

2016 -- S 2648 SUBSTITUTE A

LC004942/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO EDUCATION -- TEACHERS' TENURE

Introduced By: Senators DiPalma, Lombardi, and Archambault

Date Introduced: February 25, 2016

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-13-2 of the General Laws in Chapter 16-13 entitled "Teachers'
2 Tenure" is 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, unless
7 the dismissal of the teacher is for good and just cause, in which case the governing body need
8 only provide reasonable notice and a hearing consistent with §16-12-6. If the dismissal or
9 nonrenewal is based on fiscal exigency or program reorganization, the governing body shall
10 notify the teacher on or before June 1 s t of the school year immediately preceding the school year
11 in which the dismissal or nonrenewal is to become effective. Provided, however, that a teacher,
12 upon request, shall be furnished a statement of cause for dismissal or nonrenewal of his or her
13 contract by the school committee; provided further, that whenever any contract is not renewed, or
14 the teacher is dismissed, the teacher shall be entitled to a hearing and appeal pursuant to the
15 procedure set forth in § 16-13-4.

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

1 SECTION 2. Section 16-13-3 of the General Laws in Chapter 16-13 entitled "Teachers'
2 Tenure" is hereby amended to read as follows:

3 **16-13-3. Probationary period -- Tenure after probation.** -- (a) Three (3) annual
4 contracts within five (5) successive school years shall be considered evidence of satisfactory
5 teaching and shall constitute a probationary period. Teachers who complete the probationary
6 period shall be considered in continuous service and shall not be subject to annual renewal or
7 nonrenewal of their contracts. ~~No tenured teacher in continuous service shall be dismissed except~~
8 ~~for good and just cause.~~ Whenever a tenured teacher in continuous service is to be dismissed, the
9 notice of the dismissal shall be given to the teacher, in writing, on or before March 1st of the
10 school year immediately preceding the school year in which the dismissal is to become effective,
11 unless the dismissal of the teacher is for good and just cause, in which case the governing body
12 need only provide reasonable notice and a hearing consistent with §16-12-6. If the dismissal is
13 based on fiscal exigency or program reorganization, the notice of dismissal shall be given to the
14 teacher, in writing, on or before June 1 s t of the school year immediately preceding the school
15 year in which the dismissal is to become effective. The teacher shall be furnished with a complete
16 statement of the cause(s) for the dismissal by the governing body of the school and shall be
17 entitled to a hearing and appeal pursuant to the procedure set forth in § 16-13-4.

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

22 (c) Any teacher employed by a local or regional school committee who has attained
23 tenure in a Rhode Island public school system; who is appointed to an administrative position of
24 principal, assistant principal, vice principal, superintendent, assistant superintendent, director, or
25 other central office personnel in any Rhode Island public school system, including the original
26 school district of employment; or who is hired for an administrative position as a fellow,
27 education specialist, or director by the Rhode Island department of education, shall be granted an
28 unpaid leave of absence, not to exceed three (3) years, in order to be employed in an
29 administrative position of principal, assistant principal, vice principal, superintendent, assistant
30 superintendent, director, or other central office personnel in any Rhode Island school system or
31 the Rhode Island department of education. Said teachers shall, upon completion of their
32 administrative position employment contract, or termination or resignation of the administrative
33 position, be allowed to return to his or her former status as a tenured teacher within the system
34 from which the leave of absence was taken. Such leaves of absence shall not be deemed to be an

1 interruption of service for the purposes of seniority and teacher retirement.

2 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would clarify the law concerning the amount of notice required to be provided to
2 a tenured teacher to be dismissed for good and just cause. Reasonable notice and hearing are
3 required.

4 This act would take effect upon passage.

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