



October 13, 2026

Via Certified Return Receipt & Regular Mail

Erin Lynch-Reyes
Community Superintendent, District 21
New York City Department of Education
25 Brighton 4th Road
Brooklyn, New York 11235

**Re: George Kevin Trim — Formal
Response and Objection to Proposed
Discontinuance of Probationary Service
and Termination of Teaching License
DOE File No. [REDACTED] | OEO Case No. [REDACTED]**

**Proposed Effective Date: October 30,
2026**

Dear Superintendent Lynch-Reyes:

Our office represents George Kevin Trim in connection with your September 30, 2026 notice proposing the discontinuance of his probationary employment and termination of his teaching license effective October 30, 2026. We submit this formal objection and demand withdrawal of both proposed actions.

The Department's attempt to terminate Mr. Trim, a Black male educator with a documented record of effective professional performance, arises from an Office of Equal Opportunity ("OEO") investigation that raises substantial questions concerning evidentiary sufficiency, investigative impartiality, procedural compliance, discriminatory treatment, and the lawful exercise of disciplinary authority.

The OEO findings encompass three distinct allegations: discriminatory harassment under Chancellor's Regulation A-830, unprofessional conduct, and violation of the NYCPS Social Media Guidelines for Staff arising from photographs of students allegedly posted to Mr. Trim's personal social-media account. Each finding requires independent examination of the underlying evidence, applicable policies, and circumstances surrounding the alleged conduct. Their collective characterization as substantiated does not eliminate the Department's obligation to establish a lawful basis for the proposed employment consequences.

The principal controversy concerns Mr. Trim's independently produced YouTube programming addressing political, historical, and governmental affairs. The Department seeks to

impose severe employment consequences arising from expression undertaken outside his assigned teaching responsibilities, notwithstanding substantial questions concerning the First Amendment protections governing public-employee speech.

The OEO investigation did not establish that Mr. Trim disseminated the disputed programming to students, incorporated it into classroom instruction, or directed discriminatory conduct toward students or employees through that programming. Nevertheless, the investigator concluded that his expression constituted discriminatory harassment and created or foreseeably threatened adverse educational consequences without adequately establishing the factual connection necessary to support those determinations.

The investigation also relied upon an unidentified complainant whose claimed relationship to the school was not independently established in the report, disputed interpretations of selected recordings, allegations concerning material the investigator could not fully examine, and approximately 489 public complaints whose independent evidentiary significance was not adequately assessed.

Separate concerns arise from the reported exclusion of Mr. Trim's selected union representative during his investigative interview and the Department's treatment of allegations concerning student photographs without a sufficiently individualized examination of the applicable social-media requirements, authorization, and surrounding circumstances.

The subsequent employment decisions warrant equally serious scrutiny. Despite favorable administrative commendations and an overall Effective professional evaluation issued in September 2026, Mr. Trim's anticipated tenure consideration was reportedly interrupted, information concerning his potential termination circulated before formal notification, and remote disciplinary matters dating back to 2014 through 2017 were introduced into the materials surrounding the proposed discontinuance.

These circumstances raise substantial questions concerning whether the Department's investigative and disciplinary decisions resulted from an impartial assessment of established misconduct or were influenced by public controversy, predetermined disciplinary expectations, bad faith, or discriminatory treatment.

Mr. Trim expressly challenges whether his race or sex influenced the investigative scrutiny, evidentiary standards, procedural protections, disciplinary escalation, or employment decisions directed toward him. Those objections arise independently under the New York State Human Rights Law ("NYSHRL"), Executive Law § 296(1)(a), and the New York City Human Rights Law ("NYCHRL"), Administrative Code § 8-107(1)(a).

Moreover, the Department's proposed termination of Mr. Trim's teaching license presents a separate legal objection under Chancellor's Regulation C-205, § 25, which distinguishes ordinary probationary discontinuance from termination of a pedagogical license.

The Department cannot insulate these actions from constitutional, statutory, and regulatory scrutiny merely by invoking Mr. Trim's purported probationary status or relying upon the OEO's characterization of its findings as substantiated.

For the reasons detailed below, Mr. Trim demands withdrawal of the proposed discontinuance and license termination. Alternatively, he demands an independent examination of all three OEO findings, the procedural irregularities affecting the investigation, the circumstances surrounding his tenure consideration, and the Department's justification for imposing career-ending employment consequences despite his contemporaneous record of effective professional performance.

I. Probationary Employment Does Not Authorize Termination for an Unconstitutional Purpose, Unlawful Discrimination, or Bad Faith

The Department's characterization of Mr. Trim as a probationary employee does not insulate the proposed discontinuance from constitutional and statutory scrutiny.

Although New York law affords public employers broad discretion to discontinue probationary employment, that authority does not extend to decisions made for constitutionally impermissible purposes, in violation of statutory protections, or in bad faith. *Matter of Frasier v. Board of Education of the City School District of the City of New York*, 71 N.Y.2d 763, 765 (1988); *Matter of Swinton v. Safir*, 93 N.Y.2d 758, 762–63 (1999).

Accordingly, the Department cannot invoke Mr. Trim's purported probationary status to justify termination based upon constitutionally protected expression, racial or sex-based discrimination, or an investigative and disciplinary process undertaken in bad faith.

Those limitations are particularly consequential here, where the Department seeks to discontinue a Black male educator whose contemporaneous evaluations document effective professional performance, based upon an investigation involving substantial evidentiary deficiencies, procedural irregularities, and questions concerning the neutrality of the disciplinary process.

A separate issue concerns whether the Department has correctly classified Mr. Trim as probationary.

Mr. Trim previously acquired tenure during an earlier period of DOE employment before retiring and subsequently returning to service. Although his current advancement record identifies October 29, 2026 as the completion of his probationary period, that designation does not independently resolve the legal effect of his prior tenure, separation, and reappointment.

The Department must establish the statutory and factual basis for its current classification, including the applicable tenure area, the circumstances of his prior separation, and whether any tenure rights were preserved or restored upon reappointment.

Mr. Trim expressly disputes any assumption that his earlier tenure is legally irrelevant and reserves his objection to the Department's characterization of his employment status.

In either event, probationary status provides no defense to employment action prohibited by the First Amendment, the New York State Human Rights Law ("NYSHRL"), Executive Law § 296(1)(a), or the New York City Human Rights Law ("NYCHRL"), Administrative Code § 8-107(1)(a).

The superintendent must therefore evaluate the proposed discontinuance under those independent constitutional and statutory limitations rather than treating the Department's designation of Mr. Trim as probationary as dispositive.

II. The DOE Cannot Convert Mr. Trim's Protected Private-Citizen Expression into Workplace Misconduct Merely Because Third Parties Sought Out and Objected to His YouTube Programming

Mr. Trim's independently produced YouTube programming addresses matters of public concern, including American and global history, contemporary political developments, governmental conduct, and international affairs. His commentary was undertaken in his personal capacity, outside his assigned teaching responsibilities, and was neither sponsored nor directed by the Department of Education.

