



Providence Public School – Study Commission

Senator Samuel D. Zurier

Chairman

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Due Process

Title 16

Education

Chapter 12

Rights and Duties of Teachers Generally

R.I. Gen. Laws § 16-12-6

§ 16-12-6. Dismissal of teachers.

The school committee of any town may, on reasonable notice and hearing, dismiss any teacher for refusal to conform to the regulations made by the committee, or for other just cause.

History of Section.

G.L. 1896, ch. 61, § 4; G.L. 1909, ch. 68, § 5; G.L. 1923, ch. 71, § 5; P.L. 1938, ch. 2641, § 1; G.L. 1938, ch. 180, § 5; P.L. 1941, ch. 1033, § 1; G.L. 1956, § 16-12-6; P.L. 2009, ch. 316, § 1; P.L. 2009, ch. 317, § 1.

Evaluation Process

Title 16

Education

Chapter 12

Rights and Duties of Teachers Generally

R.I. Gen. Laws § 16-12-11

§ 16-12-11. Educator evaluations.

(a) Any board of education-approved educator evaluation system for tenured teachers shall include, but not be limited to, the following provisions:

(1) Any teacher who obtains or earns a rating of “highly effective,” or a number “4,” or any equivalent thereof shall, subsequent to such evaluation, be evaluated not more than once every three (3) years thereafter.

(2) Any teacher who obtains or earns a rating of “effective,” or a number “3,” or any equivalent thereof shall, subsequent to such evaluation, be evaluated not more than once every two (2) years thereafter.

(3) An annual conference shall be required for any “highly effective” or “effective” teacher included in subsections (a)(1) and (a)(2) herein. Said conference shall be in accordance with a process and scope determined by each school district’s educator evaluation committee.

(b) The provisions of this section shall not prohibit annual evaluations in circumstances including, but not limited to:

(1) Any teacher who may request an annual evaluation; or

(2) Any teacher during his or her first year teaching under a new teaching certificate.

(c) Any non-tenured teacher shall be evaluated annually.

(d) Notwithstanding the provisions contained in subsection (a), principals may observe a teacher’s classroom and classroom instruction at any time.

(e) Notwithstanding the provisions contained in subsection (a), nothing herein shall preclude more frequent educator evaluations if they are included in a local school district’s negotiated collective bargaining agreement entered into after July 1, 2014.

(f) Notwithstanding the provisions contained in subsection (a), any concerns about a teacher’s performance that arise at anytime shall be handled in accordance with local school district personnel policies and negotiated collective bargaining agreements.

(g) Any regulations of the department of education providing for the evaluation of teachers shall be modified to conform with the provisions and schedule set forth herein; provided, however, that nothing herein shall be construed to direct the department of education to act so as to jeopardize any current funding from a race to the top grant received by the state.

History of Section.

P.L. 2014, ch. 470, § 1.

Accountability Act

2019 – S 0865 SUBSTITUTE A

LC002553 SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO EDUCATION – EDUCATION ACCOUNTABILITY ACT

Introduced By: Senators Pearson, McCaffrey, Algere, Goodwin, and Ruggero

Date Introduced: May 08, 2019

Referred To: Senate Education

It is enacted by the General Assembly as follows

1 SECTION 1. Section 16-1-5 of the General Laws in Chapter 16-1 entitled "State
2 Department of Elementary and Secondary Education [See Title 16 Chapter 97 - The Rhode Island
3 Board of Education Act]" is hereby amended to read as follows.

4 16-1-5. Duties of commissioner of elementary and secondary education.

5 It shall be the duty of the commissioner of elementary and secondary education

6 (1) To carry out the policies and program formulated by the board of regents for
7 elementary and secondary education.

8 (2) To evaluate credentials of applicants for certificates, to verify that the certification of
9 teachers is in accordance with law and established standards, and to issue certificates at the
10 direction of the board.

11 (3) To certify the approval of accredited schools.

12 (4) To recommend to the board an outline of the subjects and courses of study and the
13 instructional standards for elementary and secondary schools.

14 (5) To approve the distribution of state school funds in accordance with law and the
15 regulations of the board.

16 (6) To verify that school sites and school building plans are in accordance with law and
17 regulations.

18 (7) To exercise supervision over school libraries and library services

19 (8) To certify that school bus routes and schedules and all contracts for pupil

1 transportation conform with provisions of law and the rules and regulations of the board.

2 (9) To require the observance of all laws relating to schools and education.

3 (10) To interpret school law and to decide such controversies as may be appealed to the
4 commissioner from decisions of local school committees.

5 (11) To prepare and recommend standard forms for the use of local schools.

6 (12)(i) To prepare, with the assistance of the department of administration, manuals of
7 uniform budgetary and standard financial records and procedures for local school officers. The
8 board of regents shall adopt uniform local school budgeting procedures no later than July 1, 1989,
9 and those procedures should include, at a minimum, the following.

10 (A) Provision for uniform classification of revenues and expenditures.

11 (B) Requirements of detailed expenditure estimates and a table of organization including
12 the proposed staffing of each school;

13 (C) Estimates of receipts and expenditures for the last two (2) completed fiscal years, the
14 current and ensuing fiscal years, and

15 (ii) To carry out the purpose of this subsection a sum of ten thousand dollars (\$10,000)
16 not otherwise appropriated shall be included in the appropriation made to support the department
17 of elementary and secondary education.

18 (13) To receive general supervision from the board of regents for elementary and
19 secondary education and to appoint the several officers and employees of the department subject
20 to the provisions of the State Merit System Act, chapters 3 and 4 of title 36

21 (14) To establish health education, alcohol and substance abuse programs for students in
22 grades kindergarten (K) through twelve (12), in accordance with § 35-4-18. The program will
23 consist of the following: A mandated state health education, alcohol and substance abuse,
24 curriculum for grades kindergarten (K) through twelve (12), a mandated assessment program in
25 the areas of health, fitness, alcohol and substance abuse, and an in-service training program which
26 will be developed specifically for the implementation of the mandated curriculum.

27 (15)(i) To appoint a three (3) member committee for the purpose of choosing a "teacher
28 of the year" among teachers in public school grades kindergarten (K) through twelve (12). The
29 "teacher of the year" shall receive an award of one thousand dollars (\$1,000)

30 (ii) It is the intent of the general assembly that the funds necessary to carry out the
31 provisions of this subdivision shall be provided within the annual appropriations act

32 (16) To institute a process to review, revise, and adopt statewide academic standards that
33 align with state assessments for the core subjects of mathematics, English language arts, science
34 and technology, history and social studies, world languages, and the arts.

1 (17) To institute a process for adapting, adopting, and developing curriculum frameworks
2 for mathematics, English language arts, science and technology, history and social studies, world
3 languages, and the arts covered by the academic standards.

4 (18) To institute a process for reviewing and identifying high-quality curriculum and
5 materials in mathematics, English language arts, and science and technology.

6 (19) To prepare each year a plan for providing statewide assistance in the preparation and
7 implementation of professional development plans.

8 SECTION 2. Sections 16-2-9 and 16-2-11 of the General Laws in Chapter 16-2 entitled
9 "School Committees and Superintendents [See Title 16 Chapter 97 - The Rhode Island Board of
10 Education Act]" are hereby amended to read as follows:

11 **16-2-9. General powers and duties of school committees.**

12 (a) Unless the responsibility is otherwise delegated by this chapter, the ~~the~~ entire care,
13 control, and management of all public school interests of the several cities and towns shall be
14 vested in the school committees of the several cities and towns. School committees shall have, in
15 addition to those enumerated in this title, the following powers and duties:

16 (1) To identify educational needs in the community.

17 (2) To develop education policies to meet the needs of the community.

18 (3) To provide for and assure the implementation of federal and state laws, the
19 regulations of the board of regents for elementary and secondary education, and of local school
20 policies, programs, and directives.

21 (4) To provide for the evaluation of the performance of the school system.

22 (5) To have responsibility for the care and control of local schools.

23 (6) To have overall policy responsibility for the employment and discipline of school
24 department personnel.

25 (7) To approve a master plan defining goals and objectives of the school system. These
26 goals and objectives shall be expressed in terms of what men and women should know and be
27 able to do as a result of their educational experience. The committee shall periodically evaluate
28 the efforts and results of education in light of these objectives.

29 (8) To provide for the location, care, control, and management of school facilities and
30 equipment.

31 (9) To adopt a school budget to submit to the local appropriating authority.

32 (10) To adopt any changes in the school budget during the course of the school year.

33 (11) To approve expenditures in the absence of a budget, consistent with state law.

34 (12) To employ a superintendent of schools and assign any compensation and other terms.

1 and conditions as the school committee and superintendent shall agree, provided that in no event
2 shall the term of employment of the superintendent exceed three (3) years. Nothing contained in
3 this chapter shall be construed as invalidating or impairing a contract of a school committee with
4 a school superintendent in force on May 12, 1978.

5 ~~(13) To give advice and consent on the appointment by the superintendent of all school~~
6 ~~department personnel.~~

7 ~~(14)~~ (13) To establish minimum standards for personnel, to adopt personnel policies, and
8 to approve a table of organization.

9 ~~(15)~~ (14) To establish standards for the evaluation of personnel.

10 ~~(16)~~ (15) To establish standards for conduct in the schools and for disciplinary actions.

11 ~~(17)~~ (16) To hear appeals from disciplinary actions.

12 ~~(18)~~ (17) To enter into contracts, provided, however, that notwithstanding any other
13 provision of the general or public laws, whether of specific or general application, and
14 notwithstanding the provisions of any charter of any municipality where the school committee is
15 appointed and not elected, but not including, the Central Falls school district board of trustees
16 established by § 16-2-34, the power and duty to enter into collective bargaining agreements shall
17 be vested in the chief executive officer of the municipality and not in the school committee.

18 ~~(19)~~ (18) To publish policy manuals which shall include all school committee policies.

19 ~~(20)~~ (19) To establish policies governing curriculum, courses of instruction, and text
20 books.

21 ~~(21)~~ (20) To provide for transportation services which meet or exceed standards of the
22 board of regents for elementary and secondary education.

23 ~~(22)~~ (21) To make any reports to the department of education as are required by the board
24 of regents for elementary and secondary education.

25 ~~(23)~~ (22) To delegate, consistent with law, any responsibilities to the superintendent as the
26 committee may deem appropriate.

27 ~~(24)~~ (23) To address the health and wellness of students and employees.

