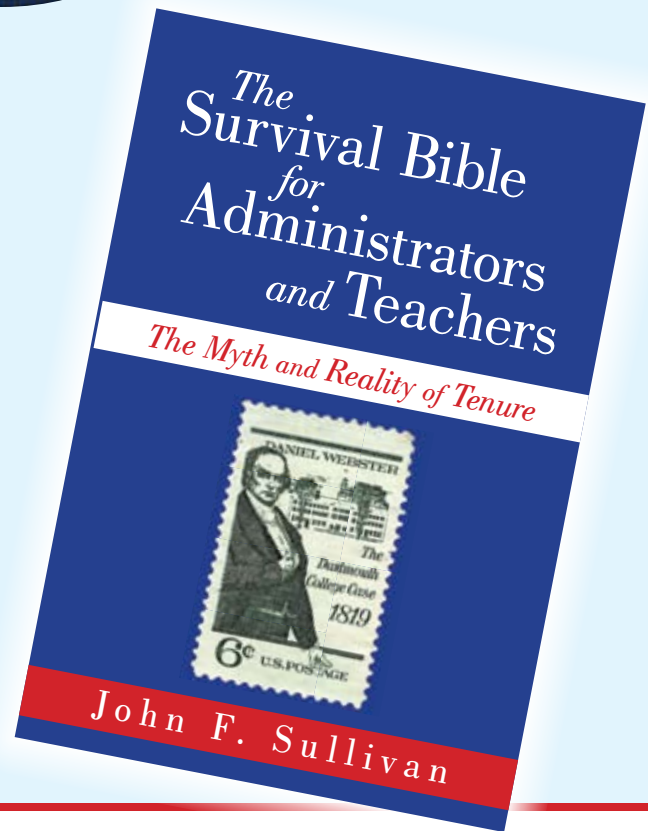




## Excerpts from

# John Sullivan's



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# Excerpts from

## Introduction

The New York State Tenure Law (Educ §3012-14) is alleged to guarantee *job security for life* to those who have been granted it. This myth surfaces whenever working conditions for public school educators are discussed. In years past, tenure was billed as an employment benefit to compensate for lower salaries. But to its opponents, tenure is believed to be at the root of all problems facing the New York State education system.

Advocates consider tenure to be the one bastion that protects a viable public education system from an army of iconoclasts who seek to dismantle or at least reshape it to fit their image of what public education should be. They believe that without tenure, educators of integrity would be victimized by those self-serving interest groups that attempt to rid a community of anybody who opposes their personal agendas. They believe that the due process provisions of tenure allow educators to do the *right things for the right reasons*. To them, tenure is the only real protection they have against opponents who would use the public education system for their own self-serving purposes.

Opponents of tenure view it differently. They see tenure as a shield that protects incompetent teachers and administrators from receiving their just desserts (i.e., dismissal). They believe that without tenure, school superintendents and boards of education would be free to select the best professionals to meet the needs of a viable educational community and to serve the best interests of children and their families. They blame tenure for all the ills that befall public education. They believe that if there were no tenure for administrators or teachers, children would have a greater opportunity to achieve their full academic potential.

Thus, year after year, the struggle over tenure consumes the time and energy of the New York State Legislature and the various special interest groups who are deeply invested in it. Annually, supporters, such as NEA, NYSUT, ESSAA, SAANYS, besiege the state legislature and the commissioner of education to continue to protect tenure, while opponents, such as the New York State School Boards Association, lobby for its removal. This is a battle that is predictable and never-ending. It is a disagreement that both sides are extremely passionate and vocal about.

Complicating matters further are educators within the ranks of those allegedly protected by tenure who claim that they do not need it and support its removal. They profess that because they are so competent, they do not require the protection that tenure affords them (i.e., their inherent ability and their easily recognized Socratic powers are all the protection they need). They believe that they are above the politics of hiring and firing and their skills alone guarantee them job security. They say that if they are not wanted by the powers that be, they will simply pack up and go someplace else where their great skills would be readily recognized and embraced. They see themselves as modern-day Gandhis who can wander the countryside at will, sharing their wisdom with the common folk. They see tenure as a blemish on their profession.