The First Amendment protects public employees who speak as private citizens on matters of public concern, subject to the constitutional framework governing the government's legitimate interests as an employer. *Pickering v. Board of Education*, 391 U.S. 563, 568 (1968); *Garcetti v. Ceballos*, 547 U.S. 410, 417–22 (2006).

The OEO investigation failed to establish that Mr. Trim disseminated the disputed programming to students, incorporated it into classroom instruction, directed students to view his channel, or otherwise used his official teaching position to promote his personal political and historical commentary.

That finding materially undermines the Department's attempt to characterize his independent expression as misconduct occurring within the educational environment.

The fact that a YouTube channel may be located through an affirmative internet search does not establish that its content was disseminated to students, introduced into classroom instruction, or communicated to members of the school community by the employee. Nor does the independent decision of third parties to locate, examine, criticize, or publicize that expression establish that Mr. Trim used his employment position to distribute it.

Public accessibility is not, by itself, a regulatory violation, evidence of discriminatory harassment, or proof of educational disruption. The Department must establish a legally sufficient connection between the particular expression and the employment-related consequences upon which it relies.

In *Festa v. Westchester Medical Center Health Network*, 380 F. Supp. 3d 308 (S.D.N.Y. 2019), the district court declined to dismiss a First Amendment claim arising from a public employee's termination following an off-duty Facebook statement characterized as antisemitic. The decision illustrates that an employer's characterization of personal expression as objectionable or discriminatory does not dispense with the constitutional analysis governing disciplinary action against public employees.

Here, the OEO relied upon interpretations of Mr. Trim's political and historical commentary and objections generated after third parties accessed and publicized his programming. Yet the investigation did not establish that he incorporated the disputed expression into his official duties or subjected students to discriminatory treatment through that programming.

The Department cannot substitute the controversy surrounding Mr. Trim's expression for evidence establishing that his conduct violated Chancellor's Regulation A-830. Nor can it transform criticism generated by persons who independently sought out his commentary into proof of misconduct attributable to his performance as an educator.

The constitutional distinction is fundamental: Mr. Trim's employment by the DOE does not place his independently produced commentary under unrestricted governmental control merely because individuals who disagree with its content bring it to the Department's attention.

The proposed discontinuance must therefore be evaluated according to what Mr. Trim actually expressed, the circumstances in which he expressed it, and the Department's demonstrated employment-related justification for imposing discipline—not simply the existence of public objections to his viewpoints.

III. The DOE Has Not Established a Reasonable Factual Basis for Concluding That Mr. Trim's Protected Expression Disrupted or Threatened Its Educational Operations

The Department cannot justify disciplinary action against Mr. Trim merely by invoking its general responsibility to prevent discrimination, maintain public confidence, or preserve an effective educational environment. Under *Pickering v. Board of Education*, 391 U.S. 563, 568 (1968), the Department must demonstrate that its legitimate operational interests outweigh Mr. Trim's First Amendment interests in speaking as a private citizen on matters of public concern.

In *Jeffries v. Harleston*, 52 F.3d 9, 13 (2d Cir. 1995), the Second Circuit recognized that a public employer may act upon a reasonable prediction of disruption without waiting for actual interference to occur. However, the employer must make a substantial showing of likely interference, sufficient to outweigh the constitutional value of the expression. An unsupported prediction does not satisfy that standard.

Likewise, in *Melzer v. Board of Education of the City School District of the City of New York*, 336 F.3d 185 (2d Cir. 2003), the Second Circuit upheld a teacher's termination following extensive evidence concerning the consequences of his outside associations for students, parents,

and school operations. The record included substantial evidence of actual disruption, reasonably anticipated interference, and circumstances directly affecting the teacher's responsibilities and the school's educational mission.

That evidentiary foundation distinguishes *Melzer* from the present matter.

The OEO investigation did not establish that Mr. Trim disseminated his independently produced programming to students, incorporated the disputed expression into instruction, or directed discriminatory statements toward students or employees in the performance of his teaching responsibilities.

Nor did the investigation identify a particular instructional disruption, impairment of Mr. Trim's ability to perform his assigned duties, or documented deterioration of the educational environment attributable to his conduct.

Instead, the investigator relied upon interpretations of his personal commentary, complaints originating outside the established classroom record, and the asserted possibility that the programming could create an offensive or hostile educational environment.

The Department's reliance upon approximately 489 emails concerning the controversy does not cure that deficiency. The report fails to establish how many communications originated with actual members of the school community, how many reflected independent firsthand knowledge, or how many merely repeated allegations circulated through public reporting.

The distinction between community concern and constitutionally sufficient evidence of operational disruption is material. Although complaints from parents and students may be relevant to the *Pickering* analysis, their existence does not eliminate the Department's obligation to evaluate their factual basis, relationship to school operations, and significance to its predicted interference.

Here, Principal Maria Bender reported that she was unaware of students or staff following, subscribing to, or viewing Mr. Trim's programming during school or extracurricular activities. The investigation likewise failed to establish that he incorporated the disputed content into his assigned instructional activities.

The Department therefore cannot establish a sufficient operational justification merely by asserting that the programming was publicly accessible or that individuals who located the material objected to its content.

The proper inquiry concerns the actual expression, the educational responsibilities entrusted to Mr. Trim, the facts reasonably available to the Department, and the likelihood and seriousness of the particular interference it anticipated.

The record is especially deficient because Mr. Trim's contemporaneous professional evaluations continued to document Effective instructional performance, respectful classroom interactions, and favorable administrative assessments. Those records must be considered when

evaluating whether the Department possessed a reasonable basis to conclude that his independent commentary impaired his effectiveness as an educator.

In *Festa v. Westchester Medical Center Health Network*, 380 F. Supp. 3d 308 (S.D.N.Y. 2019), the district court denied a motion to dismiss a First Amendment claim arising from a public employee's termination following an off-duty Facebook comment characterized as antisemitic. The decision confirms that an employer's characterization of expression as discriminatory does not dispense with the constitutional inquiry governing discipline for private-citizen speech.

The Department must therefore establish more than the existence of controversial expression and objections to its perceived meaning. It must identify a reasonable and adequately supported connection between Mr. Trim's conduct and interference with its legitimate educational operations sufficient to outweigh his First Amendment interests.

The OEO report does not provide that necessary showing.

The Department's legitimate responsibility to prevent discriminatory harassment does not authorize it to substitute public controversy, unverified allegations, or generalized predictions of educational harm for the individualized constitutional assessment required before imposing discipline upon a public employee for protected expression.

Accordingly, the proposed discontinuance cannot be justified upon the existing record without a sufficient showing that the Department's operational interests outweigh Mr. Trim's constitutional rights.