28 ~~(25)~~ (24) To establish a subcommittee of the school board or committee to decrease
29 obesity and address school health and wellness policies for students and employees consistent
30 with § 16-21-28.

31 ~~(26)~~ (25) To annually undertake a minimum of six (6) hours of professional development
32 as set forth and described in § 16-2-5.1.

33 (b) Nothing in this section shall be deemed to limit or interfere with the rights of teachers
34 and other school employees to collectively bargain pursuant to chapters 9.3 and 9.4 of title 28 or

1 to allow any school committee to abrogate any agreement reached by collective bargaining

2 (c) The elected school committees of each city, town, or regional school district, or the
3 chief executive officer of any municipality having an appointed school committee, shall have the
4 power to bind their successors and successor committees by entering into contracts of
5 employment in the exercise of their governmental functions.

6 (d) Notwithstanding any provisions of the general laws to the contrary, the requirement
7 defined in subsections (d) through (f) of this section shall apply. The school committee of each
8 school district shall be responsible for maintaining a school budget which does not result in a
9 debt

10 (e) The school committee shall, within thirty (30) days after the close of the first and
11 second quarters of the state's fiscal year, adopt a budget as may be necessary to enable it to
12 operate without incurring a debt, as described in subsection (d).

13 (f) In the event that any obligation, encumbrance, or expenditure by a superintendent of
14 schools or a school committee is in excess of the amount budgeted or that any revenue is less than
15 the amount budgeted, the school committee shall within five (5) working days of its discovery of
16 potential or actual over expenditure or revenue deficiency submit a written statement of the
17 amount of and cause for the over obligation or over expenditure or revenue deficiency to the city
18 or town council president and any other person who by local charter or statute serves as the city
19 or town's executive officer, the statement shall further include a statement of the school
20 committee's plan for corrective actions necessary to meet the requirements of subsection (d) The
21 plan shall be approved by the auditor general and also submitted to the division of municipal
22 finance.

23 (g) Notwithstanding any other provision of law, whether of general or specific
24 application, and notwithstanding any contrary provision of any city or town charter or ordinance,
25 the elected school committee of any city, town and regional school district shall be, and is hereby
26 authorized to retain the services of such independent legal counsel as it may deem necessary and
27 convenient. Any counsel so retained shall be compensated out of funds duly appropriated to the
28 school committee, and in no event shall the independent counsel be deemed to be an employee of
29 the pertinent city or town for any purpose.

30 **16-2-11. General powers and duties of superintendent.**

31 (a) The superintendent of schools employed in accordance with the provisions of this
32 chapter shall, under the direction of the school committee, have the care and supervision of the
33 public schools and shall be the chief administrative agent of the school committee. The
34 superintendent shall have any duties as are defined in this section and in this title and any other

1 duties as may be determined by the school committee, and shall perform any other duties as may
2 be vested in him or her by law. In addition to the care and supervision of public schools and the
3 appointment of employees of the district, it shall be the duty of the superintendent:

4 (1) To implement policies established by the school committee

5 (2) To recommend educational plans, policies, and programs to meet the needs of the
6 district

7 (3) To recommend policies governing curriculum, courses of instruction, textbooks, and
8 transportation of students

9 (4) To comply with provisions of federal and state law and local charter provisions and
10 ordinances

11 (5) To have administrative responsibility for the school system.

12 (6) ~~To oversee the care, control, and management of school facilities and equipment.~~ To
13 appoint principals for each public school within the district at levels of compensation determined
14 in accordance with policies established by the school committee.

15 (7) ~~To appoint all school department personnel with the consent of the school committee.~~
16 To appoint administrators and other personnel not assigned to individual schools. Also, to
17 appoint, at the recommendation of the principal, personnel at individual schools in accordance
18 with policies established by school district policies and collective bargaining agreements.

19 (8) To ~~administer~~ oversee the personnel function of the school department consistent with
20 personnel standards, policies, and the table of organization established by the school committee

21 (9) To provide for the evaluation of department personnel appointed by the
22 superintendent.

23 (10) To prepare a school budget for consideration by the school committee.

24 (11) To authorize purchases consistent with the adopted school budget, policies and
25 directives of the school committee, and applicable municipal policies, ordinances, and charter
26 provisions.

27 (12) To be responsible for keeping the records of the school system.

28 (13) To report to the school committee on a regular basis the financial condition of the
29 school system.

30 (14) ~~To be responsible for~~ oversee discipline in the school system.

31 (15) To evaluate all schools within the school system and to report to the school
32 committee the conformity with regulations of the board of regents and the policies, programs, and
33 directives of the school committee.

34 (16) To report to the school committee on the operation of the school system, including

1 an annual report on the district's progress.

2 (b) Nothing in this section shall be deemed to limit or interfere with the rights of teachers
3 and other school employees to collectively bargain pursuant to chapters 9.3 and 9.4 of title 28, or
4 to allow any school superintendent to abrogate any agreement reached by collective bargaining

5 (c) If at any time during the fiscal year the superintendent of schools determines, or is
6 notified by the city or town chief charter officer or treasurer, that the estimated school expenses
7 may exceed all revenue appropriated by the state or city or town or otherwise for public schools
8 in the city or town, the superintendent of schools shall recommend to the school committee and
9 shall, in order to provide for continuous regular public school operations consistent with the
10 requirements of § 16-2-2 without regard to financial conditions, subsequently report to the city or
11 town treasurer and chief charter officer what action will be taken to prevent an excess of
12 expenditures, encumbrances, and accruals over revenues for public schools in the city or town

13 SECTION 3. Chapter 16-2 of the General Laws entitled "School Committees and
14 Superintendents [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby
15 amended by adding thereto the following section:

16 **16-2-11.1. General powers and duties of school principals.**

17 (a) Principals employed under this section shall be the educational administrators and
18 managers of their schools and shall supervise the operation and management of their schools and
19 school property subject to the supervision and direction of the superintendent. The principal shall
20 have any duties as are defined in this section and in this title and shall perform any other duties as
21 may be vested in him or her by law. In addition to serving as the educational administrator and
22 manager of his or her school, it shall be the duty of the principal:

23 (1) In consultation with the school improvement team, to recommend the hiring of all
24 teachers, athletic coaches, instructional or administrative aides, and other personnel assigned to
25 the school, consistent with district personnel policies, collective bargaining agreements, and
26 budgetary restrictions, and subject to the approval of the superintendent. Provided, that the hiring
27 of employees may not interfere with the layoff or recall rights provided in collective bargaining
28 agreements and the provisions of §16-13-6.

29 (2) To recommend the termination of any teachers, athletic coaches, instructional or
30 administrative aides, and other personnel assigned to the school, consistent with district personnel
31 policies, collective bargaining agreements and budgetary restrictions, subject to review and prior
32 approval by the superintendent and subject to the provisions of this chapter.

33 (3) To oversee the care, control, and management of school facilities and equipment.

34 (4) In consultation with the school improvement team, to prepare a school budget for

1 consideration by the superintendent.

2 (5) To provide for the evaluation of personnel assigned to the school including all
3 teachers, consistent with the standards developed by the school committee pursuant to § 16-2-
4 9(a)(14).

5 (6) In cooperation with the district's leadership, to initiate a performance review plan for
6 the school and for individual teachers.

7 (b) It shall be the responsibility of the principal, in consultation with professional staff of
8 the building, to promote participatory decision making among all professional staff for the
9 purpose of developing educational policy.

10 (c) Nothing in this section shall be deemed to limit or interfere with the rights of teachers
11 and other school employees to collectively bargain pursuant to chapters 9.3 and 9.4 of title 28, or
12 to allow any school principal to abrogate any agreement reached by collective bargaining.

13 (d) Recognizing that there may be a transition period necessary to implement the
14 provisions of this section, all local education agencies, as defined in chapter 97.1 of title 16, shall
15 ensure that the implementation of the powers and duties of school principals as provided by this
16 section are adopted and implemented as soon as practical, but no later than August 1, 2021.

17 SECTION 4 Sections 16-53 1-2 and 16-53 1-3 of the General Laws in Chapter 16-53.1
18 entitled "Rhode Island School Improvement Team Act" are hereby amended to read as follows.

19 **16-53.1-2. Establishment of school improvement teams.**

20 (a)(1) The school board or school committees of the cities and towns shall establish a
21 school improvement team for each school in the district, and shall develop procedures for the
22 election and appointment of school improvement team members. Each school improvement team
23 shall be composed of the principal and an appropriately balanced number of teachers, education
24 support employees, students, parents, and other business and community citizens who are
25 representative of the ethnic, racial, and economic community served by the school, provided that
26 vocational-technical center and high school school-improvement teams shall include students,
27 and middle and junior high school school-improvement teams may include students. Members
28 representing teachers, education support employees, students, and parents shall be selected by
29 their peer groups at the school in a fair and equitable manner. At the middle and high school
30 levels, where there are designated department heads, those department heads will also be included
31 on the school improvement team. At a minimum, these school improvement teams at the middle
32 and high school level shall include at least one department head from a humanities subject area
33 and at least one department head from one of the science, technology, engineering, or
34 mathematics subject areas.

1 (2) Business and other community members shall be selected by the school according to a
2 procedure established by the school board. The school board shall review the membership
3 composition of each school improvement team. Should the school board determine that the
4 membership elected by the school is not representative of the ethnic, racial, and economic
5 community served by the school, the board shall appoint additional members to achieve proper
6 representation. For the purposes of school improvement teams, the term "teacher" includes
7 classroom teachers, certified student services personnel, and media specialists. For purposes of
8 this subsection, "education support employee" means any person employed by a school who is
9 not defined as instructional or administrative personnel pursuant to law and whose duties require
10 twenty (20) or more hours in each normal working week.

11 (b) The school board may establish a district school improvement team representative of
12 the district and composed of teachers, students, parents, and other citizens or a district school
13 improvement team which may be comprised of representatives of each school improvement team.

14 16-53.1-3. Duties of the school improvement teams.

15 ~~Each school improvement team shall perform any functions that are prescribed by~~
16 ~~regulations of the school board or school committee; no school improvement team shall have any~~
17 ~~of the powers and duties now reserved by law to the school board. Each school improvement~~
18 ~~team shall assist in the preparation and evaluation of the school improvement plans and shall~~
19 ~~provide any assistance that the principal may request in preparing the school's annual budget and~~
20 ~~plan as required by law.~~

21 (a) The school improvement team, including the school principal, shall meet regularly
22 and shall assist in the identification of the educational needs of the students attending the school.
23 make recommendations to the principal for the development, implementation and assessment of a
24 curriculum accommodation plan, and shall assist in the review of the annual school budget and in
25 the formulation of a school improvement plan, as provided below.