These quixotic romantics are usually inexperienced neophytes who are incapable of understanding that as they age, they can easily be replaced by someone with equal skills at a much lower pay grade. When they reach that stage in their career, it will be tenure not their perfection that will save them. They also ignore another major concern: if they antagonize the wrong people, even for the right reasons, tenure may well be all that stands between their jobs and those walking papers they claim not to be too concerned about.

I sympathize with them because once upon a time, I was one of them. In fact, most educators feel this way early in their professional careers. We begin our careers as idealists and end as realists. For experienced educators, the tenure debate is a ritualistic dance that is part of the rite of passage. Fortunately, only the opponents of tenure take these young idealists seriously. When educators who oppose tenure are asked if they would move out of their homes and neighborhoods if their neighbors wanted them to, their vitriolic protestations stop. But isn't this all the same issue?

Tenure is, by legislative decree, a property right that is afforded the same level of protection and due process as any other personal possession (see chapter 2). Thus, there must be a judicial determination to take tenure away from anyone who has acquired it. In New York State, this process is commonly referred to as a 3020-a disciplinary hearing.

So much emphasis is placed on the myth of tenure as unrestricted job security that its certainty is taken for granted. But what is generally accepted as true is nothing more than fabricated propaganda. Tenure provides those who have it with a greater level of job security than a probationary employee because a probationary employee has virtually no job protection at all. Probationary employees serve at the whim of their employers. They can be dismissed for the pettiest of reasons without any recourse unless a blatant civil rights violation can be proven. I know a probationary administrator who was fired for taking an emergency cell phone call during a meeting that was being held by a "very troubled" superintendent. Admonitions frequently given to probationary employees not to make waves, to stay under the radar, and to bite their lips are offered for a good reason: it is sound advice. As I will demonstrate throughout this book, tenure provides only a modicum of protection to those who have acquired it.

In November 1976, I was appointed principal of Eastchester High School in Eastchester, New York. The fact that Eastchester High School was out of control is documented by the extensive media coverage it received at that time. Suffice to say that I was credited with turning this dismal situation around. In doing so, I became the fair-haired child of that school district for several years. I was enthusiastically awarded tenure prior to the end of my probationary period and was encouraged to become the Superintendent of Schools when my predecessor retired in 1982. But in the field of education, there isn't an enduring corporate memory and love affairs with employees are short-lived. Change is not easily embraced, and the bold measures I was forced to take to repair Eastchester High School in 1976–77 earned me more than my fair share of enemies. Finally, in the fall of 1984, I fell into disfavor. In a few short months, I descended from my perch with the gods to *persona non grata*. . . .

In a battle of this magnitude, there are really no winners. All of us, combatants and allies alike, paid a stiff price. It is not my intention nor is it necessary to retry my case in this book. I have referenced it to establish my credentials in this arena. My experience is real not vicarious. What you are about to read is true, and the advice I give is valid. I lived this nightmare for seven and a half years without relief, and I relive it every day that someone seeks my help. I have not dwelt upon my battle, nor have I flaunted my victory. This book is not about me or Eastchester. It is about you and the information that you need to survive in a job that many wrongly believe to be termination-proof. . . .

The ten core chapters of *The Survival Bible for Administrators and Teachers* collectively provide a comprehensive picture of any community and any employee facing serious trouble. This book incorporates factual data about the law and termination process with sagacious advice to potential targets on how to recognize trouble in the workplace and strategies that should be used to construct a strong defense or, if appropriate, a strong offense.

*The Survival Bible for Administrators and Teachers* can be read in total, or it can be used as a reference that offers specific advice on each aspect of the hiring/firing process. It is a study of tenure and termination. Topics ranging from recognizing the seeds of destruction within a community to selecting and working with a defense attorney can be read as independent sections or as part of the whole. Each chapter begins with a synopsis and prologue that provides a quick reference of what that chapter contains. . . .

I have written this book for several reasons. The first is to destroy the myth that tenure ensures a lifetime of job security. As you will see, there are several ways to fire a tenured educator; a 3020-a hearing is only one of them. Tenure is clearly not the panacea of protection it is alleged to be. . . .