IV. The OEO Investigation Was Fundamentally Deficient, Relied Upon Unsupported Inferences, and Failed to Comply With Essential Investigative Safeguards

The September 10, 2026 OEO report is fundamentally compromised by deficiencies that extend beyond disagreement with Investigator Cristina Santos's interpretation of Mr. Trim's independently produced YouTube programming.

The investigation relied upon an unverified initiating complainant, treated disputed interpretations as evidence of discriminatory conduct, failed to adequately distinguish recordings actually examined from allegations concerning inaccessible material, and attributed adverse educational consequences to expression that the Department did not establish was disseminated to students or incorporated into classroom instruction.

These deficiencies directly affect the reliability of the findings under Chancellor's Regulation A-830. They also raise serious questions concerning whether Mr. Trim, a Black male educator, received the impartial investigative treatment and procedural protections required under Department rules and applicable anti-discrimination laws.

A. The Investigation Originated with an Unverified Parent Whose Relationship to the School Was Never Established

The OEO investigation originated with allegations communicated by an unidentified individual designated Parent A through another individual identified as Employee A.

According to the investigative report, Employee A did not personally know Parent A, had no established relationship with that individual, and did not maintain subsequent communications after the initial exchange. Parent A claimed to be the parent of a student attending Intermediate School 281 but declined to identify either themselves or the purported student.

The report does not establish that Santos independently verified Parent A's identity, parental status, or relationship to the school.

That omission is significant because the Department subsequently relied upon concerns that Mr. Trim's independent commentary adversely affected the educational environment.

An anonymous complaint may legitimately initiate an investigation. However, the investigator must distinguish an allegation from evidence independently establishing the misconduct alleged.

Here, the report does not establish that Parent A was an actual parent of an enrolled student, that the purported student viewed Mr. Trim's programming, or that either individual possessed firsthand knowledge of discriminatory conduct occurring within the school.

The distinction between an unidentified member of the public objecting to political commentary and an actual parent reporting discrimination experienced by an enrolled student is material to the evidentiary assessment.

The OEO failed to establish which circumstances existed.

Consequently, the investigator permitted an unverified assertion of parental status to support the appearance of a school-related complaint without establishing the underlying relationship or any resulting educational consequence.

The superintendent must not accept the evidentiary significance attributed to Parent A without first determining what steps were undertaken to verify the claimed relationship to the school and the factual basis of the allegations.

B. The Investigator Substituted Complainant Interpretations for an Adequate Examination of the Statements Actually Made

The OEO report repeatedly relies upon Employee A's interpretations of Mr. Trim's programming as evidence of its purported discriminatory meaning.

Employee A characterized discussions involving September 11, Larry Silverstein, Israel, Zionism, and Jewish identity as promoting antisemitic stereotypes or conspiracy theories concerning Jewish people.

However, the report acknowledges that Employee A did not necessarily view every recording in its entirety.

The investigator therefore had an obligation to distinguish the statements actually made, the portions reviewed by witnesses, the witnesses' interpretations, and the conclusions independently supported by the recordings.

The report fails to consistently maintain those distinctions.

A complainant's interpretation of controversial expression is evidence of that individual's understanding. It does not independently establish the complete content, context, or meaning of the expression.

That distinction is especially important because Mr. Trim disputed the meanings attributed to his statements and consistently maintained that his programming concerned historical and political subjects rather than advocacy of discriminatory treatment.

The investigator was required to examine those explanations against the complete evidence rather than merely record his denials and adopt the complainant's contrary interpretation.

The report does not adequately explain how Santos distinguished criticism of particular individuals, governments, or political movements from expression directed against Jewish individuals because of their religion or ethnicity.

Nor does it adequately identify the specific statements and surrounding circumstances establishing the regulatory violations attributed to Mr. Trim.

The Department cannot sustain findings of discriminatory harassment merely by accepting a complainant's characterization without a sufficiently independent assessment of the underlying evidence.

C. The Investigator Failed to Distinguish Recordings Actually Examined From Allegations Concerning Material She Could Not Review

The report identifies several recordings and excerpts reviewed by Santos, including material examined during Mr. Trim's August 13, 2026 interview.

However, the investigator also acknowledged that certain recordings referenced in connection with allegations concerning Larry Silverstein and September 11 could not be accessed or independently examined.

That evidentiary limitation required a corresponding limitation upon the findings.

An investigator cannot reliably determine the complete content or meaning of an unexamined recording solely through another person's description.

Nor may allegations involving inaccessible recordings acquire independent evidentiary value merely because they resemble subjects discussed in material the investigator did examine.

Nevertheless, the report incorporates descriptions of unavailable content into the broader investigative narrative without adequately identifying the weight assigned to those allegations.

The resulting ambiguity concerns the evidence supporting the ultimate findings, not merely the completeness of the investigative file.

The Department must distinguish each recording actually reviewed from recordings described by witnesses but not examined by the investigator.

It must also identify whether recordings were reviewed in their entirety or through selected excerpts and which material findings depended upon secondhand descriptions.

Absent that accounting, the superintendent cannot determine whether the substantiated findings are supported by independently examined evidence or allegations whose accuracy and context remain unresolved.

D. Principal Bender's Statements Directly Undermine the Asserted Connection Between Mr. Trim's Programming and the Educational Environment

The investigator's own interviews produced evidence materially limiting the asserted relationship between Mr. Trim's YouTube programming and the school environment.

Principal Maria Bender reported that she was unaware of students or staff who followed, subscribed to, or viewed Mr. Trim's channel during school or extracurricular activities.

She was likewise unaware of the disputed programming being incorporated into classroom instruction, assignments, or lessons.

The report also reflects that the school had not received comparable complaints concerning the programming before the controversy emerged.

These findings are consequential.

The OEO did not establish that Mr. Trim directed students to his channel, distributed the recordings through his official position, or incorporated the disputed commentary into his assigned teaching responsibilities.

Instead, the investigator proceeded from the theoretical accessibility of the programming to the conclusion that it created or foreseeably contributed to an offensive educational environment.

That inference required a factual explanation that the report does not adequately provide.

Public accessibility does not establish school-based dissemination. Nor does the decision of third parties to locate, criticize, or publicize an employee's personal expression establish that the employee introduced that expression into the educational environment.

The Department must identify the actual connection between Mr. Trim's conduct and the particular regulatory consequences attributed to him.

The OEO's own findings materially undermine its asserted connection.

E. The Investigator Invoked Approximately 489 Emails Without Establishing Their Independence or Evidentiary Significance

The OEO report states that the Department received approximately 489 emails concerning Mr. Trim's social-media activity.

That figure is presented without an adequate examination of what the communications independently establish.

The report does not identify how many originated from actual students, parents of enrolled students, school employees, or individuals possessing firsthand knowledge of the alleged misconduct.

Nor does it establish how many were generated in response to public reporting, repeated the same allegations, or reflected coordinated objections to the controversy.