26 (b) The principal of each school, in consultation with the school improvement team
27 established pursuant to this chapter, shall, on an annual basis, develop and submit to the district
28 superintendent a plan for improving student performance. The superintendent shall review and
29 approve the plan, after consultation with the school committee. Plans shall be prepared in a
30 manner and form prescribed by the department of elementary and secondary education and shall
31 conform to any policies and practices of the district consistent therewith. If the superintendent
32 does not approve a plan submitted by the principal, the plan shall be returned to the principal who
33 shall, after consultation with the school improvement team, resubmit the plan to the
34 superintendent who shall review and approve the resubmitted plan after consultation with the

1 school committee.

2 (c) Nothing contained in this section shall prevent the school committee from granting a
3 school improvement team additional authority in the area of educational policy, provided
4 however that school improvement teams shall have no authority over the rights of teachers and
5 other school employees to collectively bargain pursuant to chapters 9.3 and 9.4 of title 28, and
6 provided further that school improvement teams have no authority to abrogate any agreement
7 reached by collective bargaining.

8 SECTION 5 Section 16-60-6 of the General Laws in Chapter 16-60 entitled "Council on
9 Elementary and Secondary Education [See Title 16 Chapter 97 - The Rhode Island Board of
10 Education Act]" is hereby amended to read as follows

11 **16-60-6. Commissioner of elementary and secondary education.**

12 The council on elementary and secondary education, with the advice and consent of the
13 board of education, shall appoint a commissioner of elementary and secondary education who
14 shall serve at the pleasure of the council on elementary and secondary education, provided that
15 the commissioner's initial engagement by the council shall be for a period of not more than three
16 (3) years. ~~For the purpose of appointing, retaining, or dismissing a commissioner, the governor~~

17 ~~shall serve as an additional voting member of the council on elementary and secondary education.~~

18 The position of commissioner shall be in the unclassified service of the state and he or she shall
19 serve as the chief executive officer of the council on elementary and secondary education and as
20 the chief administrative officer of the department of elementary and secondary education. The
21 commissioner of elementary and secondary education shall have the duties that are defined in this
22 section and in this title and any other additional duties that may be determined by the council on
23 elementary and secondary education, and shall perform any other duties that may be vested in the
24 commissioner by law. In addition to the general supervision of the department of elementary and
25 secondary education and the appointment of the several officers and employees of the
26 department, it shall be the duty of the commissioner of elementary and secondary education

27 (1) To develop and implement a systematic program of information gathering,
28 processing, and analysis addressed to every aspect of elementary and secondary education in the
29 state, especially as that information relates to current and future educational needs

30 (2) To prepare a master plan for elementary and secondary education in the state, to
31 coordinate the goals and objectives of the public elementary and secondary education sector with
32 the activities of the nonpublic elementary and secondary education sector where feasible.

33 (3) To communicate with and seek the advice of those concerned with and affected by the
34 board of education's and the council's determinations.

1 (4) To implement broad policy as it pertains to the goals and objectives established by the
2 board of education, to enforce standards and to exercise general supervision over public
3 elementary and secondary education in the state and over all elementary and secondary nonpublic
4 education in the state as provided in subdivision (8) of this section, to assist in the preparation of
5 the budget for elementary and secondary education and to be responsible upon direction of the
6 council on elementary and secondary education for the allocation of appropriations, the
7 acquisition, holding, disposition, and general management of property

8 (5) To be responsible for the coordination of the various elementary and secondary
9 educational functions among the educational agencies of the state including local school districts
10 and to encourage and to assist in the cooperation among them so that maximum efficiency and
11 economy may be achieved.

12 (6) To assist the council on elementary and secondary education in the preparation and
13 presentation annually to the state budget officer, in accordance with § 35-3-4, of a total state
14 elementary and secondary educational budget which shall include, but not be limited to, the
15 budget of the department of elementary and secondary education, subcommittees and agencies,
16 and state aid to local school districts

17 (7) To supervise the operation of the department of elementary and secondary education,
18 to have the duties as defined in § 16-1-5 and in this title or in law wherever outlined, and other
19 additional duties and responsibilities that may be assigned by the council on elementary and
20 secondary education.

21 (8) To perform the duties vested in the board of education and council on elementary and
22 secondary education with relation to nonpublic elementary and secondary educational institutions
23 within the state under the terms of chapter 40 of this title, and other laws that affect nonpublic
24 elementary and secondary education in the state.

25 (9) To supervise the following specific functions:

26 (i) To recommend the basic subjects and courses of study to be taught and instructional
27 standards to be maintained in the public elementary and secondary schools in the state.

28 (ii) To recommend standards and qualifications of teachers and to issue certificates upon
29 approval of standards and qualifications by the council on elementary and secondary education.

30 (iii) To distribute state school funds in accordance with law and regulations of the council
31 on elementary and secondary education.

32 (iv) To certify as to the necessity of school construction and that standards and design are
33 in accordance with law and regulations of the council on elementary and secondary education and
34 to approve a design for school construction throughout the state.

1 (v) To certify that school library standards and services are in accordance with law and
2 regulations of the council on elementary and secondary education.

3 (vi) To recommend to the council on elementary and secondary education relating to the
4 transportation of pupils to school.

5 (vii) To require the observance of all laws relating to elementary and secondary schools
6 and education.

7 (viii) To interpret school law and to decide any controversies that may be appealed to him
8 or her from decisions of local school committees.

9 (ix) To prepare and recommend standard forms for the use of local schools when
10 reporting to the department of elementary and secondary education.

11 (x) To prepare standard accounting and auditing procedures for local school districts,
12 except for the purposes of subdivision (3) of § 16-24-2 which shall be done in conjunction with
13 the auditor general.

14 (xi) To prepare uniform budgeting procedures for local school districts.

15 (xii) To determine when special purpose grants made to local school districts shall be
16 eligible for reimbursement through the school operations aid formula in accordance with chapter
17 7 of this title, and to designate the purpose(s) for which the local school district may use the
18 school operations aid reimbursement, including reimbursement on local matching funds used to
19 support the special purpose grant. The commissioner shall promulgate and adopt rules and
20 regulations to carry out the intent of this subsection.

21 (10) To approve and accredit elementary and secondary schools in accordance with the
22 policy and regulations of the council on elementary and secondary education.

23 (11) To be responsible for the administration of policies, rules, and regulations of the
24 board of education and the council on elementary and secondary education with relation to the
25 entire field of elementary and secondary education within the state not specifically granted to any
26 other department, board, or agency and not incompatible with law.

27 (12) To receive from law enforcement agencies a list periodically of the names of Rhode
28 Island missing children and to disseminate these lists to local school districts.

29 SECTION 6 Title 16 of the General Laws entitled "EDUCATION" is hereby amended
30 by adding thereto the following chapter:

31 CHAPTER 97-I

32 EDUCATION ACCOUNTABILITY ACT

33 16-97.1-1. Performances of local education agencies and individual public schools;

34 Evaluation system; Assessment instruments; Reports.

- 1 (a) The board of education (the "board") shall adopt a system for evaluating, on an annual
2 basis, the performance of both local education agencies ("LEAs") and individual public schools.
3 The system shall:
- 4 (1) Include instruments designed to assess the extent to which schools and LEAs succeed
5 in improving or fail to improve student performance as defined by:
- 6 (i) Student acquisition of the skills, competencies, and knowledge called for by the
7 academic standards and embodied in the curriculum frameworks established in the areas of
8 mathematics, English language arts, science and technology, history, and social studies, world
9 languages, and the arts, and
- 10 (ii) Other gauges of student learning judged by the board to be relevant and meaningful to
11 students, parents, teachers, administrators, and taxpayers.
- 12 (2) Be designed both to measure outcomes and results regarding student performance,
13 and to improve the effectiveness of curriculum and instruction.
- 14 (3) In its design and application, strike a balance among considerations of accuracy,
15 fairness, expense, and administration.
- 16 (4) Employ a variety of assessment instruments on either a comprehensive or statistically
17 valid sampling basis. Such instruments shall:
- 18 (i) Be criterion-referenced, assessing whether students are meeting the academic
19 standards described in this chapter.
- 20 (ii) As much as is practicable, especially in the case of students whose performance is
21 difficult to assess using conventional methods, include consideration of work samples, projects,
22 and portfolios, and shall facilitate authentic and direct gauges of student performance.
- 23 (iii) Provide the means to compare student performance among the various school
24 systems and communities in the state, and between students in other states and in other nations,
25 especially those nations which compete with the state for employment and economic
26 opportunities.
- 27 (iv) Be designed to avoid gender, cultural, ethnic, or racial stereotypes, and
- 28 (v) Recognize sensitivity to different learning styles and impediments to learning, which
29 may include issues related, but not limited to, cultural, financial, emotional, health, and social
30 factors.
- 31 (5) Take into account, on a nondiscriminatory basis, the cultural and language diversity
32 of students in the state and the particular circumstances of students with special needs.
- 33 (6) Comply with federal requirements for accommodating children with special needs.
- 34 (7) Allow all potential English-proficient students from language groups in which

1 English language learner programs are offered opportunities for assessment of their performance
2 in the language which best allows them to demonstrate educational achievement and mastery of
3 academic standards and curriculum frameworks.

4 (8) Identify individual schools and LLAs that need comprehensive support and
5 improvement.

6 (b) The board shall take all appropriate action to bring about and continue the state's
7 participation in the assessment activities of the National Assessment of Educational Progress and
8 in the development of standards and assessments by the New Standards Program.

9 (c) In addition, comprehensive diagnostic assessment of individual students shall be
10 conducted at least in the fourth, eighth, and tenth or eleventh grades. Said diagnostic assessments
11 shall identify academic achievement levels of all students in order to inform teachers, parents,
12 administrators, and the students themselves, as to individual academic performance.

13 (d) The board shall develop procedures for updating, improving, or refining the
14 assessment system.

15 (e) The commissioner of elementary and secondary education (the "commissioner") is
16 authorized and directed to gather information, including the information specified herein and such
17 other information as the board shall require, for the purposes of evaluating individual public
18 schools, school districts, and the efficacy and equity of state and federally-mandated programs.
19 All information gathered pursuant to this section shall be filed in the manner and form prescribed
20 by the department of education (the "department").