## Excerpts from *the Preface*

The myth that tenure guarantees public school educators a lifetime of job security has been cultivated by critics of public education for a long time. In terms of destructive educational propaganda, this ranks at the top of the list. However, as with most deceptions, there is always a modicum of truth. Tenured employees do have a slightly greater degree of job security than probationary employees, but since probationary appointees have virtually no job security at all, slightly more than nothing amounts to very little. I wrote this book to debunk the tenure myth.

*The Survival Bible for Administrators and Teachers* demonstrates that tenure is a far cry from being the panacea of job security that its detractors would have us believe it to be. It is important that both critics and supporters grasp this fact—critics, because they will hopefully understand that they are wasting time and money fighting a straw man, and supporters, because they hopefully will have a more realistic understanding of what job security in public education is really all about. Tenure simply means that a person cannot be fired without *just cause* and *due process*. Those who provide a just cause should, can, and will be fired. Tenure protects the innocent, not the guilty; anyone who has chosen the field of public education because it offers unbridled “lifetime job security” has been grossly misled. ...

*The Survival Bible for Administrators and Teachers* is a road map for those public educators who must traverse the hazardous path of a contentious work environment. It is a guide to what a tenured employee should and should not do when singled out to be fired by a superintendent or board of education. Throughout this book, the employee is referred to as either the *target* or *defendant*, and the terms are used interchangeably.

For several reasons that are enumerated within, tenure alone does not always provide sufficient protection for an innocent employee. Unscrupulous people who are determined to destroy the good name of an individual do not always play by the rules of an enlightened society, and there are many nefarious ways for an unprincipled employer to circumvent them. The simple truth is that tenure offers minimal protection to the innocent and a reasonable process to accommodate the firing of the guilty.

The more aware a target is of the many tools and strategies available for self-defense, the greater the possibility of surviving an engineered assault. This information is found in abundance throughout this book. These self-preservation strategies are based on sound reasoning and common sense and may be employed regardless of the workplace. Although *The Survival Bible for Administrators and Teachers* was written for the tenured public school administrator or teacher, many of the recommendations are applicable to other employment venues. They are not unique to public education. ...

## Excerpts from

### *Sullivan's Fourteen Rules of Engagement*

#### **Rule 3: Challenge all negative written documents.**

A stream of negative memos and written evaluations telegraph an ominous message (i.e., an attack is imminent). You must challenge or respond in any way that lessens the impact of those negative documents. Your failure to do so corroborates their accuracy. Ignoring negative written documents enables your enemies to load up your personnel file with destructive material that can be used against you at a later time. ....

#### **Rule 5: Believe in yourself and in your cause.**

You are in control of your own destiny. Certainly, prior to your decision to fight, you had opportunities to resign. You made a decision to reject those opportunities because you believe in yourself and will not tolerate the heavy-handedness to which you and your family have been subjected. You certainly don't intend to lose and are confident that you will win.

However, from time to time, you will question your own judgment and wish that you had chosen other options. This is only natural. Nonetheless, your self-doubt should never be articulated, and you must never display any lessening of self-confidence. Remember, your body language transmits a great deal of information about yourself. The way you walk, stand, or gesture can speak volumes. During these periods of insecurity, it is better to be less visible. Stay out of sight and avoid contact with the public if it is possible to do so. But if it is not, apply a greater degree of self-control and make sure you do not transmit this lack of confidence in anyway.

If you do, your enemies will see this as a sign of weakness and escalate their attack at a time when you might be the most vulnerable. Your public image must always be one of confidence and determination.

*continued on back page*

## ABOUT THE AUTHOR

John F. Sullivan is a native New Yorker who has been a successful public high school principal and consultant for thirty-five years. Concurrently he has served as an adjunct professor (graduate division) of Federal and State Education Law for fourteen years. He is an expert in teaching survival strategies to administrators and teachers.



This is a skill he acquired through three decades of administrative leadership and as the successful defendant in the longest 3020-a Disciplinary Hearing in New York State, winning total vindication after a seven and one half year public battle. Thus, his experiences are firsthand, not vicarious.