Four hundred eighty-nine communications expressing disapproval do not constitute 489 independently corroborated incidents of discrimination.

The distinction between firsthand evidence of misconduct and public opposition to controversial expression is fundamental.

The investigator was required to determine whether the communications supplied independent corroboration, evidence of actual or reasonably anticipated educational disruption, or merely evidence that Mr. Trim's programming had generated public controversy.

The report fails to adequately explain how that distinction was addressed.

The number of complaints cannot substitute for proof of the particular violation alleged.

Nor may public pressure become the measure of whether an employee's expression constitutes actionable misconduct.

Without identifying the sources, independence, factual content, and evidentiary significance of these communications, the Department cannot properly rely upon their volume as support for the substantiated findings or proposed termination.

F. The Investigator Failed to Establish the Factual Basis for the Educational Harm or Reasonably Foreseeable Disruption Attributed to Mr. Trim

The report concluded that Mr. Trim's programming created a hostile educational environment and could foreseeably interfere with the educational process.

However, it did not establish that Mr. Trim directed discriminatory statements toward students through his official responsibilities, disseminated the disputed recordings to students, or incorporated the content into classroom instruction.

Nor did it identify a student whose educational participation was impaired, a specific discriminatory classroom incident arising from the programming, or a documented instructional disruption caused by Mr. Trim's conduct.

Chancellor's Regulation A-830 encompasses certain reasonably foreseeable adverse consequences and does not invariably require proof of completed harm.

Nevertheless, a finding based upon anticipated consequences must be supported by facts establishing why those consequences would reasonably result from the conduct investigated.

The report does not adequately identify those facts.

Instead, its reasoning moves from controversial personal expression to adverse interpretations, from those interpretations to public objections, and from the resulting controversy to a finding of discriminatory harassment affecting the educational environment.

Those propositions are not interchangeable.

The existence of controversial expression does not automatically establish discriminatory harassment. A complainant's interpretation does not independently establish the meaning of the expression. Public objection does not itself establish educational disruption.

The investigator was required to identify the conduct satisfying Regulation A-830 and the evidentiary basis for concluding that it caused, or would reasonably be expected to cause, the consequences specified by the regulation.

The report fails to establish that necessary connection with sufficient particularity.

G. The Investigator Failed to Meaningfully Reconcile Contrary Evidence and Mr. Trim's Documented Professional Conduct

The report acknowledges that Mr. Trim disputed the allegations and explained that his programming involved historical and political commentary rather than hostility toward Jewish individuals.

It also contains information favorable to his professional conduct.

Principal Bender described Mr. Trim as collaborative, enthusiastic, and involved in school activities. Assistant Principal Kevin Adelson identified his social-studies responsibilities and participation in student debate activities.

Those observations are consistent with the Department's contemporaneous professional evaluations, which documented effective instruction, respectful classroom interactions, and favorable administrative assessments.

The investigator was not required to accept Mr. Trim's explanations merely because he denied discriminatory intent. However, she was required to consider the evidence in its entirety and explain the factual basis for rejecting material contrary evidence.

The report does not adequately reconcile its conclusions concerning a hostile educational environment with the absence of established classroom dissemination and the favorable evidence concerning Mr. Trim's actual professional service.

An investigation cannot be considered comprehensive merely because it records contrary evidence. It must meaningfully evaluate that evidence before reaching adverse findings.

The report fails to demonstrate that the necessary evaluation occurred.

H. The Exclusion of Mr. Trim's Selected Union Representative Raises a Direct Question Concerning Compliance with Chancellor's Regulation A-830

The circumstances surrounding Mr. Trim's August 13, 2026 investigative interview present an independent procedural objection.

Chancellor's Regulation A-830, Section III.D.3(d), recognizes an employee's right to choose a union representative or nonattorney representative to attend an investigative interview, provided that the selected representative has not been identified as a party or witness.

Mr. Trim reports that he selected UFT representative Mrs. Miller, confirmed her availability, and expected her participation.

According to his account, Mrs. Miller joined the scheduled Zoom interview but was removed by Investigator Santos because another union representative had already been arranged.

If those circumstances occurred as described, the investigator displaced the representative selected by the employee without identifying any applicable regulatory basis for doing so.

The presence of another union representative does not automatically establish compliance with a provision expressly recognizing the employee's right of selection.

The Department has not identified any disqualifying circumstance concerning Mrs. Miller, any agreement by Mr. Trim to substitute another representative, or any authority permitting Santos to override his selection.

This apparent departure from an express procedural safeguard directly concerns the integrity of an interview upon which the substantiated findings relied.

The Department must identify who selected the substitute representative, who authorized Mrs. Miller's exclusion, and what regulatory provision justified that decision.

Absent such an explanation, the interview presents an unresolved question concerning compliance with the Department's own investigative procedures.

I. The Separate Finding Concerning Student Photographs Does Not Independently Establish Grounds for Discontinuance Without Examination of the Applicable Social Media Guidelines and Underlying Facts

The OEO findings also concern Mr. Trim's alleged violation of the NYCPS Social Media Guidelines for Staff through the posting of student photographs on a personal social-media account.

That allegation must be evaluated independently of the Department's objections to his political and historical commentary.

The Department must identify the specific provision allegedly violated, the photographs at issue, the circumstances under which they were taken and published, and whether the posting was authorized or otherwise consistent with applicable Department procedures governing student images.

The record must also establish whether the students were identifiable, whether applicable parental or student permissions existed, whether any restricted information was disclosed, and whether Mr. Trim previously received instructions or warnings concerning the particular posting practice.

The mere existence of photographs depicting students does not, without examination of the applicable policy and relevant circumstances, establish the precise violation charged or justify the particular disciplinary consequence proposed.

Nor should the Department combine an independently alleged social-media infraction with disputed findings concerning political expression to create an exaggerated assessment of Mr. Trim's overall conduct.

The superintendent must distinguish the factual and regulatory basis of each finding and determine whether the student-photograph allegation, considered independently and in context, provides a lawful and proportionate basis for the proposed discontinuance.

Mr. Trim expressly objects to any reliance upon this separate finding without such an individualized examination and an opportunity to address the particular photographs and policy provisions involved.

J. The Cumulative Deficiencies Raise Serious Questions Concerning Investigative Neutrality and Racially Disparate Treatment

The deficiencies identified above cannot be dismissed as isolated disagreements concerning investigative judgment.

They concern the origin and verification of allegations, the distinction between primary evidence and witness interpretation, the completeness of the recordings examined, the treatment of contrary evidence, the assessment of anticipated educational consequences, and compliance with express procedural safeguards.

Mr. Trim is a Black male educator who challenges whether those investigative standards were applied to him without racial or sex-based discrimination.

The Department's responsibility to investigate allegations of discrimination does not exempt its investigators from the New York State Human Rights Law, Executive Law § 296(1)(a), or the New York City Human Rights Law, Administrative Code § 8-107(1)(a).