21 (f) The board shall establish and maintain a data system to collect information from
22 school districts for the purpose of assessing the effectiveness of district evaluation systems in
23 assuring effective teaching and administrative leadership in the public schools. Such information
24 shall be made available in the aggregate to the public; provided, however, that the following
25 information shall be considered personnel information and shall not be subject to disclosure.

26 (1) Any data or information that school districts, the department, or both create, send, or
27 receive in connection with an educator assessment that is evaluative in nature and that may be
28 linked to an individual educator, including information concerning:

29 (i) An educator's formative assessment or evaluation;

30 (ii) An educator's summative evaluation or performance rating; or

31 (iii) The student learning, growth, and achievement data that may be used as part of an
32 individual educator's evaluation.

33 (g) Each school district shall maintain individual records on every student and employee.
34 Each student record shall contain a unique and confidential identification number, basic

1 demographic information, program and course information, and such other information as the
2 department shall determine necessary. Said records shall conform to parameters established by
3 the department.

4 (h) For the purposes of improving the performance of school districts, individual public
5 schools, and the efficacy and equity of state and federal programs, each district shall file with the
6 commissioner once in each three (3) year period a comprehensive, three (3) year district
7 improvement plan. The plan shall:

8 (1) Be developed and submitted in a manner and form prescribed by the department of
9 education.

10 (2) To the extent feasible, be designed to fulfill all planning requirements of state and
11 federal education laws.

12 (3) Include, but not be limited to

13 (i) An analysis of student and subgroup achievement gaps in core subjects,

14 (ii) Identification of specific improvement objectives,

15 (iii) A description of the strategic initiatives the district will undertake to achieve its
16 improvement objectives, and

17 (iv) Performance benchmarks and processes for evaluating the effect of district
18 improvement initiatives.

19 (4) Describe the professional development activities that will support each district
20 improvement initiative and the teacher induction and mentoring activities that will be undertaken
21 to support successful implementation of the district's improvement efforts.

22 (i) On an annual basis, not later than September 1 of each year, each district shall prepare
23 and have available for state review an annual action plan. The district annual action plan shall:

24 (1) Enumerate the specific activities, persons responsible, and timelines for action to be
25 taken as part of the strategic initiatives set forth in the district's three (3) year improvement plan,
26 and

27 (2) Identify the staff and financial resources allocated to support these activities.

28 (j) Annually, the principal of each school shall:

29 (1) In consultation with the school improvement team, adopt student performance goals
30 for the schools consistent with the school performance goals established by the department of
31 education pursuant to state and federal law and regulations.

32 (2) Consistent with any educational policies establish for the district, assess the needs of
33 the school in light of those goals, and

34 (3) Formulate a school plan to advance such goals and improve student performance. The

- 1 school's plan to support improved student performance shall
- 2 (i) Include, but not be limited to, the same components required for the district
3 improvement plan,
- 4 (ii) Conform to department and district specifications to ensure that such school
5 improvement plans meet state and federal law requirements, and
- 6 (iii) Be submitted to the superintendent who shall review and approve the plan after
7 consultation with the school committee, not later than July 1 of the year in which the plan is to be
8 implemented according to a plan development and review schedule established by the district
9 superintendent.
- 10 (k) The three (3) year comprehensive district plan, annual district action plan, and annual
11 school improvement plan shall replace any district and school plans previously required under the
12 general laws or regulation, which, in the professional opinion of the commissioner, would be
13 most effectively presented as part of the coordinated district or school plan for improving student
14 achievement. The department shall identify any additional reports or plans called for by any
15 general law or regulation which can be incorporated into this single filing in order to reduce
16 paperwork and eliminate duplication.
- 17 (1) Each school district in which more than twenty percent (20%) of the students do not
18 meet grade level expectations of at least proficient or its equivalent on the Rhode Island
19 comprehensive assessment system exam ("RICAS") shall submit a RICAS success plan to the
20 department. The plan shall describe the school district's strategies for helping each student to
21 master the skills, competencies, and knowledge required for the competency determination. In
22 recognition of the department's mission as a district support agency, then at the request of the
23 district or in response to reporting data provided under this subsection, the department shall
- 24 (1) Determine the elements that shall be required to be included in such plan. These
25 elements may include, but are not limited to, the following,
- 26 (i) A plan to assess each student's strengths, weaknesses and needs;
- 27 (ii) A plan to use summer school, after school, and other additional support to provide
28 each child with the assistance needed, and
- 29 (iii) A plan for involving the parents of students.
- 30 (2) Examine each district's plan and determine if it has a reasonable prospect of
31 significantly reducing the school district's failure rates.
- 32 (3) Coordinate oversight of the RICAS success plans with existing education review and
33 oversight functions, and with the RICAS grant program.
- 34 (m) Each school district shall file a report with the department every year by a date and in

1 a format determined by the board. Said report shall include, but not be limited to, the following:

2 (1) An outline of the curriculum and graduation requirements of the district,

3 (2) Pupil-teacher ratios and class size policy and practice,

4 (3) Teacher and administrator evaluation procedures,

5 (4) Statistics, policies, and procedures relative to truancy and dropouts,

6 (5) Statistics, policies, and procedures relative to expulsions and in-school and out-of-

7 school suspensions,

8 (6) Percent of school-age children attending public schools,

9 (7) Racial composition of teaching and administrative staff,

10 (8) Enrollment and average daily attendance, and

11 (9) The annual budgets and expenditures for both the district and the individual schools in

12 the district.

13 (n) Each school district shall file a description of the following instructional procedures

14 and programs with the department every year:

15 (1) Art and music programs;

16 (2) Technology education;

17 (3) Programs for gifted and talented students,

18 (4) Adult education programs;

19 (5) Library and media facilities;

20 (6) Condition of instructional materials including textbooks, workbooks, audio-visual

21 materials, and laboratory materials,

22 (7) Types and condition of computers and computer software;

23 (8) Basic skills remediation programs,

24 (9) Drug, tobacco, and alcohol abuse programs;

25 (10) Multi-cultural education training for students and teachers,

26 (11) Global education, and

27 (12) Nutrition and wellness programs.

28 (o) Each school district and charter school shall file an annual report for the current

29 school year regarding implementation with the department on or before every November 1 in a

30 format determined by the board. The report shall include, but not be limited to, the following:

31 (1) The number of children receiving services within each disability category,

32 (2) The number of children, by grade level, within each such disability category and the

33 costs of services provided by each such category for such children receiving their education in a

34 publicly operated day school program;

1 (3) The number of children, by grade level, within each such disability category and the
2 costs of services provided by each such category for such children receiving their education in a
3 private day setting.

4 (4) The number of children, by grade level, within each such disability category and the
5 costs of services provided by each such category for such children receiving their education in a
6 private residential setting.

7 (5) The number of children who remain in the regular education program full-time, the
8 number of children who are removed from the regular classroom for up to twenty-five percent
9 (25%) of the day, the number of children who are removed from the regular classroom between
10 twenty-five percent (25%) and sixty percent (60%) of the day,

11 (6) The number of children who are placed in substantially separate classrooms on a
12 regular education school site;

13 (7) The number of children, ages three (3) and four (4) who are educated in integrated
14 and separate classrooms; and the assignment by sex, national origin, economic status, and race, of
15 children by age level to special education classes and the distribution of children residing in the
16 district by sex, national origin, economic status, and race of children by age level; and

17 (8) The number of children, by grade level, receiving special education services who
18 have limited English proficiency.

19 (p) Each school district and charter school shall furnish in a timely manner such
20 additional information as the department shall request.

21 (g) Each school district required to provide an English language learners program shall
22 file the following information with the department annually:

23 (1) The type of English language learners programs provided.

24 (2) With regard to limited English proficient students:

25 (i) The number enrolled in each type of English language learners program;

26 (ii) The number enrolled in English as a second language who are not enrolled in another
27 English language learners program;

28 (iii) The results of basic skills, curriculum assessment, achievement, and language
29 proficiency testing, whether administered in English or in the native language;

30 (iv) The absentee, suspension, expulsion, dropout, and promotion rates; and

31 (v) The number of years each limited English proficient student has been enrolled in an
32 English language learners program; and

33 (3) The number of students each year who have enrolled in institutions of higher
34 education and were formerly enrolled in an English language learners program.

1 (4) The academic progress in regular education of students who have completed an
2 English language learners program.

3 (5) For each limited English proficient student receiving special education, the number of
4 years in the school district prior to special education evaluation and the movement in special
5 education programs by program placement.

6 (6) The number of limited English proficient students enrolled in programs of
7 occupational or vocational education.

8 (7) The name, national origin, native language, certificates held, language proficiency,
9 grade levels, and subjects taught by each teacher of an English language learners program,
10 bilingual aides or paraprofessionals, bilingual guidance or adjustment counselors, and bilingual
11 school psychologists.

12 (8) The per-pupil expenditures for each full-time equivalent student enrolled in an
13 English language learners program.

14 (9) The sources and amounts of all funds expended on students enrolled in English
15 language learners programs, broken down by local, state, and federal sources, and whether any
16 such funds expended supplanted, rather than supplemented, the local school district obligation.

17 (10) The participation of parents through parent advisory councils.

18 (11) Whether there were any complaints filed with any federal or state court or
19 administrative agency, since the program's inception, concerning the compliance with federal or
20 state minimum legal requirements, the disposition of such complaint, and the monitoring and
21 evaluation of any such agreement or court order relative to such complaint, and

22 (12) Said information shall be filed in the form of the total for the school district as well
23 as categorized by school, grade, and language.

24 (r) The commissioner annually shall analyze and publish data reported by school districts
25 under this section regarding English language learners programs and limited English proficient
26 students. Publication shall include, but need not be limited to, availability on the department's
27 website. The commissioner shall submit annually a report to the committees of jurisdiction for
28 education in the house of representatives and senate on such data on a statewide and school
29 district basis including, but not limited to, by language group and type of English language
30 learners programs.

31 (s) For the purposes of this chapter, "local education agencies" shall include all of the
32 following within the state of Rhode Island.

33 (1) Public school districts,

34 (2) Regional school districts,

1 (3) State-operated schools.

2 (4) Regional collaborative schools, and

3 (5) Charter schools and nonvocal academies.

4 16-97.1-2. Additional duties of the department of education related to school and
5 district accountability.

6 (a) In order to support the commissioner and the board of education (the "board") in
7 fulfilling their duties, the department shall use existing budgetary resources and existing
8 personnel in its implementation of improvement plans pursuant to this section. The department
9 shall:

10 (1) Provide a mechanism to review and report on the efforts of schools, charter schools,
11 and school districts, including regional school districts, to improve the academic achievement of
12 their students.

