

2012 -- H 7863

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO EDUCATION - TEACHER TENURE

Introduced By: Representative Jon D. Brien

Date Introduced: February 28, 2012

Referred To: House Labor

It is enacted by the General Assembly as follows:

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

4           **16-13-1. "Teacher" defined.** – (a) The term "teacher" as used in this chapter means  
5 every person for whose position a certificate issued by the department of elementary and  
6 secondary education is required by law.

7           (b) The term “district evaluation system”, as used in this chapter, means an approved  
8 system as outlined in the department of elementary and secondary education regulations  
9 “Educational Evaluation System Standards”.

10           **16-13-2. Annual contract basis -- Automatic continuation.** -- (a) Teaching service  
11 shall be on the basis of an annual contract, except as hereinafter provided, and the contract shall  
12 be deemed to be continuous provided that the teacher receives ratings of effective or higher under  
13 the district evaluation system for three (3) years in a continuous five (5) year period. If a contract  
14 is not renewed unless the governing body of the schools shall notify the teacher in writing on or  
15 before ~~March 1~~ June 1 that the contract for the ensuing year will not be renewed; provided,  
16 however, that a teacher, upon request, shall be furnished a statement of cause for dismissal or  
17 nonrenewal of his or her contract by the school committee; provided further, that whenever any  
18 contract is not renewed or the teacher is dismissed, the teacher shall be entitled to a hearing and  
19 appeal pursuant to the procedure set forth in section 16-13-4.

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

5 **16-13-3. Probationary period -- Tenure after probation. --** (a) Three (3) ~~annual~~  
6 ~~contracts~~ ratings of effective or higher under the district evaluation system within five (5)  
7 successive school years shall be considered evidence of satisfactory teaching and shall constitute  
8 a probationary period. ~~Teachers who complete the probationary period shall be considered in~~  
9 ~~continuous service and shall not be subject to annual renewal or nonrenewal of their contracts.~~  
10 Teachers who receive three (3) consecutive ratings of effective or higher under the district  
11 evaluation system may receive tenure through a fast-tracked probationary period. No tenured  
12 teacher in continuous service shall be dismissed except for good and just cause. Whenever a  
13 tenured teacher in continuous service is to be dismissed, the notice of the dismissal shall be given  
14 to the teacher, in writing, on or before ~~March 1st~~ June 1<sup>st</sup> of the school year immediately  
15 preceding the school year in which the dismissal is to become effective. The teacher shall be  
16 furnished with a complete statement of the cause(s) for the dismissal by the governing body of the  
17 school and shall be entitled to a hearing and appeal pursuant to the procedure set forth in section  
18 16-13-4.

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

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

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

1 elementary and secondary education and shall have the right of further appeal to the superior  
2 court.

3 (b) Nothing contained in this section shall be construed to prohibit or at any time to have  
4 prohibited a school committee in a municipality or regional school district with an elected school  
5 committee, or the chief executive officer in a municipality with an appointed school committee  
6 from agreeing, in a collective bargaining agreement, to the arbitration of disputes arising out of  
7 the nonrenewal, dismissal, and/or suspension of a teacher pursuant to sections 16-13-2, 16-13-3,  
8 and/or 16-13-5.

9 (c) Notwithstanding any provision of law to the contrary, a tenured teacher who is  
10 returned to probationary status does not retain the rights afforded to tenured teachers under this  
11 section.

12 **16-13-6. Suspension because of decrease in school population -- Seniority --**

13 **Reinstatement.** -- (a) A school board may, by reason of a substantial decrease of pupil  
14 population within its school system, suspend teachers in numbers necessitated by the decrease in  
15 pupil population; provided, however, that suspension of teachers shall be ~~in the inverse order of~~  
16 ~~their employment~~ conducted utilizing the district's evaluation system to rank teachers within  
17 certification areas for retention by level of effectiveness then by inverse order of employment  
18 unless it is necessary to retain certain teachers of technical subjects whose places cannot be filled  
19 by teachers of earlier appointment; ~~and, provided, further, that teachers that are suspended shall~~  
20 ~~be reinstated in the inverse order of their suspension. No new appointments shall be made while~~  
21 ~~there are available teachers so suspended.~~

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

26 **16-13-8. Continuity of tenure upon transfer.** -- Any teacher in continuing service who  
27 voluntarily resigns and transfers to another community in Rhode Island without interrupting his  
28 or her professional career, shall be considered to remain under tenure unless the teacher is  
29 notified to the contrary, in writing, prior to ~~March 1~~ June 1 of the second school year in which the  
30 teacher transfers.

31 SECTION 2. This act shall take effect beginning in the 2015-2016 school year.

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

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- 1           This act provides for a system of teacher tenure based on effective performance. It also
- 2 changes the date of notification for notice of non-renewal from March 1 to June 1.
- 3           This act would take effect beginning in the 2015-2016 school year.

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