

Cadet Rights

1. On February 1, 1994, a 3020a hearing panel determined that Andre Cadet, a tenured teacher, was guilty of misconduct with regard to his romantic relationship with a female student. The panel dismissed the charge of insubordination related to Cadet's refusal to answer questions before the Special Commissioner of Investigations (SCI).
2. On April 1, 1996, the Appeal of the Board of Education of the City School District of the City of New York against Andre Cadet was held.
3. While the Commissioner of Education upheld the appeal in part, the Commissioner agreed with the conclusion of the hearing panel chair that the authority cited by the New York City School District regarding Cadet's obligation to testify before the SCI was in conflict with Education Law 3020-a, since that statute is the sole method by which tenured teachers can be disciplined in New York State.
4. As a result of this decision, a teacher need not answer questions in any pre-hearing investigation, which precedes a 3020-a proceeding.
5. If a tenured teacher is asked questions in an investigation that the teacher believes could lead to disciplinary action, the teacher has the right to assert Cadet. By doing so, the teacher cannot be held insubordinate when refusing to answer such questions.