13 (2) Inform and assist the board in fulfilling their broader responsibilities to promote high
14 levels of achievement in the schools and districts of the state.

15 (3) Be, for purposes of school and district accountability, under the direction and
16 supervision of one individual who shall be appointed by the commissioner. This individual shall
17 be responsible for:

18 (i) The direction and supervision of the targeted assistance and intervention efforts of the
19 department under this chapter;

20 (ii) Such assistance efforts as the commissioner deems necessary to correct deficiencies
21 identified by the department;

22 (iii) Compliance with the accountability provisions of federal law; and

23 (iv) Ensuring that the education reviewing and assistance functions of the department are
24 aligned to promote collaboration and communication across the education reviewing and
25 assistance functions.

26 (4) Ensure that school and district review teams include experienced practitioners in the
27 field of education, except that no member shall have been previously or currently employed by:

28 (i) The school, district, or charter school being reviewed; or

29 (ii) A district, charter school, or education collaborative serving a common student
30 population with the school, district, or charter school being reviewed.

31 (5) Act as an education reviewing body, objectively reviewing the results of educational
32 measurement and tests conducted by or for the department in implementing the laws under this
33 chapter. In executing this subsection, the department shall:

34 (i) Perform no fewer than five (5) school district education reviews annually, sixty

1 percent (60%) of which shall be in districts whose students achieve at low levels either in
2 absolute terms or relative to districts that educate similar student populations. The remainder of
3 the education reviews shall be divided equally among districts whose students achieve at high
4 levels relative to districts that educate similar student populations and randomly selected districts.
5 (ii) Ensure that no school or district is reviewed during the administration of any
6 statewide assessments.
7 (iii) Coordinate with other entities in the department to ensure that a school or district is
8 not subject to multiple comprehensive education reviews or reviews by the department or any
9 accrediting body within a nine (9) month period, unless the board specifically votes to do so on an
10 emergency basis;
11 (iv) Have the following duties relative to school district reviews:
12 (A) Objectively review the school and district reports;
13 (B) Undertake inspections of schools, charter schools, and school districts, including
14 regional school districts, to evaluate efforts to improve and support the quality of instruction and
15 administration.
16 (C) Review the district's RICAS success plan, if one was required pursuant to law, and
17 evaluate the implementation of that plan;
18 (D) Review the district's implementation of any RICAS grants received to develop or
19 enhance academic support services for students scoring below proficient or its equivalent.
20 (E) Evaluate the alignment of curriculum and professional development plans with the
21 state curriculum and assessments;
22 (F) Review the progress of overall student achievement;
23 (G) Evaluate student performance, school and district management, overall district
24 governance, and any other areas deemed necessary by the department; and
25 (H) Ensure such education reviews are conducted in accordance with standards
26 established by the council of elementary and secondary education.
27 (v) Following the school district's education review, produce a comprehensive report
28 detailing its findings and observations, which the commissioner shall present to the council along
29 with any recommendations for further action to be taken by the council. After the council's
30 receipt of the report, the commissioner shall issue recommendations to districts not requiring
31 further action relative to methods for improving any deficiencies identified by the department.
32 The recommendations shall be transmitted to the reviewed district's superintendent and school
33 committee within ninety (90) days of the council's receipt of the report; and
34 (vi) Annually compile a report of best practices from the list of education reviews

1 conducted that year and distribute the compiled list to all school districts in the state.

2 (6) For the purposes of any inspection or education review, have access to all necessary
3 papers, vouchers, books, and records pertaining to a school, including a charter school, a school
4 district, or a regional school district.

5 (7) In establishing protocols for the conduct of school or district education reviews, to the
6 extent practicable, minimize the administrative burden on schools and districts by using existing,
7 recently-compiled, or readily-available data sources. Schools, school districts, and school
8 personnel shall cooperate with the department for any inspection or education review conducted
9 pursuant to this section including, but not limited to, participating in interviews and producing
10 books and documents. Each school district, including regional school districts and charter
11 schools, shall annually file with the department, on or before October 1, a copy of its current
12 personnel contracts and collective bargaining agreements in a form and manner prescribed by the
13 commissioner. The department shall ensure that any noncompliance with law, misfeasance, or
14 malfeasance shall be referred to the commissioner for appropriate action.

15 (8) Support the commissioner and the council in carrying out their duties under sections
16 related to underperforming schools. Nothing in this section shall be construed as limiting the
17 ability of the department to contract with individuals, external partners, or other entities to
18 support the assistance functions established by said sections.

19 (b) The department shall transmit its findings, education review reports,
20 recommendations, and follow-up reports to the council on elementary and secondary education,
21 the attorney general, and a local public library in the education reviewed districts. In addition, the
22 department shall appear annually before the health, education and welfare committee of the house
23 of representatives and before the senate education committee, to report on these findings, reviews,
24 recommendations, and other reports.

25 SECTION 7. This act shall take effect on January 1, 2020.

LC002553/SUB A

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION – EDUCATION ACCOUNTABILITY ACT

•••

1 This act would provide for greater school-based management at the school level, would
2 expand the duties of principals and school improvement teams, and would also establish a new
3 chapter on education accountability which would provide for evaluations, assessments, and
4 education review reports on the performance of both school districts and individual schools.

5 This act would take effect on January 1, 2020.

LC002553 SUB A

Compensation

Title 9

Courts and Civil Procedure — Procedure Generally

Chapter 1

Causes of Action

R.I. Gen. Laws § 9-1-31

§ 9-1-31. Public school teachers, supervisors, and administrators — Immunity from liability — Compensation for certain injuries — Duty upon school committees and board of regents.

(a) Each school committee and the board of regents shall protect and save harmless

(1) any public school teacher

(2) any supervisor, administrator, or licensed professional employee

(3) any employee whose position requires a certificate from the department of education or board of regents for elementary and secondary education

(4) any employee whose position directly involves work with students

(5) any employee of the board of regents

from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand, or suit for actions resulting in accidental bodily injury to or death of any person, or in accidental damage to or destruction of property, within or without the school building, or any other acts, including but not limited to infringement of any person's civil rights, resulting in any injury, which acts are not wanton, reckless, malicious, or grossly negligent, as determined by a court of competent jurisdiction, provided the teacher, supervisor, or administrator, at the time of the acts resulting in the injury, death, damages, or destruction, was acting in the discharge of his or her duties or within the scope of his or her employment or under the direction of the school committee or the board of regents.

(b) For the purpose of this section, the term "teacher" shall include any student teacher doing practice teaching under the direction of a teacher employed by a school committee or the board of regents.

(c) Each school committee and the board of regents shall protect and save harmless any teacher or any supervisor or administrator from financial loss and expense, including payment of expenses reasonably incurred for medical or other service, necessary as a result of an assault upon the teacher, supervisor, or administrator while the person was acting in the discharge of his or her duties within the scope of his or her employment or under the direction of the school committee or the board of regents, which expenses are not paid by the individual teacher's, supervisor's, or administrator's workers' compensation.

(d) Any teacher, supervisor, or administrator absent from his or her employment as a result of injury sustained during an assault upon the teacher, supervisor, or administrator that occurred while the teacher, supervisor, or administrator was discharging his or her duties within the scope of his or her employment or under the direction of the school committee or the board of regents, or for a court appearance in connection with the assault, shall continue to receive his or her full salary, while so absent, except that the amount of any workers' compensation award may be deducted from his or her salary payments during the absence. The time of the absence shall not be charged against the teacher's, supervisor's, or administrator's sick leave, vacation time, or personal leave days.

(e) A person so injured in accordance with subdivision (d) above and who receives a disability therefrom, which renders them unable to fully perform their normal duties, shall, if the disability continues for a period of one year, apply to the Rhode Island employees retirement system for appropriate benefits for which that person is entitled.

History of Section.

P.L. 1978, ch. 221, § 1; P.L. 1980, ch. 48, § 1; P.L. 1988, ch. 136, § 1; P.L. 1990, ch. 341, § 1; P.L. 1997, ch. 212, § 1.

Title 16

Education

Chapter 7

Foundation Level School Support [See Title 16 Chapter 97 — The Rhode Island Board of Education Act]

R.I. Gen. Laws § 16-7-19.1

§ 16-7-19.1. Optional incentive plan.

(a) Any school committee in a municipality, or regional school district with an elected school committee, may by resolution to the retirement board, and the chief executive officer in any municipality with an appointed school committee may by order to the retirement board, as a result of a bargaining agreement with its teacher employees, accept an incentive plan to provide supplemental payments for teachers who are eligible for a service retirement allowance at the time they retire, or who become eligible for a service retirement allowance subsequent to their retirement, as follows: As an incentive to retire, the school committee shall grant no later than thirty (30) days following retirement a lump sum payment not to exceed one hundred fifty dollars (\$150) for each year of service in that community, up to a maximum of thirty (30) years of service.

(b) Each teacher must notify the school committee by July 1 of the year in which they intend to retire. The incentive payment shall be paid to the teacher no later than thirty (30) days following retirement or at the time they become eligible for a service retirement allowance and no retirement contribution shall be made from this payment.

(c) Incentive payments under the plan shall not be included in the final salary of a teacher for the computation of the basic pension due from the retirement plan and the supplemental amount shall be computed as a separate item based on the existing pension formula, including three (3) year average, and the supplemental payment shall then be added to the teacher's basic pension amount.

(d) Supplemental payments under this section shall be applied, in the case of an option, after the option annuity amount is determined, and shall be continued for the lifetime of the teacher only and not to a beneficiary.

(e) Supplemental payments under this section shall not be included in the original pension allowance subject to any cost of living increase provided by § 16-16-40.

(f) The total of all supplemental payments to retired teachers under this section shall be reimbursed to the retirement board by the school districts on a monthly basis. Whenever any amounts due are not paid within thirty (30) days from the date due, the board shall levy regular interest on the payments from date due to date of payment.

(g) Any school committee in a municipality or regional school district with an elected school committee may terminate the optional incentive plan by resolution to the retirement board and the chief executive officer of a municipality with an appointed school committee may terminate the optional incentive plan by order to the retirement board, provided that:

(1) No teacher who retires after the termination of the plan shall be eligible for any incentive or supplemental payments.

(2) Any retired teacher who is receiving supplemental payments prior to the termination of the plan shall continue to receive payments for the remaining lifetime of the teacher, and the school district shall continue to be liable for the reimbursement of the payments to the retirement board as provided in subsection (f) of this section.

History of Section.