Mr. Sullivan has been a leader of public school administrators and supervisors since 1979 when he was elected president of the Regional Association of School Administrators (RASA) in Westchester County, New York. He held this position for nineteen years while also serving for six years as a national vice president of the American Federation of School Administrators AFSA –AFL-CIO), and for eleven years as the treasurer of the New York State Federation of School Administrators (NYSFSA). In 1996 he founded The Empire State Supervisors and Administrators Association (ESSAA) and served as its president from 1996 until 2010. Concurrently, upon his retirement as a public high school principal he joined a prestigious Wall Street negotiation and arbitration firm as its Executive Vice-President for two years, subsequently returning to public education as a secondary school consultant.

Mr. Sullivan defines *The Survival Bible for Administrators and Teachers* as a work in progress for twenty-five years; and the culmination of his life's work as an educator and advocate for public school educators throughout New York State. He is also the author of *The Common Sense Guide to Leadership* which was published in 2005.

**Rule 7: You must be physically and mentally fit.**

You must pay strict attention to your mental and physical health. You must maintain a sound mind in a sound body. Begin with a complete physical. Be candid with your doctor and share your ailments, concerns, and fears. You must become physically strong, and your doctor will help you get there. This fight requires that you have energy and the ability to concentrate. You cannot be distracted by fatigue or those aches and pains that you have attributed to the aging process. Fatigue impacts your ability to deliberate for long periods of time. Pain impedes your ability to concentrate. Both conditions help the enemy and, therefore, are your enemy. You must make a commitment to physical fitness. ..

*You cannot ride the emotional roller coaster.* If you allow yourself to reach the heights of exhilaration, you will eventually fall to the depths of despair. If you allow yourself to soar with the eagles, you will soon be swimming with the fishes. The price you and your family will pay for out-of-control emotions will be devastating.

At times during this conflict, you will be extremely happy; at other times, you will be extremely frightened and sad. Each extreme is dangerous. When you become too happy, you become careless, overconfident, and make foolish or mindless mistakes. When you become too depressed, you are inclined to give up or at least back off and seek some peace and quiet. Either end of the emotional spectrum can break your concentration during difficult times. ...

**Rule 10: Beware of fair-weather friends.**

Fair-weather friends are the scum of the earth; they are parasites who capitalize on others' good fortune and disappear at the first sign of misfortune. They are forever present for the good times and always absent during the bad. When skirmishes develop, they rush to the sidelines allegedly to wait for all the facts to come. When their lack of support is noticed, they respond with comments like "I can't talk about it, I'm too upset"; "I thought I knew that person but ..."; "I don't believe in politics"; "If they didn't want me, I'd go someplace else," or ... These gutless takers will say anything to justify their betrayal. They are smooth sycophants who will manipulate your emotions as their needs dictate. They are the friends you always wanted, but in time, you will wish you never had. . .

**Rule 11: Bring the battle to the enemy.**

Never forget that your adversaries intend to destroy you. They have caused you many restless nights, public embarrassment, and quite possibly, a considerable amount of money. If this isn't enough, consider the anguish and damage they have caused your loved ones and your community. They are not your friends and never will be. They are your enemies and should get a taste of their own medicine. . . .

You cannot have compassion or sympathy for your enemies. *Your anger is your edge.* You are in a fight where losing is not an option. You must be focused to win. You can never be sympathetic to your detractors regardless of how pathetic or miserable they may be.

Study your enemy as they have studied you. Dig into their backgrounds and find out as much as you can about their strengths and weaknesses. Consider hiring an investigator. Take advantage of the Internet and the proliferation of investigatory programs that provide you with a great deal of information for a nominal fee. You might be surprised at what you uncover.

Put each and every one of your attackers on the defensive. ....

When you monitor your enemies, you put them on notice that you are not going to be the only one who has something to lose. You are not going to be the only one bloodied by their behavior. They are not going to get a free ride on a one-sided attack. Let them know that you too plan to pull out all the stops and if you discover anything that is helpful to your cause, you will use it against them.

**Rule 14: You wanted the dog; now walk it!**

Being a defendant in a 3020-a hearing requires courage and conviction. To succeed, you must be strong, be prepared to suffer the consequences of your decision, and must remain steadfast in your belief in yourself and your cause. As reinforced throughout this book, this is a battle that is not for the faint of heart. Regardless of the validity of your cause, there will be many fearful days and sleepless nights. There will be many times when you wonder if the price you are paying for vindication is worth it. You will find that making the decision to subjugate your enemies was the easiest part of the battle. It is an uphill struggle from there...

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