The investigative deficiencies, considered together with the subsequent disciplinary escalation, provide a substantial basis for questioning whether Mr. Trim received the same scrutiny, procedural protections, and consideration of contrary evidence that would have been afforded employees outside his protected groups.

Those statutory objections are addressed separately in Section V.

The superintendent cannot resolve these concerns merely by accepting the OEO's designation of the allegations as substantiated. The investigative methodology through which those findings were produced is itself materially challenged.

Accordingly, Mr. Trim objects to the OEO findings as an adequate basis for the proposed discontinuance and demands that the Department withdraw the contemplated employment action.

At minimum, the superintendent must direct an independent examination of the investigative record, including the evidence actually reviewed, the reliability and independence of the complaints, the factual basis for the alleged educational consequences, and the circumstances surrounding the exclusion of Mr. Trim's selected representative.

The Department must not terminate Mr. Trim's employment upon an investigative record containing these substantial and unresolved evidentiary and procedural deficiencies.

V. The Investigation and Proposed Discontinuance Raise Substantial Concerns of Race and Sex Discrimination Under the NYSHRL and NYCHRL

The Department's treatment of Mr. Trim must be examined not only for compliance with Chancellor's Regulation A-830 and the First Amendment, but also under the independent statutory prohibitions against discriminatory employment practices.

Mr. Trim is a Black male educator whose continued employment and anticipated tenure consideration were placed in jeopardy following an investigation marked by substantial evidentiary deficiencies, procedural irregularities, and escalating disciplinary consequences.

The cumulative circumstances raise serious questions concerning whether race or sex influenced the Department's investigative scrutiny, assessment of credibility, application of procedural safeguards, and subsequent employment decisions.

Those concerns arise under the New York State Human Rights Law ("NYSHRL"), Executive Law § 296(1)(a), and the New York City Human Rights Law ("NYCHRL"), Administrative Code § 8-107(1)(a), respectively.

A. Discriminatory Investigation, Disciplinary Treatment, and Employment Decisions Under the NYSHRL

The New York State Human Rights Law ("NYSHRL"), Executive Law § 296(1)(a), prohibits an employer from discriminating against an employee because of race, color, or sex in the terms, conditions, or privileges of employment. That prohibition encompasses discriminatory treatment occurring through investigations, disciplinary proceedings, tenure decisions, and termination.

The Legislature's 2019 amendments materially expanded the statute's remedial construction. Executive Law § 300 now expressly requires that the NYSHRL be construed liberally to accomplish its remedial purposes, regardless of whether comparable federal civil-rights provisions have been similarly construed.

In *Wright v. White Plains Hospital Medical Center*, 237 A.D.3d 1143, 1145–46 (2d Dep't 2025), the Second Department recognized that, following the 2019 amendments, the NYSHRL aligns with the standards of the New York City Human Rights Law, including its mixed-motive framework for evaluating discriminatory employment decisions.

Under that framework, the existence of an asserted legitimate employment justification does not independently resolve whether unlawful discrimination influenced the challenged decision. The relevant inquiry includes whether a protected characteristic played a role in the employer's treatment of the employee.

The Court of Appeals likewise emphasized the Legislature's remedial construction of the NYSHRL and the NYCHRL in *Syeed v. Bloomberg L.P.*, 41 N.Y.3d 446, 451 (2024).

These authorities are consequential because the Department cannot defeat Mr. Trim's discrimination objections merely by asserting that its investigation concerned allegations of antisemitism, unprofessional conduct, or violations of social-media guidelines.

The Department undoubtedly possesses authority to investigate alleged discriminatory conduct and enforce legitimate professional standards. That authority, however, must be exercised without allowing race or sex to influence investigative scrutiny, evidentiary assessments, procedural protections, or disciplinary consequences.

Mr. Trim expressly challenges whether those standards were administered impartially.

The OEO accepted allegations originating with an unidentified individual whose claimed parental relationship to the school was not independently established in the investigative report. It relied substantially upon disputed interpretations of Mr. Trim's independently produced political and historical commentary, failed to adequately reconcile contrary evidence, and attributed adverse educational consequences to expression that the investigation did not establish was disseminated by him to students or incorporated into classroom instruction.

The investigator also referenced approximately 489 emails without adequately identifying their independence, firsthand knowledge, or evidentiary significance.

Mr. Trim further reports that Investigator Cristina Santos excluded his selected union representative from the August 13, 2026 interview, notwithstanding the representative-selection provision contained in Chancellor's Regulation A-830.

These circumstances raise questions concerning the investigative standards applied to Mr. Trim, including the verification of allegations, treatment of competing evidence, assessment of credibility, and observance of procedural safeguards.

The Department's subsequent employment decisions heighten those concerns.

Before the controversy concerning his YouTube programming, Mr. Trim's professional record reflected favorable administrative commendations, Effective instructional evaluations, and discussions concerning anticipated tenure consideration.

Following the investigation, his tenure consideration was reportedly deferred, historical disciplinary matters dating back to 2014 through 2017 were introduced into the proposed discontinuance process, and the Department proceeded toward terminating his employment.

Yet, on September 11, 2026, the Department assigned Mr. Trim an overall Effective Annual Professional Performance Review rating.

The contrast is material. The Department continued to document satisfactory instructional performance while pursuing a disciplinary outcome that would end his employment.

The separate OEO findings concerning unprofessional conduct and student photographs must also be evaluated according to their particular factual circumstances, applicable policies, and the treatment of comparable conduct by other employees. Their existence does not eliminate the Department's obligation to administer its disciplinary standards without discriminatory considerations.

Moreover, Mr. Trim reports that information concerning his anticipated termination circulated before the superintendent issued formal notice and that Principal Maria Bender subsequently advised him to expect severe consequences.

The cumulative circumstances warrant examination of whether the investigative and disciplinary process was conducted independently or whether its asserted regulatory justifications concealed, or operated alongside, impermissible considerations.

Under *Wright*, the Department cannot rely exclusively upon the existence of facially legitimate reasons for its actions if race or sex also influenced the employment decision.

Mr. Trim therefore challenges whether similarly situated employees outside his protected racial or sex classifications, facing comparable allegations concerning independent social-media expression, student photographs, or professional conduct, received more favorable investigative treatment, procedural protections, consideration of contrary evidence, or disciplinary consequences.

The Department possesses the relevant investigative and personnel records necessary to evaluate whether comparable employees were subjected to equivalent standards.

The investigative deficiencies identified here do not depend upon treating every procedural irregularity as conclusive evidence of discrimination. Rather, their cumulative significance, considered alongside the interruption of tenure consideration, reliance upon unrelated disciplinary history, and escalation toward termination, warrants examination of whether race or sex unlawfully influenced Mr. Trim's treatment.

