Hartmann Police Dep't of Ridgewood, 258 N.J. Super. 32, 40, 609 A.2d 61 (App. Div. 1992) (quoting Asbury Park v. Dep't of Civil Serv., 17 N.J. 419, 429, 111 A.2d 625 (1955)).

In the context of school tenure cases, "the touchstone is the fitness to discharge the duties and functions of one's office or position." In re Tenure Hearing of Grossman, 127 N.J. Super. 13, 29, 316 A.2d 39 (App. Div.), certif. denied. 65 N.J. 292, 321 A.2d 253 (1974).

Unbecoming conduct can arise from just one incident. Unfitness to hold a post might be shown by one incident if sufficiently flagrant or a past pattern of incidents of using physical contact with students. Being a teacher requires an intense dedication to civility and respect for students as human beings. The bar is set very high for educators.

NTU Legal Update— Conduct Unbecoming (Page 3)

Some examples of unbecoming conduct within the school setting:

1. Sexual touching, insinuation by words, comments about student's shape, body parts, sexual orientation, sexual conduct with others;
2. Insensitivity to student's dress and appearance, insensitivity to student's religion and ethnic background;
3. Failure to insure student receives medical help when necessary;
4. Lack of verbal and physical self-control demeaning a student or another faculty member;
5. Escalating, instead of de-escalating, an incident. No arguing by faculty in front of students. Settle matters in private.
6. Calling students ugly, stupid and embarrassing students in front of classmates;
7. Encouraging students to fight and pick on classmates;
8. Confining students to isolation positions, walking around class with rulers or pointers in hand;
9. Permitting students to be out of class without supervision for extended periods of time;
10. Screaming and yelling at students. Throwing objects at students;
11. Confrontations with co-workers publicly;
12. Physical altercations with co-workers;
13. Verbal altercations with administrators using profanity;
14. Removal of school property without permission;
15. False reporting of required data;
16. Threatening co-workers in school and outside of school.

These are examples where the Courts have come down on educators.

The NTU is here to help you and represent you if you have concerns about being charged by DYFS or your school administration for child abuse and neglect or conduct unbecoming. Make sure you call your Union and have your Building Rep present if your administrator wants to have a conference with you. You must ask if discipline could arise from the requested meeting. If so, have a Union official (Building Rep) with you and find out the subject of the meeting and ask for time to collect your thoughts before answering off the cuff. You always want a witness for you present and take notes of what's said. Your profession and job is at stake!

Next Week: Out of school “conduct unbecoming a teacher” and how it can ruin your career.



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Scholarship Opportunities!



The NTU is proud to announce our 21st Annual Albert Shanker Scholarship Award Dinner! Every year, we are able to give out several scholarships to our members' children, our paraprofessionals, and the students of Newark.

The application is currently on our website, and more information will be coming in the next few weeks.

[Click here to apply!!](#)

The Essex-West Hudson Labor Council is also offering 10 \$1000 scholarships to families of Union members, including the Newark Teachers Union. That application is due April 19, 2019!

[Click here for more information and to apply!](#)

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Prudential Center Tickets



The NTU still has tickets available for several upcoming events at Prudential Center, including Frozen on Ice and Monster Jam.

Just click on the Prudential Center logo for more information or to purchase tickets! Remember the more successful these promotions are, the more the NTU can put together for our members to enjoy!

SAVE THE DATE

- Tuesday, January 15—NTU Executive Board Meeting, 4 PM—Newark Teachers Union, 1019 Broad Street
- Tuesday, January 15—NPS Board of Education Business Meeting , 5:30 PM - Newark Public Schools, 765 Broad Street
- Wednesday January 16—NTU Building Rep Meeting, 4 PM—Newark Teachers Union ,1019 Broad Street
- Wednesday January 16—The Role of a Paraprofessional in Special Education Classrooms, 4 PM (Aides Workshop) - Newark Teachers Union, 1019 Broad Street
- Thursday January 17—The Role of a Paraprofessional in Special Education Classrooms, 4 PM (Teacher Workshop) - Newark Teachers Union, 1019 Broad Street
- Tuesday, January 22—NPS Board of Education Meeting, 6:00 PM— Mount Vernon School, 142 Mount Vernon Street

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NTUNIVERSITY

We are looking for Workshops, Presentations, Activities to be presented by our members, for our members. Please reach out to Michael Iovino at miovino@newarkteachersunion.com if you are interested!

MEMBER SERVICES

NTU Members should never hesitate to communicate with us by phone, email, etc regarding any of the issues we handle at the Newark Teachers Union.

- Supplemental Fringe Benefits
- Planning for Retirement
- Pension & Buy Back Issues
- ER+D Staff Development
- AFT Membership Benefits
- FMLA and other leaves of absence
- Assistance with Evaluations and Observations
- Disciplinary Hearings
- Labor Relations & Payroll
- Legal Representation
- Workers Comp
- Tuition Reimbursement

Call 973-643-8430 or visit our website <http://newark.nj.aft.org/> or email mmaillaro@newarkteachersunion.com to address these or any other concerns you may have.

Don't forget to follow us on Facebook (<https://www.facebook.com/NewarkTeachersUnion481/>) and Instagram (https://www.instagram.com/newark_teachers_union/?hl=en)



NEWARK TEACHERS UNION

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