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TENURE POLICY

I. Philosophy & Policy

The Commissioner of Education has previously determined that probationary years with other than a de minimis absence would not qualify as complete years for tenure purposes. It is the Superintendent's duty to implement this decision. Asadoorian v. Warwick School Committee, 691 A.2d 573 (R.I. 1997) Under the direction of the School Committee, the Superintendent is charged with the care and supervision of public schools, including the evaluation and appointment of school department personnel. The Lincoln School Committee strives to provide its students with the best education possible. In furtherance of this objective, the District seeks to employ the most competent and most highly qualified certified teachers to provide instruction to the students.

II. Attaining Tenure

(a) Three (3) annual contracts within five (5) successive school years shall be considered evidence of satisfactory teaching and shall constitute a probationary period. Teachers who complete the probationary period shall be considered in continuous service and shall not be subject to annual renewal or nonrenewal of their contracts. No tenured teacher in continuous service shall be dismissed except for good and just cause. Whenever a tenured teacher in continuous service is to be dismissed, the notice of the dismissal shall be given to the teacher, in writing, on or before March 1 of the school year immediately preceding the school year in which the dismissal is to become effective. If the dismissal is based on fiscal exigency or program reorganization, the notice of dismissal shall be given to the teacher, in writing, on or before June 1 of the school year immediately preceding the school year in which the dismissal is to become effective. The teacher shall be furnished with a complete statement of the cause(s) for the dismissal by the governing body of the school and shall be entitled to a hearing and appeal pursuant to the procedure set forth in § 16-13-4.

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

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

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Pursuant to R.I.G.L. 16-13-8.

Continuity of tenure upon transfer.

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

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TOWN OF LINCOLN SCHOOL COMMITTEE, Lincoln, Rhode Island