

2010 -- H 7193

LC00739

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO EDUCATION

Introduced By: Representatives Gablinske, and Corvese

Date Introduced: January 21, 2010

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-13-2, 16-13-3, 16-13-4, 16-13-6 and 16-13-8 of the General  
2 Laws in Chapter 16-13 entitled "Teachers' Tenure" are hereby amended to read as follows:

3 **16-13-2. Annual contract basis -- Automatic continuation.** -- (a) Teaching service  
4 shall be on the basis of an annual contract, except as hereinafter provided, and the contract shall  
5 be deemed to be continuous unless the governing body of the schools shall notify the teacher in  
6 writing on or before March 1 that the contract for the ensuing year will not be renewed; ~~provided~~  
7 If the dismissal or nonrenewal is based on fiscal exigency or program reorganization, the  
8 governing body shall notify the teacher on or before May 15 of the school year immediately  
9 preceding the school year in which the dismissal or nonrenewal is to become effective. Provided,  
10 however, that a teacher, upon request, shall be furnished a statement of cause for dismissal or  
11 nonrenewal of his or her contract by the school committee; provided further, that whenever any  
12 contract is not renewed or the teacher is dismissed, the teacher shall be entitled to a hearing and  
13 appeal pursuant to the procedure set forth in section 16-13-4.

14 (b) Nothing contained in this section shall be construed to prohibit or at any time to have  
15 prohibited a school committee from agreeing, in a collective bargaining agreement, to the  
16 arbitration of disputes arising out of a dismissal or nonrenewal of a nontenured teacher pursuant  
17 to subsection (a) of this section.

18 **16-13-3. Probationary period -- Tenure after probation.** -- (a) Three (3) annual  
19 contracts within five (5) successive school years shall be considered evidence of satisfactory

1 teaching and shall constitute a probationary period. Teachers who complete the probationary  
2 period shall be considered in continuous service and shall not be subject to annual renewal or  
3 nonrenewal of their contracts. No tenured teacher in continuous service shall be dismissed except  
4 for good and just cause. Whenever a tenured teacher in continuous service is to be dismissed, the  
5 notice of the dismissal shall be given to the teacher, in writing, on or before March 1st of the  
6 school year immediately preceding the school year in which the dismissal is to become effective.  
7 If the dismissal is based on fiscal exigency or program reorganization, the notice of dismissal  
8 shall be given to the teacher, in writing, on or before May 15 of the school year immediately  
9 preceding the school year in which the dismissal is to become effective. The teacher shall be  
10 furnished with a complete statement of the cause(s) for the dismissal by the governing body of the  
11 school and shall be entitled to a hearing and appeal pursuant to the procedure set forth in section  
12 16-13-4.

13 (b) Nothing contained in this section shall be construed to prohibit or at any time to have  
14 prohibited a school committee from agreeing, in a collective bargaining agreement, to the  
15 arbitration of disputes arising out of the dismissal of a tenured teacher pursuant to subsection (a)  
16 of this section.

17 (c) Any teacher appointed to a position of principal, assistant principal, or vice principal  
18 within the school system in which the teacher has attained tenure shall, upon termination or  
19 resignation of the administrative position, be allowed to return to his or her former status as a  
20 tenured teacher within the system.

21 **16-13-4. Statement of cause for dismissal -- Hearing -- Appeals -- Arbitration.** -- (a)  
22 The statement of cause for dismissal shall be given to the teacher, in writing, by the governing  
23 body of the schools. ~~at least one month prior to the close of the school year.~~ The teacher may,  
24 within fifteen (15) days of the notification, request, in writing, a hearing before the full board.  
25 The hearing shall be public or private, in the discretion of the teacher. Both teacher and school  
26 board shall be entitled to be represented by counsel and to present witnesses. The board shall  
27 keep a complete record of the hearing and shall furnish the teacher with a copy. Any teacher  
28 aggrieved by the decision of the school board shall have the right of appeal to the department of  
29 elementary and secondary education and shall have the right of further appeal to the superior  
30 court.

31 (b) Nothing contained in this section shall be construed to prohibit or at any time to have  
32 prohibited a school committee from agreeing, in a collective bargaining agreement, to the  
33 arbitration of disputes arising out of the nonrenewal, dismissal, and/or suspension of a teacher  
34 pursuant to sections 16-13-2, 16-13-3, and/or 16-13-5.

1            ~~16-13-6. Suspension because of decrease in school population --- Seniority~~  
2            ~~Reinstatement~~ **Suspension because of decrease in school population.** -- (a) A school board  
3 may, by reason of a substantial decrease of pupil population within its school system, suspend  
4 teachers in numbers necessitated by the decrease in pupil population. Teachers suspended due to  
5 a decrease in enrollment may be considered for future appointments, however, seniority may not  
6 be the sole means by which such appointments are made. ; ~~provided, however, that suspension of~~  
7 ~~teachers shall be in the inverse order of their employment unless it is necessary to retain certain~~  
8 ~~teachers of technical subjects whose places cannot be filled by teachers of earlier appointment;~~  
9 ~~and, provided, further, that teachers that are suspended shall be reinstated in the inverse order of~~  
10 ~~their suspension. No new appointments shall be made while there are available teachers so~~  
11 ~~suspended.~~

12            (b) Notice of suspension under this section and section 16-13-5 shall be given, in  
13 writing, by the governing body of schools on or before ~~March 1~~ May 15 notifying the teacher that  
14 his or her employment for the ensuing year shall be suspended, provided however, notice by that  
15 date need not be provided in the instance of an emergency performance related cause.

16            **16-13-8. Continuity of tenure upon transfer.** -- Any teacher in continuing service who  
17 voluntarily resigns and transfers to another community in Rhode Island without interrupting his  
18 or her professional career, shall be considered to remain under tenure unless the teacher is  
19 notified to the contrary, in writing, prior to March 1 of the second school year in which the  
20 teacher transfers. If the dismissal or nonrenewal is based on fiscal exigency or program  
21 reorganization, the teacher shall be notified, in writing, prior to May 15 of the second school year  
22 in which the teacher transfers.

23            SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO EDUCATION

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- 1           This act would amend the notification requirements regarding the dismissal, suspension
- 2 or lay-off of teachers in the event of a fiscal exigency or program reorganization.
- 3           This act would take effect upon passage.

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