P.L. 1981, ch. 162, § 4; P.L. 1983, ch. 289, § 1; P.L. 1986, ch. 432, § 1; P.L. 1987, ch. 368, § 1; P.L. 1988, ch. 84, § 74; P.L. 1988, ch. 129, art. 11, § 1; P.L. 1991, ch. 44, art. 39, § 1; P.L. 2011, ch. 265, § 3.

Title 16

Education

Chapter 7

Foundation Level School Support [See Title 16 Chapter 97 — The Rhode Island Board of Education Act]

R.I. Gen. Laws § 16-7-29

§ 16-7-29. Minimum salary schedule.

(a) Every municipality and regional school district shall establish and put into full effect by appropriate action of its school committee in a municipality or regional school district where the school committee is elected, or by appropriate action of the chief executive officer, in a municipality where the school committee is appointed, a salary schedule recognizing years of service, experience, and training for all certified personnel regularly employed in the public schools and having no more than twelve (12) annual steps. The term "school year" as applied to the salary schedule means the ten (10) calendar months beginning in September and ending the following June.

(b) Nothing in this section shall prohibit a freeze or reduction of the monetary value of the steps in the salary schedule through the collective bargaining process.

History of Section.

P.L. 1960, ch. 27, § 10; P.L. 1988, ch. 84, § 74; P.L. 1992, ch. 173, § 1; P.L. 1993, ch. 189, § 1; P.L. 2006, ch. 246, art. 19, § 5; P.L. 2007, ch. 73, art. 21, § 1; P.L. 2011, ch. 265, § 4.

Title 16

Education

Chapter 12

Rights and Duties of Teachers Generally

R.I. Gen. Laws § 16-12-5

§ 16-12-5. Minimum salary.

The annual salary of any teacher employed on a full time basis in any public school shall not be less than twelve hundred dollars (\$1,200).

History of Section.

P.L. 1909, ch. 458, § 1; P.L. 1922, ch. 2234, § 18; G.L. 1923, ch. 71, § 13; G.L. 1938, ch. 180, § 13; P.L. 1945, ch. 1607, § 1; G.L. 1956, § 16-12-5.

Title 28

Labor and Labor Relations

Chapter 9.3

Certified School Teachers' Arbitration

R.I. Gen. Laws § 28-9.3-2

§ 28-9.3-2. Right to organize and bargain collectively.

(a) The certified teachers in the public school system in any city, town, or regional school district have the right to negotiate professionally and to bargain collectively with their respective school committees and to be represented by an association or labor organization in the negotiation or collective bargaining concerning hours, salary, working conditions, and all other terms and conditions of professional employment.

(b) For purposes of this chapter, "certified teachers" means certified teaching personnel employed in the public school systems in the state of Rhode Island engaged in teaching duties, including support personnel whose positions require a professional certificate issued by the state department of education and personnel licensed by the department of health; or other non-administrative professional employees.

(c) Whenever the word "school committee" is used in this chapter, in a municipality with an appointed school committee, it means the chief executive officer of the municipality.

(d) Superintendents, assistant superintendents, principals, and assistant principals, and other supervisors above the rank of assistant principal, are excluded from the provisions of this chapter.

(e) Active employees whose collective bargaining agreements expire on or after September 30, 2011, may, upon expiration of such collective bargaining agreements, receive coverage under benefit plans including, but not limited to, those recommended in accordance with chapter 73 of title 27.

History of Section.

P.L. 1966, ch. 146, § 1; P.L. 1981, ch. 418, § 1; P.L. 1990, ch. 366, § 1; P.L. 1998, ch. 193, § 1; P.L. 2009, ch. 374, § 1; P.L. 2009, ch. 383, § 1; P.L. 2010, ch. 301, § 2; P.L. 2011, ch. 124, § 2; P.L. 2011, ch. 133, § 2; P.L. 2011, ch. 265, § 6.

Tenure

Title 16

Education

Chapter 13

Teachers' Tenure

R.I. Gen. Laws § 16-13-2

§ 16-13-2. Annual contract basis — Automatic continuation.

(a) Teaching service shall be on the basis of an annual contract, except as hereinafter provided, and the contract shall be deemed to be continuous unless the governing body of the schools shall notify the teacher, in writing, on or before March 1, that the contract for the ensuing year will not be renewed. If the dismissal or nonrenewal is based on fiscal exigency or program reorganization, the governing body shall notify the teacher on or before June 1 of the school year immediately preceding the school year in which the dismissal or nonrenewal is to become effective. Provided, however, that a teacher, upon request, shall be furnished a statement of cause for dismissal or nonrenewal of his or her contract by the school committee; provided further, that whenever any contract is not renewed, or the teacher is dismissed, the teacher 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 a dismissal or nonrenewal of a nontenured teacher pursuant to subsection (a) of this section.

History of Section.

P.L. 1946, ch. 1775, § 2; G.L. 1956, § 16-13-2; P.L. 1970, ch. 222, § 1; 1995, ch. 387, § 1; P.L. 2014, ch. 278, § 1; P.L. 2014, ch. 335, § 1.

Title 16

Education

Chapter 13

Teachers' Tenure

R.I. Gen. Laws § 16-13-3

§ 16-13-3. Probationary period — Tenure after probation.

(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.

History of Section.

P.L. 1946, ch. 1775, § 3; G.L. 1956, § 16-13-3; P.L. 1975, ch. 258, § 1; P.L. 1992, ch. 170, § 1; P.L. 1995, ch. 387, § 1; P.L. 1997, ch. 307, § 1; P.L. 2013, ch. 267, § 1; P.L. 2013, ch. 362, § 1; P.L. 2014, ch. 278, § 1; P.L. 2014, ch. 335, § 1.

Collective Bargaining

Title 28

Labor and Labor Relations

Chapter 9.3

Certified School Teachers' Arbitration

R.I. Gen. Laws § 28-9.3-1

§ 28-9.3-1. Declaration of policy — Purpose.

(a) In pursuance of the duty imposed upon it by the constitution to promote public schools and to adopt all means necessary and proper to secure to the people the advantages and opportunities of education, the general assembly declares that it recognizes teaching as a profession that requires special educational qualifications and that to achieve high quality education it is indispensable that good relations exist between teaching personnel and school committees.

(b) It is declared to be the public policy of this state to accord to certified public school teachers the right to organize, to be represented, to negotiate professionally, and to bargain on a collective basis with school committees covering hours, salary, working conditions, and other terms of professional employment; provided, that nothing contained in this chapter shall be construed to accord to certified public school teachers the right to strike.

History of Section.

P.L. 1966, ch. 146, § 1.

Title 28

Labor and Labor Relations

Chapter 9.3

Certified School Teachers' Arbitration

R.I. Gen. Laws § 28-9.3-2

§ 28-9.3-2. Right to organize and bargain collectively.

(a) The certified teachers in the public school system in any city, town, or regional school district have the right to negotiate professionally and to bargain collectively with their respective school committees and to be represented by an association or labor organization in the negotiation or collective bargaining concerning hours, salary, working conditions, and all other terms and conditions of professional employment.

(b) For purposes of this chapter, "certified teachers" means certified teaching personnel employed in the public school systems in the state of Rhode Island engaged in teaching duties, including support personnel whose positions require a professional certificate issued by the state department of education and personnel licensed by the department of health; or other non-administrative professional employees.

(c) Whenever the word "school committee" is used in this chapter, in a municipality with an appointed school committee, it means the chief executive officer of the municipality.

(d) Superintendents, assistant superintendents, principals, and assistant principals, and other supervisors above the rank of assistant principal, are excluded from the provisions of this chapter.

(e) Active employees whose collective bargaining agreements expire on or after September 30, 2011, may, upon expiration of such collective bargaining agreements, receive coverage under benefit plans including, but not limited to, those recommended in accordance with chapter 73 of title 27.

History of Section.

P.L. 1966, ch. 146, § 1; P.L. 1981, ch. 418, § 1; P.L. 1990, ch. 366, § 1; P.L. 1998, ch. 193, § 1; P.L. 2009, ch. 374, § 1; P.L. 2009, ch. 383, § 1; P.L. 2010, ch. 301, § 2; P.L. 2011, ch. 124, § 2; P.L. 2011, ch. 133, § 2; P.L. 2011, ch. 265, § 6.

Massachusetts



Providence Public School – Study Commission

Senator Samuel D. Zurier

Chairman

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Due Process

Part I	ADMINISTRATION OF THE GOVERNMENT
Title XII	EDUCATION
Chapter 71	PUBLIC SCHOOLS
Section 41	TENURE OF TEACHERS AND SUPERINTENDENTS; PERSONS ENTITLED TO PROFESSIONAL TEACHER STATUS; DISMISSAL; REVIEW

Section 41. For the purposes of this section, a teacher, school librarian, school adjustment counselor, school nurse, school social worker or school psychologist who has served in the public schools of a school district for the three previous consecutive school years shall be considered a teacher, and shall be entitled to professional teacher status as provided in section forty-two. The superintendent of said district, upon the recommendation of the principal, may award such status to any teacher who has served in the principal's school for not less than one year or to a teacher who has obtained such status in any other public school district in the commonwealth. A teacher without professional teacher status shall be notified in writing on or before June fifteenth whenever such person is not to be employed for the following school year. Unless such notice is given as herein provided, a teacher without such status shall be deemed to be appointed for the following school year.

School principals, by whatever title their position may be known, shall not be represented in collective bargaining, but each principal, upon the written request of the principal, shall meet and discuss the terms and conditions of the principal's employment in the principal's school district with the district's superintendent or the superintendent's designee, at a time to be determined by the superintendent and may be represented by an attorney or other representative. School principals shall enter into individual employment contracts with their employing districts concerning the terms and conditions of employment. The initial contract with each individual school district shall be for not less than 1 year nor more than 3 years. The second and subsequent contracts shall be for not less than 3 nor more than 5 years unless: (i) said contract is a 1 year contract based on the failure of the superintendent to notify the principal of the proposed nonrenewal of his contract pursuant to this section; or (ii) both parties agree to a shorter term of employment. Notwithstanding the past employment conditions of a school principal, the conditions established by this paragraph shall apply to the initial contract of each school principal. Failure of the superintendent to notify a principal of the proposed nonrenewal of his contract at least sixty days prior to the expiration date of such contract shall automatically renew the contract for an additional one year period.

