

**NAPTA will be watching what CBS News does with this important story. Also note that although there are no known "rubber rooms" outside of New York, teachers have been ordered to basements and former closets as well as to stay home when faced with charges that are often false.**

**The core of this rubber room issue is: it deprives children of excellent teachers and deprives teachers of their career, often calling, over politically contrived charges at the expense of taxpayers. Not only is this act unjust and unlawful to teachers and children, but it provides propaganda to turn parents and citizens against teachers, as they assume they are banned from their classrooms for deficiencies at their job when most are excellent, beloved teachers that those leading our schools need purged to cover up their White Chalk Crime. The great majority of these teachers are feared whistleblowers that need to be marginalized and denied a voice FOR THE SAKE OF WHITE CHALK CRIMINALS. NAPTA**

**Attention: Pablo Guzman, CBS News**

From: David Pakter

**Re: Rubber Room Story**

Dear Pablo:

You have our profoundest thanks for taking the time on Friday afternoon to meet with us at the Office of our **Attorney**, Dr. Joy Hochstadt, Esq. to discuss the whole situation of the so called "Rubber Rooms" in NYC.

As Dr. Hochstadt explained with such articulate precision, these abominations are not only, in our opinion, illegal, as charged in the Lawsuit, but indefensible from a moral standpoint.

Indeed, the Rubber Rooms represent an ongoing attempt, on the part of former Washington, DC, Federal Prosecutor, Chancellor Joel Klein, Esq. and his NYC Dept of Education to cleanse the entire NYC Public Schools system of all its older, more highly paid, more Senior, Tenured teachers, Educators who have dedicated their entire lives to the children of NYC.

In addition, it is well established, by clear, irrefutable, empirical proof that the additional purpose of the Rubber Rooms is to stifle and crush dissent among any of the City's 100,000 UFT Teacher Members who may attempt to call attention to wrongdoing of any kind or even outright willful corruption within the 23 billion dollar NYC Dept of Education.

The clear goal of the Rubber Rooms is to bludgeon into silence anyone who would dare to become a Whistle-blower and report acts and behavior

harmful to New York City's more than one million mostly "Inner City", predominantly Minority, at risk, school children.

Those teachers who stand up, speak out, and attempt to exercise even their most basic Constitutional rights, are subject to immediate and withering attacks involving Whistle-blower Retaliation.

I can state this as a fact from first hand experience as per the respectful letter I sent to Chancellor Joel Klein, Esq. on October 2, 2003 and the subsequent, blistering "non response" I received just two weeks later from Klein's former General Counsel, Chad Vignola, Esq.

Ironically, Klein's Senior attorney was himself forced to resign in disgrace, shortly afterwards for the part General Counsel Vignola played in the Deputy Chancellor Diana Lam cover up scandal.

None of this is to say that there are not some people in the Rubber Rooms who deserve to be and should be removed from the classroom. Just as there are individuals in countless work place situations who are ill suited for their chosen profession, whether in the NYC Police Dept, the Fire Dept or a long list of other Public and Private employment situations. No sane person would advance the idea that incompetent or dangerous individuals should be protected or tolerated.

But the vast majority of the more than two thousand dedicated NYC Teachers who have been illegally exiled to and illegally incarcerated on a daily basis in Rubber Rooms, over the past years, as described in the Class Action Lawsuit, are educators who refused to go along to get along.

Especially, when to do so meant that such obsequious behavior would be detrimental to the well being of the more than one million children these teachers have both a Legal as well as a fiduciary responsibility to protect.

The reasons and explanations that specific teachers end up in the Rubber Rooms are as varied as are the hundreds of educators to be interviewed in the numerous Rubber Rooms themselves.

But the hideously grotesque attempt by Chancellor Joel Klein, (who possesses not the least experience to run the largest schools system in America), to foist the knowingly false idea on the public, that all the teachers incarcerated and condemned to these Kafkaesque detention centers deserve to remain and vegetate there, (sometimes for years on end), is both obscene and an insult to the intelligence of all New Yorkers.

Dr. Joy Hochstadt, Esq., Marie-Anne Thomas, Leverett Holmes, and myself, David Pakter, as well as over two thousand other predominately innocent, dedicated New York City Teachers, past and present victims of the Rubber Rooms, thank you and salute you for your courage to investigate and pull back the curtain on one of the most obscene frauds, both illegal and immoral, ever perpetrated upon the good citizens of this great City.

The attached article by DAN MACCUE, which appeared recently, in "*Courthouse News Service*", reporting Dr. Joy Hochstadt, Esq.'s Class Action Lawsuit, intended to shut down the infamous Rubber Rooms immediately and permanently, is attached immediately below.

This *Courthouse News* story certainly constitutes "must" reading as you continue in your investigation to expose something that has not only evolved into a national embarrassment, but due to the recent full page story in the Financial Times of London FT Weekend Magazine, (published worldwide), an International embarrassment as well for all Americans.

Please feel free to contact me at any time and as often as you wish, Pablo, should you wish to obtain additional material and information and/or discuss the continuing and ongoing wrong that these Rubber Rooms represent.

Again, we are all in your debt, Mr. Guzman, as well as indebted to CBS News, as you continue to engage in the important challenge of investigative reporting in the Public Interest.

With my kindest personal regards always,

Sincerely,

David Pakter

Former *Teacher of the Year*

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# Courthouse News Service

**Tuesday, December 01, 2009**

## **Class of Teachers Sues NYC For a Pass Out of Rubber Rooms**

**By DAN MCCUE**

**BROOKLYN (CN) -**

Some 2000 schoolteachers say New York City is discriminating against them by confining them on trumped-up charges in infamous "rubber rooms" until they retire.

Rubber rooms are study hall-like places where teachers are paid full wages to do nothing -- sometime for years.

The class of tenured teachers claims School Chancellor Joel Klein is following Mayor Michael Bloomberg's orders: to abolish the public schools' tenure system by firing tenured teachers or forcing them to quit by making their work life unbearable.

Mayor Bloomberg took administrative control of the city's public schools in 2002. The named plaintiffs - Marie Anne Thomas, Leverett Holmes, Josefina Cruz, Brian Salazar, David Pakter and Paul Santucci - all were brought up on disciplinary charges after Bloomberg took over the schools.

They say Chancellor Klein had no educational experience when he was appointed, and was given the job with a directive to abolish the public school's system of tenure, and to either fire tenured teachers or force them to quit by making their work life unbearable.

Since then, the defendants - the New York City Department of Education, Chancellor Klein, Human Resources Director Philip Crowe and his deputy Judith Rivera - have denied an estimated 2,000 class members due process rights, consigning them to the limbo of the district's overcrowded Teacher Reassignment Centers, aka the rubber rooms, according to the complaint.

Thomas and her fellow plaintiffs say the practice also violates their right to equal protection, their human rights, and their contractual and statutory rights under state law. They seek declaratory and injunctive relief, and compensatory and punitive damages.

In each case, the teachers said, the charges were improperly brought without contractually required checks and balances to determine whether there was probable cause to back the suspicions raised about them.

When confined in rubber rooms, the teachers are subjected to surveillance by guards and security cameras, hostility from administrators, and are denied use of electronic devices, including their telephones and laptop computers.

And because the centers are overcrowded, the teachers say, they are exposed to health and fire dangers.

Few teachers are ever provided with the opportunity to be exonerated of any or all charges, the complaint states.

The teachers say that no teacher outside of New York City is confined in a rubber room while awaiting the disposition of disciplinary charges. They

want the rubber rooms to be closed immediately, and to be returned to their teaching duties. **The teachers are represented by Joy Hochstadt of Manhattan.**