

2012 -- S 2158

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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

Introduced By: Senators DiPalma, Picard, Ottiano, Algieri, and Hodgson

Date Introduced: January 18, 2012

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 16-13-2, 16-13-3, 16-13-6 and 16-13-8 of the General Laws in  
2 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~~ June 1 that the contract for the ensuing year will not be renewed;  
7 provided, however, that a teacher, upon request, shall be furnished a statement of cause for  
8 dismissal or nonrenewal of his or her contract by the school committee; provided further, that  
9 whenever any contract is not renewed or the teacher is dismissed, the teacher shall be entitled to a  
10 hearing and appeal pursuant to the procedure set forth in section 16-13-4.

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

15           **16-13-3. Probationary period -- Tenure after probation.** -- (a) Three (3) annual  
16 contracts within five (5) successive school years shall be considered evidence of satisfactory  
17 teaching and shall constitute a probationary period. Teachers who complete the probationary  
18 period shall be considered in continuous service and shall not be subject to annual renewal or  
19 nonrenewal of their contracts. No tenured teacher in continuous service shall be dismissed except

1 for good and just cause. Whenever a tenured teacher in continuous service is to be dismissed, the  
2 notice of the dismissal shall be given to the teacher, in writing, on or before ~~March 1st~~ June 1 of  
3 the school year immediately preceding the school year in which the dismissal is to become  
4 effective. The teacher shall be furnished with a complete statement of the cause(s) for the  
5 dismissal by the governing body of the school and shall be entitled to a hearing and appeal  
6 pursuant to the procedure set forth in section 16-13-4.

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

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

15 **16-13-6. Suspension because of decrease in school population -- Seniority --**  
16 **Reinstatement.** -- (a) A school board may, by reason of a substantial decrease of pupil  
17 population within its school system, suspend teachers in numbers necessitated by the decrease in  
18 pupil population; provided, however, that suspension of teachers shall be in the inverse order of  
19 their employment unless it is necessary to retain certain teachers of technical subjects whose  
20 places cannot be filled by teachers of earlier appointment; and, provided, further, that teachers  
21 that are suspended shall be reinstated in the inverse order of their suspension. No new  
22 appointments shall be made while there are available teachers so suspended.

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

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

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
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- 1           This act would extend the notification requirements regarding the dismissal, suspension
- 2 or lay-off of teachers from March 1 to June 1.
- 3           This act would take effect upon passage.

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