

2013 -- S 0049

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LC00108
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO EDUCATION

Introduced By: Senators DiPalma, Picard, Pearson, Ottiano, and Sosnowski

Date Introduced: January 16, 2013

Referred To: Senate 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 June 1st 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 June 1st 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.** -- (a) A school board may, by reason of a substantial decrease of pupil
3 population within its school system, suspend teachers in numbers necessitated by the decrease in
4 pupil population; provided, however, that suspension of teachers shall be in the inverse order of
5 their employment unless it is necessary to retain certain teachers of technical subjects whose
6 places cannot be filled by teachers of earlier appointment; and, provided, further, that teachers
7 that are suspended shall be reinstated in the inverse order of their suspension. No new
8 appointments shall be made while there are available teachers so suspended.

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

13 **16-13-8. Continuity of tenure upon transfer.** -- Any teacher in continuing service who
14 voluntarily resigns and transfers to another community in Rhode Island without interrupting his
15 or her professional career, shall be considered to remain under tenure unless the teacher is
16 notified to the contrary, in writing, prior to March 1 of the second school year in which the
17 teacher transfers. If the dismissal or nonrenewal is based on fiscal exigency or program
18 reorganization, the teacher shall be notified, in writing, prior to June 1st of the second (2nd) school
19 year in which the teacher transfers.

20 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

- 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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