Accordingly, Mr. Trim objects to the proposed discontinuance under Executive Law § 296(1)(a) and demands independent examination of whether the Department's investigative and employment decisions were influenced, in whole or in part, by impermissible discriminatory considerations.

B. Independent Protection Against Discriminatory Employment Treatment Under the NYCHRL

The New York City Human Rights Law (“NYCHRL”), Administrative Code § 8-107(1)(a), independently prohibits discrimination in employment because of race, color, or gender. Administrative Code § 8-130 expressly requires liberal construction of the statute to accomplish its remedial purposes, independently of the construction afforded comparable federal and state protections.

In *Williams v. New York City Housing Authority*, 61 A.D.3d 62, 78–80 (1st Dep’t 2009), the First Department recognized that the NYCHRL protects employees against being treated less well because of a protected characteristic, subject to the statute’s applicable limitations.

In *Bennett v. Health Management Systems, Inc.*, 92 A.D.3d 29, 40–45 (1st Dep’t 2011), the Court explained that discriminatory employment decisions may be challenged through different evidentiary routes, including proof that unlawful discrimination contributed to an action for which the employer also advances legitimate reasons.

Similarly, *Melman v. Montefiore Medical Center*, 98 A.D.3d 107, 126–28 (1st Dep’t 2012), recognized the NYCHRL’s mixed-motive framework, under which discrimination need not constitute the exclusive reason for an adverse employment decision.

More recently, in *Syeed v. Bloomberg L.P.*, 41 N.Y.3d 446, 451 (2024), the Court of Appeals reaffirmed the liberal and remedial construction governing the NYCHRL and NYSHRL.

These authorities require an independent examination of whether Mr. Trim was subjected to less favorable employment treatment because of his race or gender, even where the Department identifies additional reasons for its conduct.

The relevant inquiry extends beyond whether the superintendent ultimately approves the proposed discontinuance.

It includes the investigative scrutiny directed toward Mr. Trim, the acceptance and verification of allegations, the investigator’s assessment of disputed expression, treatment of contrary evidence, administration of procedural safeguards, and disciplinary recommendations arising from the OEO findings.

It also encompasses the Department’s subsequent reliance upon remote disciplinary matters, the interruption of anticipated tenure consideration, the treatment of the separate student-photograph allegations, and the decision to pursue termination despite contemporaneous Effective professional evaluations.

The Department cannot insulate these decisions from the NYCHRL merely by asserting that the OEO investigation involved allegations of antisemitism or that its disciplinary procedures were facially neutral.

The legitimacy of an institutional objective does not independently establish that the investigative and disciplinary methods employed to advance that objective were free from discriminatory considerations.

As *Bennett* and *Melman* recognize, a legitimate explanation for an employment decision does not necessarily foreclose liability where unlawful discrimination also contributed to the employee's treatment.

That distinction is particularly relevant here.

The Department's contemporaneous evaluations continued to document Mr. Trim's Effective instructional performance while its investigative and disciplinary processes escalated toward termination.

The investigation also involved substantial questions concerning the verification of allegations, evaluation of disputed evidence, and treatment of Mr. Trim's selected union representation.

Considered alongside the reported interruption of tenure consideration and the introduction of unrelated historical disciplinary records, these circumstances warrant examination of whether the Department subjected Mr. Trim to materially less favorable treatment because he is a Black male educator.

That examination should include the Department's treatment of comparable employees outside his protected groups, particularly those investigated for disputed social-media activity, alleged violations of professional conduct requirements, or student-photograph postings.

The NYCHRL requires scrutiny of the actual employment treatment afforded Mr. Trim, not merely acceptance of the Department's characterization of its regulatory objectives.

Mr. Trim expressly challenges whether racial or gender-based considerations influenced the OEO's investigative assumptions, credibility determinations, procedural treatment, disciplinary escalation, or the superintendent's proposed employment decision.

Under *Williams*, *Bennett*, and *Melman*, those objections must be evaluated according to the NYCHRL's independent protections against discriminatory treatment and mixed-motive employment decisions.

Accordingly, Mr. Trim objects to any discriminatory investigative or disciplinary treatment in violation of Administrative Code § 8-107(1)(a) and expressly preserves his right to pursue the independent remedies afforded by the NYCHRL.

The superintendent should not approve the proposed discontinuance without determining whether the Department's asserted justifications were consistently applied and whether race or gender played any unlawful role in the treatment directed toward Mr. Trim.

VI. The Department's Reliance Upon Remote and Unrelated Disciplinary Matters Improperly Prejudices the Present Determination

The Department's inclusion of disciplinary records concerning incidents dating back to 2014 through 2017 raises serious questions concerning the relevance of those materials to the present allegations and the legitimate purpose for which they were introduced.

Those historical matters involved classroom management, interactions with students, and allegations of verbal misconduct arising during earlier periods of Mr. Trim's employment. They did not involve the 2026 YouTube programming, the present complainants, the statements examined by OEO Investigator Cristina Santos, or allegations that Mr. Trim created a hostile educational environment through independently produced political and historical commentary.

The distinction is fundamental.

The question presented by the OEO investigation is whether Mr. Trim's conduct in 2026 violated Chancellor's Regulation A-830. Unrelated disciplinary findings arising approximately nine to twelve years earlier do not establish the content or meaning of his subsequent expression, discriminatory intent, or the existence of the educational consequences attributed to his programming.

Nor do those historical findings supply missing evidence concerning the current allegations.

The Department cannot substitute remote disciplinary history for an adequate investigation of the conduct actually at issue. Doing so would improperly shift the determination from whether Mr. Trim committed the alleged regulatory violations to whether his historical personnel record can be used to portray him as generally unsuitable for continued employment.

That distinction is particularly consequential where the OEO investigation itself contains substantial evidentiary deficiencies and the Department's contemporaneous evaluations document satisfactory professional performance.

Following the earlier incidents, Mr. Trim continued to serve as a teacher and received favorable classroom observations, administrative commendations, and overall Effective performance ratings. Those subsequent assessments directly contradict any effort to present the historical matters as an uninterrupted pattern establishing present professional unfitness.

The timing of the records' introduction further warrants scrutiny.

The Department supplied these remote disciplinary materials in connection with a proposed discontinuance arising from allegations entirely different in nature. Their inclusion raises the concern that the Department is attempting to construct a cumulative adverse narrative to justify an employment consequence that the present investigative findings do not independently support.

That concern is especially significant in light of Mr. Trim's objections concerning investigative neutrality, discriminatory treatment under the New York State Human Rights Law

and New York City Human Rights Law, and the chronology of the Department's decision to pursue termination.

The superintendent must not permit unrelated historical allegations to influence the determination of whether Mr. Trim engaged in discriminatory harassment in 2026.

If the Department intends to rely upon those materials as separate grounds for discontinuance, it must identify that purpose expressly and provide Mr. Trim a meaningful opportunity to address their relevance, dispositions, and proposed evidentiary weight.

