

RESOLUTION OF THE CITY COUNCIL

No. 213

Approved April 25, 1980

WHEREAS, Senate Bill 80-S 2557, ends the requirement that each member of a local school committee be present at all teacher dismissal hearings, this requirement, which the Supreme Court has ruled may not even be waived by an agreement between the teacher and the school committee has caused inordinate delays in the resolution of dismissals unrelated to the substantive merits of the individual case and the "full board" requirement is replaced with that of a majority,

NOW, THEREFORE, BE IT RESOLVED, That the Members of the City Council of the City of Providence hereby endorse Senate Bill 80-S 2557 entitled: "An Act Relating To Teachers' Tenure".

IN CITY COUNCIL
APR 17 1980

READ AND PASSED

Ralph Fuguso
Rose M. Mendonça

APPROVED

MAYOR

Viviana C. Cenci, Jr.

APR 25 1980

Councilman O'Connor

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1980

A N A C T

RELATING TO TEACHERS' TENURE

Introduced By: Senator Robert J. McKenna

Date Introduced: March 7, 1980

Referred To: Senate Committee on Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 16-13, Section 4 of the General Laws
2 entitled "Teachers' Tenure" is hereby amended to read:
3 16-13-4. HEARING FOR DISMISSAL FOR CAUSE - APPEALS. Statement
4 of cause for dismissal shall be given the teacher in writing
5 by the governing body of the schools at least one (1) month
6 prior to the close of the school year. The teacher may, within
7 fifteen (15) days of such notification, request in writing, a
8 hearing before ~~the full board~~ at least a majority of the full board;
9 such hearing to commence within forty-five (45) days of the
10 teacher's request. The hearing shall be public or private, in
11 the discretion of the teacher. Both teacher and school board
12 shall be entitled to be represented by counsel and to present
13 witnesses. ~~The board shall keep~~ A complete record of the hearing
14 ~~and shall furnish the teacher with a copy~~ shall be kept and a copy
15 furnished to the teacher. A majority vote of those board members
16 present at the hearing shall be required. Only those board members

1 present during the entire hearing shall be entitled to vote
2 and their number must be a majority of the board. Any teacher
3 aggrieved by the decision of the school board shall have the
4 right of appeal to the state department of education and shall
5 have the right of further appeal to the superior court.

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

EXPLANATION

OF

AN ACT

This act ends the requirement that each member of a local school committee be present at all teacher dismissal hearings. This requirement, which the Supreme Court has ruled may not even be waived by an agreement between the teacher and the school committee (Davis v. Rhode Island Board of Regents for Education, 399 A. 2d 1247, 1250) (RI 1979), has caused inordinate delays in the resolution of dismissals unrelated to the substantive merits of the individual case. The "full board" requirement is replaced with that of a majority.

April 18, 1980

Senate Committee on Labor
Senator John F. McBurney, III, Chairman
54 Pine Street
Pawtucket, Rhode Island 02860

Dear Senator McBurney,

Enclosed is copy of Resolution presented to the City
Council on April 17, 1980, read and passed by said members.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma
Enclosure

April 18, 1980

Honorable Robert J. McKenna
United States Senator
47 Everett Street
Newport, R.I. 02840

Dear Senator McKenna:

Enclosed is copy of Resolution presented to the City Council
on April 17, 1980, read and passed by said members.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jld
Enclosure