Except as provided herein, section forty-two shall not apply to school principals, assistant principals or department heads, although nothing in this section shall deny to any principal, assistant principal or department head any professional teacher status to which he shall otherwise be entitled. A principal, assistant principal, department head or other supervisor who has served in that position in the public schools of the district for three consecutive years shall not be dismissed or demoted

except for good cause. Only a superintendent may dismiss a principal. A principal, assistant principal, department head or other supervisor shall not be dismissed unless he has been furnished with a written notice of intent to dismiss with an explanation of the grounds for the dismissal, and, if he so requests, has been given a reasonable opportunity within fifteen days after receiving such notice to review the decision with the superintendent at which meeting such employee may be represented by an attorney or other representative to present information pertaining to the bases for the decision and to such employee's status. A principal, assistant principal, department head or other supervisor may seek review of a dismissal or demotion decision by filing a petition with the commissioner for arbitration. Except as provided herein, the procedures for arbitration, and the time allowed for the arbitrator to issue a decision, shall be the same as that in section forty-two. The commissioner shall provide the parties with the names of three arbitrators who are members of the American Arbitration Association. The arbitrators shall be different from those developed pursuant to section forty-two. The parties each shall have the right to strike one of the three arbitrator's names if they are unable to agree upon a single arbitrator from amongst the three.

A school committee may award a contract to a superintendent of schools or a school business administrator for periods not exceeding six years which may provide for the salary, fringe benefits, and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performance of duties or office, liability insurance, and leave for said superintendent or school business administrator. Nothing in this section shall be construed

to prevent a school committee from voting to employ a superintendent of schools who has completed three or more years' service to serve at its discretion.

Part I	ADMINISTRATION OF THE GOVERNMENT
Title XII	EDUCATION
Chapter 71	PUBLIC SCHOOLS
Section 42	DISMISSAL OR DEMOTION OF TEACHERS OR OTHER EMPLOYEES OF SCHOOL OR SCHOOL DISTRICT; ARBITRATION

Section 42. A principal may dismiss or demote any teacher or other person assigned full-time to the school, subject to the review and approval of the superintendent; and subject to the provisions of this section, the superintendent may dismiss any employee of the school district. In the case of an employee whose duties require him to be assigned to more than one school, and in the case of teachers who teach in more than one school, those persons shall be considered to be under the supervision of the superintendent for all decisions relating to dismissal or demotion for cause.

A teacher who has been teaching in a school system for at least ninety calendar days shall not be dismissed unless he has been furnished with written notice of intent to dismiss and with an explanation of the grounds for the dismissal in sufficient detail to permit the teacher to respond and documents relating to the grounds for dismissal, and, if he so requests, has been given a reasonable opportunity within ten school days after

receiving such written notice to review the decision with the principal or superintendent, as the case may be, and to present information pertaining to the basis for the decision and to the teacher's status. The teacher receiving such notice may be represented by an attorney or other representative at such a meeting with the principal or superintendent. Teachers without professional teacher status shall otherwise be deemed employees at will.

A teacher with professional teacher status, pursuant to section forty-one, shall not be dismissed except for inefficiency, incompetency, incapacity, conduct unbecoming a teacher, insubordination or failure on the part of the teacher to satisfy teacher performance standards developed pursuant to section thirty-eight of this chapter or other just cause.

A teacher with professional teacher status may seek review of a dismissal decision within thirty days after receiving notice of his dismissal by filing a petition for arbitration with the commissioner. The commissioner shall forward to the parties a list of three arbitrators provided by the American Arbitration Association. Each person on the list shall be accredited by the National Academy of Arbitrators. The parties each shall have the right to strike one of the three arbitrators' names if they are unable to agree upon a single arbitrator from amongst the three. The arbitration shall be conducted in accordance with the rules of the American Arbitration Association to be consistent with the provisions of this section. The parties each shall have the right to strike one of the three arbitrators' names if they are unable to agree upon a single arbitrator from amongst the three. The board of education shall determine the process for selecting arbitrators for the pool. The fee for the arbitration shall be split equally between the two parties involved in the arbitration.

At the arbitral hearing, the teacher and the school district may be represented by an attorney or other representative, present evidence, and call witnesses and the school district shall have the burden of proof. In determining whether the district has proven grounds for dismissal consistent with this section, the arbitrator shall consider the best interests of the pupils in the district and the need for elevation of performance standards.

The arbitrator's decision shall be issued within one month from the completion of the arbitral hearing, unless all parties involved agree otherwise, and shall contain a detailed statement of the reasons for the decision. Upon a finding that the dismissal was improper under the standards set forth in this section, the arbitrator may award back pay, benefits, reinstatement, and any other appropriate non-financial relief or any combination thereof. Under no circumstances shall the arbitrator award punitive, consequential, or nominal damages, or compensatory damages other than back pay, benefits or reinstatement. In the event the teacher is reinstated, the period between the dismissal and reinstatement shall be considered to be time served for purposes of employment. The arbitral decision shall be subject to judicial review as provided in chapter one hundred and fifty C. With the exception of other remedies provided by statute, the remedies provided hereunder shall be the exclusive remedies available to teachers for wrongful termination. The rules governing this arbitration procedure shall be the rules of the American Arbitration Association as pertains to arbitration.

Nothing in this section or section 41 shall affect the right of a superintendent to lay off teachers pursuant to reductions in force or reorganization resulting from declining enrollment or other budgetary reasons. No teacher with professional teacher status shall be laid off

pursuant to a reduction in force or reorganization if there is a teacher without such status for whose position the covered employee is currently certified or if there is a less qualified teacher with such status holding the same or similar position for which the covered employee is currently certified. No teacher with such status shall be displaced in accordance with the terms of a collective bargaining agreement or otherwise by a more senior teacher with such status unless the more senior teacher is currently certified pursuant to section 38G and is at least as qualified for the position as the junior teacher holding the position. The criteria for determining a qualified teacher under this paragraph shall be subject to the collective bargaining provisions of chapter 150E; provided, however, that any such collectively bargained for qualifications shall include, as the primary factors, indicators of job performance, including overall ratings resulting from comprehensive evaluations conducted consistent with section 38 and the best interests of the students in the school or district; and provided further, that for the purposes of this paragraph, no distinction shall be made between the overall performance ratings established by the board of elementary and secondary education finding that the teacher has met or exceeded acceptable performance standards developed under said section 38 and that are defined by the board as proficient and exemplary. The school committee and the collective bargaining representative may negotiate for seniority or length of service only as a tie-breaker in personnel actions under this paragraph among teachers whose qualifications are no different using the qualifications collectively bargained for in accordance with this paragraph.

Evaluation Process

Part I	ADMINISTRATION OF THE GOVERNMENT
Title XII	EDUCATION
Chapter 71	PUBLIC SCHOOLS
Section 38	EMPLOYMENT OF TEACHERS, AIDES, PRINCIPALS, ETC.; DESIGNATION OF HORACE MANN TEACHERS; PERFORMANCE EVALUATIONS; PERFORMANCE STANDARDS

Section 38. No school district shall require that an individual reside within the city, town or regional school district as a condition of promotion, assignment, transfer or continued employment as a school teacher, instructional aide, assistant principal, principal, director, supervisor, deputy superintendent or professional employee; provided, however, that the provisions of this paragraph shall not apply to any individual appointed, reappointed or promoted to the position of superintendent, associate superintendent or assistant superintendent.

Subject to the collective bargaining provisions of chapter one hundred and fifty E, the school committee may designate each year Horace Mann teachers who meet the requirements and guidelines developed by the board of education pursuant to section one G of chapter fifteen. Any position designated as a Horace Mann teacher shall be included in an appropriate teacher collective bargaining unit. Each year the school committee may designate Horace Mann teachers who meet the

requirements and guidelines developed by the board of education; provided, however, that a teacher may not be designated as a Horace Mann teacher more than two consecutive years.

The superintendent, by means of comprehensive evaluation, shall cause the performance of all teachers, principals, and administrators within the school district to be evaluated using any principles of evaluation established by the board of education pursuant to section one B of chapter sixty-nine and by such consistent, supplemental performance standards as the school committee may require, including the extent to which students assigned to such teachers and administrators satisfy student academic standards or, in the case of a special education student, the individual education plan, and the successful implementation of professional development plans required under section thirty-eight Q; provided, however, that such principles and standards be consistent with the anti-discrimination requirements of chapter one hundred and fifty-two B. The superintendent shall require the evaluation of administrators and of teachers without professional teacher status every year and shall require the evaluation of teachers with professional teacher status at least once every two years. The procedures for conducting such evaluations, but not the requirement for such evaluations, shall be subject to the collective bargaining provisions of chapter one hundred and fifty E.

Performance standards for teachers and other school district employees shall be established by the school committee upon the recommendation of the superintendent, provided that where teachers are represented for collective bargaining purposes, all teacher performance standards shall be determined as follows: The school committee and the collective bargaining representative shall undertake for a reasonable period of time to agree on teacher performance standards. Prior to said reasonable

period of time, the school district shall seek a public hearing to comment on such standards. In the absence of an agreement, after such reasonable period, teacher performance standards shall be determined by binding interest arbitration. Either the school district or the teachers' collective bargaining representative may file a petition seeking arbitration with the commissioner of education. The commissioner shall forward to the parties a list of three arbitrators provided by the American Arbitration Association. The school committee and the collective bargaining representative within three days of receipt of the list from the commissioner of education shall have the right to strike one of the three arbitrators' names if they are unable to agree upon a single arbitrator from among the three. The arbitration shall be conducted in accordance with the rules of the American Arbitration Association to be consistent with the provisions of this section. In reaching a decision, the arbitrator shall seek to advance the goals of encouraging innovation in teaching and of holding teachers accountable for improving student performance. The arbitrator shall consider the particular socioeconomic conditions of the student population of the school district. Both the parties and the arbitrator may adopt performance standards established by state or national organizations. The performance standards shall be incorporated into the applicable collective bargaining agreement; provided, however, that any subsequent modification of the performance standards shall be made pursuant to the procedures set forth in this section.

The results of such evaluations may be used in decisions to dismiss, demote or remove a teacher or administrator pursuant to sections forty-two, forty-two A and sixty-three.

Each school district shall conduct evaluations of teachers and administrators in accordance with the regulations of the board and shall be reimbursed for reasonable costs incurred thereby in accordance with section sixty of chapter fifteen.