The Department cannot introduce remote disciplinary findings without explanation and subsequently rely upon them to overcome the deficiencies in the present case.

Accordingly, Mr. Trim objects to the consideration of the 2014–2017 matters as evidence substantiating the current allegations and demands their exclusion from the determination of whether his 2026 conduct violated Chancellor's Regulation A-830.

The proposed discontinuance must be evaluated upon a lawful and adequately supported factual basis, not an unfavorable narrative assembled from unrelated incidents occurring nearly a decade or more before the present controversy.

VII. The Department's Contemporaneous Evaluations Establish Effective Professional Performance and Undermine the Proposed Discontinuance

The Department's own contemporaneous evaluations establish that Mr. Trim was performing his assigned teaching responsibilities effectively immediately before and during the controversy that resulted in the proposed discontinuance of his employment.

For the 2024–2025 school year, Mr. Trim received an overall Annual Professional Performance Review (“APPR”) rating of Effective. His subsequent classroom observations during the 2025–2026 school year included multiple Effective and Highly Effective ratings, reflecting his knowledge of historical subject matter, classroom-management practices, student engagement, and ability to facilitate academic discussion.

Although certain observations identified areas for instructional development, those recommendations did not prevent the Department from continuing to assess his overall professional performance favorably.

The Department's recognition of Mr. Trim's contributions extended beyond formal evaluations.

On December 17, 2025, Principal Maria Bender issued a written commendation acknowledging his contributions to the school's holiday festival and his willingness to assist students, staff, and families.

On June 15, 2026, Principal Bender again commended Mr. Trim for his dedication, professionalism, attendance, and commitment to the school community.

Mr. Trim further reports that more than ninety percent of the thirty students enrolled in his Academy social-studies class passed the American History Regents Examination administered in June 2026. That reported achievement provides additional evidence of his instructional effectiveness and the academic performance of students entrusted to his supervision.

The Department's 2025–2026 Measures of Teacher Practice assessment assigned Mr. Trim a score of 3.09, corresponding to an Effective rating.

Most significantly, on September 11, 2026, the Department issued an overall APPR rating of Effective for the 2025–2026 school year.

That evaluation was issued after the OEO investigation had commenced and during the same period in which the Department was advancing toward disciplinary consequences that could terminate Mr. Trim's teaching career.

The significance of that sequence cannot be disregarded.

While the Department's formal evaluation process continued to document effective instructional performance, its separate investigative and disciplinary process was moving toward discontinuance based upon Mr. Trim's independently produced political and historical commentary.

The Department has not identified a contemporaneous unsatisfactory instructional evaluation establishing that Mr. Trim was unable to fulfill his assigned teaching responsibilities because of that commentary.

Nor did the OEO investigation establish that he incorporated the disputed programming into classroom instruction, directed students to view the recordings, or used his teaching position to disseminate the disputed expression.

The distinction between documented instructional performance and allegations concerning independent expression is particularly important when evaluating the proposed employment consequence.

The Department's own records demonstrate that Mr. Trim continued to perform his assigned educational responsibilities effectively, maintained favorable professional evaluations, and received administrative recognition for his contributions to the school community.

Those records must be considered alongside the chronology of his anticipated tenure consideration, the investigation, and the subsequent escalation toward termination.

Principal Bender's favorable June 15 commendation, the June 25 tenure discussion, and the September 11 Effective rating present an employment record materially different from one documenting sustained instructional incompetence or deteriorating professional performance.

The Department cannot reasonably characterize Mr. Trim's overall professional service without accounting for its own recent and favorable assessments.

Moreover, the decision to pursue discontinuance despite those assessments raises a substantial question concerning whether the contemplated action reflects an individualized employment determination or an adverse response to the controversy surrounding his protected private-citizen expression.

The superintendent must evaluate that question in light of the constitutional limitations governing public-employee speech, the prohibition against bad-faith probationary discontinuance, and the protections against discriminatory employment treatment under the New York State Human Rights Law and New York City Human Rights Law.

Accordingly, Mr. Trim submits that his contemporaneous evaluations, administrative commendations, and documented professional contributions materially undermine the justification for the proposed discontinuance and weigh against terminating his employment based upon the disputed OEO findings.

VIII. The Chronology of the Tenure Discussions, Investigative Findings, and Proposed Termination Raises Substantial Questions Concerning Predetermination, Bad Faith, and Discriminatory Employment Treatment

The sequence of events preceding the proposed discontinuance raises substantial questions concerning whether the Department independently evaluated Mr. Trim's employment status and the OEO findings or used the investigation to advance an adverse employment decision already contemplated by school administrators.

Under *Matter of Frasier v. Board of Education of the City School District of the City of New York*, 71 N.Y.2d 763, 765 (1988), the Department's authority to discontinue probationary employment does not extend to decisions made for constitutionally impermissible purposes, in violation of statutory protections, or in bad faith.

The chronology is particularly significant because Mr. Trim's professional standing was favorable immediately before the controversy concerning his independently produced YouTube programming.

On June 15, 2026, Principal Maria Bender issued a written commendation recognizing his dedication, professionalism, and contributions to the school community.

On June 25, 2026, Principal Bender conducted an end-of-year meeting during which she discussed his anticipated tenure consideration for the following school year. According to Mr.

Trim, she inquired whether he had received the required tenure package and expressed surprise when he advised that no materials or instructions had been furnished.

The discussion reflected an anticipated progression toward tenure consideration, not a contemporaneous recommendation to discontinue his employment.

That expectation remained apparent during a July 17, 2026 telephone conversation in which Principal Bender contacted Mr. Trim concerning complaints about his YouTube programming.

Mr. Trim disputed the allegation that his commentary was antisemitic and requested identification of the particular recording or statement giving rise to the complaint. According to his account, Principal Bender did not identify the specific material.

Significantly, she again raised the issue of his tenure package and indicated that the necessary documents would be provided. Mr. Trim maintains that he never received them.

The Department must explain why tenure consideration was discussed on two separate occasions, why the materials necessary to complete that process were not furnished, and when the decision to defer tenure consideration was actually made.

The subsequent chronology raises additional concerns.

The OEO investigation proceeded during the summer, and Mr. Trim participated in an investigative interview on August 13, 2026.

On September 8, 2026, before the OEO issued its written findings, Mr. Trim reports that coworkers conveyed information suggesting that his employment would be terminated within approximately thirty days.

According to his account, statements attributed to Mr. Yodice and Mr. Baroustos reflected a specific expectation that termination was imminent.

The significance is not merely that workplace rumors circulated. It is that the reported statements anticipated a particular employment consequence before the September 10 investigative findings were issued and before the superintendent provided formal notice of proposed discontinuance on September 30.

The Department must identify when termination was first discussed, who recommended it, what evidence was available at that time, and whether school administrators or other personnel possessed advance knowledge of the contemplated disposition.

