

February 5, 1975

SENATOR FRANK LEWIS: Mr. Chairman, I rise to support the Duis amendment and I do that in good faith that I've advocated on the floor that when you are dealing with public money and public funds, and this is not private money, it's a public interest, I think we are mandated to see that everyone has a fair and just hearing. I don't believe any public employee should be fired without cause. This is not free enterprise. This is a system of public funds. We're dealing with a public entity in the public interest. I realize some of the controversy on this bill. I appreciate the situation that teachers are in but I think I would be losing faith with all of those if I didn't rise to support Senator Duis' motion and I do, enthusiastically.

PRESIDENT: Senator Warner.

SENATOR WARNER: Mr. President, I'd like to support Senator Duis' amendment. References have been made that those of us who serve in this body have to stand and defend what we do. I guess the reference would be to the election process. It seems to me that a hearing for a superintendent is not appreciably different than what I would go through in the process of seeking election, re-election to this body, of defending what I do, of a chance to explain publicly the position that I have taken on different things, and it would seem to me that that's all we are talking about here, is that the superintendent is provided that opportunity to publicly explain or defend his action, if it is in conflict with the board.

PRESIDENT: Senator Burrows.

SENATOR BURROWS: Mr. Chairman, I rise to oppose the amendment. I feel that we've got to divide management and teachers in the school and the superintendents are management and should be excluded from the "just cause" provisions. Thank you.

PRESIDENT: Senator Koch.

SENATOR KOCH: Mr. Speaker, I find it difficult to maintain my poise and sanity after all these arguments because the courts are saying that every individual, I don't care who you are, deserve a public hearing and I think we are just merely disregarding what the courts are telling us. This is the way in which boards can properly evaluate and remove, if they so desire, and it is only right that they should have an obligation to evaluate properly and show cause for dismissal.

PRESIDENT: Senator Bereuter.

SENATOR BEREUTER: Mr. President, I have to speak to the suggestion by Senators Lewis and Senator Koch that everyone deserves a hearing, and I agree with that. That's what Senator Burrows amendment tried to do before. There is a difference between having a hearing and having to prove "just cause" as a part of the hearing process. That's what we are talking about here. Yes, the Board of Education, probably, has a responsibility to tell the superintendent or principal why his contract or why his employment is being terminated but it is quite a different matter to have to explain and prove "just cause" for incompetence or immorality or one of the other listed things. Therefore, I would ask that you not confuse the matter of having a hearing and a matter of having a hearing to prove "just cause".