On September 11, 2026, the Department nevertheless issued Mr. Trim an overall Annual Professional Performance Review rating of Effective.

Thus, even as the disciplinary process intensified, the Department's formal evaluation records continued to document satisfactory instructional performance.

On September 15, 2026, Principal Bender met with Mr. Trim and his union representative to review the OEO findings.

Mr. Trim reports that Principal Bender subsequently advised them, in substance, to expect harsh consequences. He maintains that the conversation was recorded.

That statement warrants examination because it suggests that severe disciplinary consequences were already being anticipated before the superintendent's September 30 notice formally afforded Mr. Trim an opportunity to respond to the proposed discontinuance.

On September 16, 2026, Principal Bender issued a letter communicating the substantiated OEO findings and directing Mr. Trim to complete sensitivity and anti-discrimination training.

According to Mr. Trim, Principal Bender also advised that his tenure consideration would be deferred because of the investigation and that the superintendent agreed with that determination.

The Department must identify who made that decision, when it was authorized, whether any written tenure recommendation had already been prepared, and what factual or legal basis supported the deferral.

These events cannot be examined in isolation.

Within approximately three months, Mr. Trim moved from favorable administrative recognition and discussions concerning tenure consideration to substantiated investigative findings, deferred tenure consideration, and proposed termination.

During that period, his formal professional evaluation remained Effective.

The Department must explain that reversal.

More importantly, it must establish whether the September 30 notice initiated an independent and meaningful consideration of Mr. Trim's continued employment or followed a disciplinary outcome that had already been discussed or effectively determined.

An employee's opportunity to respond serves little purpose if the decision-maker has already committed to the adverse outcome before considering the employee's evidence and objections.

The superintendent must therefore identify the chronology of all recommendations and communications concerning Mr. Trim's tenure and proposed discontinuance, including the participating decision-makers and the dates upon which those matters were first considered.

The record must also be examined under the New York State Human Rights Law, Executive Law § 296(1)(a), and the New York City Human Rights Law, Administrative Code § 8-107(1)(a).

Mr. Trim is a Black male educator who challenges whether discriminatory considerations influenced the interruption of his anticipated tenure consideration, the treatment of the OEO findings, and the subsequent escalation toward termination.

The cumulative circumstances warrant examination of whether similarly situated employees outside his protected racial and sex classifications received materially different treatment concerning investigations, tenure consideration, and disciplinary consequences.

The Department's broad discretion over probationary personnel does not authorize decisions made in bad faith, for constitutionally impermissible purposes, or because of race or sex.

Accordingly, Mr. Trim objects to the proposed discontinuance on the additional ground that the chronology raises substantial questions concerning predetermination, interference with anticipated tenure consideration, and discriminatory employment treatment.

The superintendent must withdraw the proposed discontinuance and preserve all communications, tenure records, disciplinary recommendations, and decision-making materials necessary to establish when the contemplated termination was first proposed and whether the subsequent process constituted a genuinely independent employment determination.

IX. The Proposed Termination of Mr. Trim's Teaching License Conflicts With Chancellor's Regulation C-205 and Requires Independent Legal Authority

The superintendent's September 30, 2026 notice proposes both discontinuance of Mr. Trim's probationary employment and termination of his teaching license.

Those actions are legally distinct, and the Department has not identified the authority permitting both consequences.

Education Law § 2573 governs probationary appointments and discontinuance of teaching service. However, the discontinuance of probationary employment does not, by itself, authorize the termination of an employee's teaching license.

Indeed, Chancellor's Regulation C-205, § 25, expressly provides that neither discontinuance of probationary service nor denial of completion of probation results in termination of the individual's license. The regulation further provides that a nonsupervisory pedagogical employee retains that license following discontinuance.

The Department's own regulation therefore contradicts any suggestion that terminating Mr. Trim's probationary employment necessarily entails terminating his teaching license.

Chancellor's Regulation C-205 separately addresses circumstances involving dismissal for cause and resignation or retirement while disciplinary charges are pending. The September 30 notice does not establish that Mr. Trim falls within those distinct regulatory categories.

Moreover, Education Law § 305(7) separately governs the Commissioner of Education's authority concerning the annulment, suspension, and other disciplinary consequences affecting teaching certificates.

The superintendent cannot conflate discontinuance of DOE employment, termination of a DOE-issued pedagogical license, and disciplinary action affecting New York State teaching certification.

Accordingly, the Department must identify the particular license or certificate it proposes to terminate, the statutory or regulatory provision authorizing that action, and the procedures through which the superintendent intends to exercise such authority.

To the extent the proposed license termination is based solely upon discontinuance of probationary service, Mr. Trim expressly objects because Chancellor's Regulation C-205, § 25, provides for retention of the license notwithstanding that employment action.

To the extent the Department contemplates a separate disciplinary action against his teaching license or State certification, it must identify the independent legal basis for that action rather than treating it as an automatic consequence of the proposed discontinuance.

Mr. Trim therefore demands withdrawal of the proposed license termination and written confirmation that no action affecting his DOE-issued license or State teaching certification will be taken without compliance with the applicable statutory and regulatory requirements.

X. The Proposed Discontinuance and License Termination Must Be Withdrawn

The Department's proposed discontinuance rests upon an OEO investigation marked by substantial evidentiary deficiencies, procedural irregularities, and serious questions concerning investigative neutrality, discriminatory treatment, and bad faith.

The findings of discriminatory harassment, unprofessional conduct, and violations of the NYCPS Social Media Guidelines for Staff have not been adequately reconciled with the complete evidentiary record, the circumstances of Mr. Trim's conduct, or the Department's contemporaneous Effective performance evaluations. The investigative deficiencies, reported denial of his selected union representative, interruption of anticipated tenure consideration, and circumstances suggesting predetermination raise substantial constitutional and statutory objections under the First Amendment, the New York State Human Rights Law, and the New York City Human Rights Law.

Moreover, the proposed termination of Mr. Trim's teaching license presents an independent regulatory objection under Chancellor's Regulation C-205, § 25, which preserves a nonsupervisory pedagogical employee's license following ordinary probationary discontinuance.

Accordingly, Mr. Trim demands immediate withdrawal of the proposed October 30, 2026 discontinuance and termination of his teaching license. Alternatively, he demands independent reconsideration of all three OEO findings and the Department's proposed employment consequences before any final determination.

Mr. Trim expressly preserves all constitutional, statutory, contractual, and administrative rights and remedies, including those arising under 42 U.S.C. § 1983, the NYSHRL, the NYCHRL, the New York Education Law, and applicable Chancellor's Regulations. Nothing herein constitutes an admission of misconduct, acceptance of the investigative findings, or waiver of any right or remedy.

We request written confirmation that this response will be considered in its entirety and that the Department will provide a written determination identifying the specific factual and legal grounds for its decision.

Respectfully submitted,

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