Compensation

Part I	ADMINISTRATION OF THE GOVERNMENT
Title XII	EDUCATION
Chapter 71	PUBLIC SCHOOLS
Section 40	COMPENSATION OF TEACHERS; DEFERRED PAYMENT

Section 40. The compensation of each teacher, except a person in training and except a person employed as a temporary substitute, upon a majority vote of the respective school committee and the appropriating authority or, in the case of a regional school district, upon acceptance as provided hereafter, shall be at a rate of not less than eighteen thousand dollars or at a rate not less than twenty thousand dollars, as designated by said vote, for the school year commencing after July first, nineteen hundred and eighty-seven. In the case of a regional school district, acceptance shall require the approval of the regional school district committee and two-thirds of the appropriating authorities of the municipalities in such regional school district. The compensation paid to such teachers shall be deemed to be fully earned at the end of the school year, and proportionately earned during the school year. Payment of such compensation may be deferred to the extent that equal payments may be established for a twelve month period including amounts payable in July and August subsequent to the end of the school year. Educational collaboratives, formed under the provisions of section four E of chapter

forty, may accept the provisions of this section by a majority vote of the collaborative board and the approval by a vote of the majority of the appropriating authorities of the member cities and towns.

Any city, town, regional school district, educational collaborative or independent vocational school district which currently employs teachers at salaries below eighteen thousand dollars or below twenty thousand dollars and which accepts the minimum salary provisions of this section for school years commencing after July first, nineteen hundred and eighty-seven shall receive a minimum teacher salary grant from the commonwealth in fiscal years nineteen hundred and eighty-eight and nineteen hundred and eighty-nine equal to the cost incurred by such city, town, collaborative or regional school district during said fiscal years as a result of increasing the minimum teacher salary to eighteen thousand dollars or to twenty thousand dollars, as designated by the vote of the school committee and the appropriating authority thereof, for each teacher whose salary was below that level prior to July first, nineteen hundred and eighty-seven and for each teacher hired after June thirtieth, nineteen hundred and eighty-seven whose salary was below that level at any time between July first, nineteen hundred and eighty-seven and June thirtieth, nineteen hundred and eighty-nine.

Part I ADMINISTRATION OF THE GOVERNMENT**Title XII** EDUCATION**Chapter 71** PUBLIC SCHOOLS**Section 43** REDUCTION OF SALARIES; CONDITIONS

Section 43. The salary of no teacher employed with professional teacher status in any city or town except Boston shall be reduced without his consent except by a general salary revision affecting equally all teachers of the same salary grade in the town or except in connection with a reduction in status from full-time to part-time pursuant to a reduction in force resulting from declining enrollments or other budgetary reasons or pursuant to reorganizations for academic or budgetary reasons. Nothing in this section or in any other section of this chapter shall be construed to prevent a school district from entering into an individual annuity contract for such employee or from reducing the salary or compensation of such employee pursuant to such agreement for the purpose of such purchase as authorized by section thirty-seven B.

Tenure

Part I	ADMINISTRATION OF THE GOVERNMENT
Title XII	EDUCATION
Chapter 71	PUBLIC SCHOOLS
Section 41	TENURE OF TEACHERS AND SUPERINTENDENTS; PERSONS ENTITLED TO PROFESSIONAL TEACHER STATUS; DISMISSAL; REVIEW

Section 41. For the purposes of this section, a teacher, school librarian, school adjustment counselor, school nurse, school social worker or school psychologist who has served in the public schools of a school district for the three previous consecutive school years shall be considered a teacher, and shall be entitled to professional teacher status as provided in section forty-two. The superintendent of said district, upon the recommendation of the principal, may award such status to any teacher who has served in the principal's school for not less than one year or to a teacher who has obtained such status in any other public school district in the commonwealth. A teacher without professional teacher status shall be notified in writing on or before June fifteenth whenever such person is not to be employed for the following school year. Unless such notice is given as herein provided, a teacher without such status shall be deemed to be appointed for the following school year.

School principals, by whatever title their position may be known, shall not be represented in collective bargaining, but each principal, upon the written request of the principal, shall meet and discuss the terms and conditions of the principal's employment in the principal's school district with the district's superintendent or the superintendent's designee, at a time to be determined by the superintendent and may be represented by an attorney or other representative. School principals shall enter into individual employment contracts with their employing districts concerning the terms and conditions of employment. The initial contract with each individual school district shall be for not less than 1 year nor more than 3 years. The second and subsequent contracts shall be for not less than 3 nor more than 5 years unless: (i) said contract is a 1 year contract based on the failure of the superintendent to notify the principal of the proposed nonrenewal of his contract pursuant to this section; or (ii) both parties agree to a shorter term of employment. Notwithstanding the past employment conditions of a school principal, the conditions established by this paragraph shall apply to the initial contract of each school principal. Failure of the superintendent to notify a principal of the proposed nonrenewal of his contract at least sixty days prior to the expiration date of such contract shall automatically renew the contract for an additional one year period.

Except as provided herein, section forty-two shall not apply to school principals, assistant principals or department heads, although nothing in this section shall deny to any principal, assistant principal or department head any professional teacher status to which he shall otherwise be entitled. A principal, assistant principal, department head or other supervisor who has served in that position in the public schools of the district for three consecutive years shall not be dismissed or demoted

except for good cause. Only a superintendent may dismiss a principal. A principal, assistant principal, department head or other supervisor shall not be dismissed unless he has been furnished with a written notice of intent to dismiss with an explanation of the grounds for the dismissal, and, if he so requests, has been given a reasonable opportunity within fifteen days after receiving such notice to review the decision with the superintendent at which meeting such employee may be represented by an attorney or other representative to present information pertaining to the bases for the decision and to such employee's status. A principal, assistant principal, department head or other supervisor may seek review of a dismissal or demotion decision by filing a petition with the commissioner for arbitration. Except as provided herein, the procedures for arbitration, and the time allowed for the arbitrator to issue a decision, shall be the same as that in section forty-two. The commissioner shall provide the parties with the names of three arbitrators who are members of the American Arbitration Association. The arbitrators shall be different from those developed pursuant to section forty-two. The parties each shall have the right to strike one of the three arbitrator's names if they are unable to agree upon a single arbitrator from amongst the three.

A school committee may award a contract to a superintendent of schools or a school business administrator for periods not exceeding six years which may provide for the salary, fringe benefits, and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performance of duties or office, liability insurance, and leave for said superintendent or school business administrator. Nothing in this section shall be construed

to prevent a school committee from voting to employ a superintendent of schools who has completed three or more years' service to serve at its discretion.

Receivership Law

Part I	ADMINISTRATION OF THE GOVERNMENT
Title XII	EDUCATION
Chapter 69	POWERS AND DUTIES OF THE DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Section 1K	DETERMINATION OF DISTRICT'S CHRONIC UNDER- PERFORMANCE; DESIGNATION OF RECEIVER; CREATION OF TURNAROUND PLAN; ANNUAL REVIEW; FAILURE OF MUNICIPALITY TO FULFILL FISCAL RESPONSIBILITIES

Section 1K. (a) A district shall be deemed eligible for designation as chronically underperforming upon a determination by the board of elementary and secondary education, pursuant to regulations adopted by the board, that a school district, other than a single school district, has scored in the lowest 10 per cent statewide when compared to other districts of the same grade levels based on a single measure developed by the department that takes into account student achievement data collected pursuant to 1I, and, beginning on July 1, 2011, improvement over time in student academic achievement. Following such determination, the commissioner shall appoint a district review team pursuant to section 55A of chapter 15 to assess and report on the reasons for the underperformance and the prospects for improvement, unless such an assessment has been completed by a district review team within the previous year that the commissioner considers adequate. The district

review team shall include at least 1 person with expertise in the academic achievement of English learners. Upon review of the findings of the district review team, the board may declare the district chronically underperforming.

Following such a declaration, the board shall designate a receiver for the district with all the powers of the superintendent and school committee. The receiver shall be a non-profit entity or an individual with a demonstrated record of success in improving low-performing schools or districts or the academic performance of disadvantaged students who shall report directly to the commissioner. An external receiver designated by the board to operate a district under this subsection shall have full managerial and operational control over such district; provided, however, that the school district shall remain the employer of record for all other purposes. A receiver shall be subject to section 11A.5 of chapter 30A and chapter 66. A receiver who is an individual shall also be subject to chapter 268A. A receiver for a chronically underperforming district shall not be required by contract to indemnify and hold harmless the commonwealth against any and all claims, liabilities and costs which arise out of the receiver's performance of its role in the creation or implementation of the turnaround plan. In connection with the performance of its role in the creation or implementation of the turnaround plan, the receiver may: (i) sue and be sued only to the same extent and upon the same conditions that a municipality may be sued; (ii) receive and disburse funds for the chronically underperforming district; and (iii) solicit and accept grants or gifts for the district.

Not more than 2.5 per cent of the total number of school districts may be designated as chronically underperforming at any given time.

In adopting regulations allowing the board to designate a district as chronically underperforming, the board must ensure that the regulations account for multiple indicators of district quality including student attendance, dismissal rates, exclusion rates, student promotion and graduation rates in the district, or the lack of demonstrated significant improvement for 2 or more consecutive years in core academic subjects, either in the aggregate or among subgroups of students, including designations based on special education classification, low-income, English language proficiency and racial classifications.

(b) The commissioner and the receiver shall jointly create an turnaround plan to promote the rapid improvement of the chronically underperforming district. The plan shall specifically focus on the school or schools in the district that have been designated as chronically underperforming under section 1J and the district policies or practices that have contributed to chronic underperformance.

Before creating the turnaround plan required in this subsection, the commissioner and receiver shall convene a local stakeholder group of not more than 13 individuals for the purpose of soliciting recommendations on the content of such plan in order to maximize the rapid improvement of the academic achievement of students. The commissioner shall provide due consideration to the recommendations of the local stakeholder group. The group shall include: (1) the superintendent, or a designee; (2) the chair of the school committee, or a designee; (3) the president of the local teacher's union, or a designee; (4) a selection of administrators from the district, chosen by the commissioner from among volunteers from the district; (5) a selection of teachers from the district, chosen by the local teacher's union; (6) a selection of parents from the district chosen by the local parent organization; (7) representatives of applicable state and local

social service, health, and child welfare agencies chosen by the commissioner; (8) as appropriate, representatives of state and local workforce development agencies chosen by the commissioner; (9) a representative of an early education and care provider chosen by the commissioner of the department of early education and care, or for middle or high schools, a representative of the higher education community selected by the secretary of education; and (10) a member of the community appointed by the chief executive of the city or town. If the district does not have a parent organization or if the organization does not select a parent, the commissioner shall select a volunteer parent of a student from the district. The commissioner and receiver shall convene the group within 30 days of the board designating a district as chronically underperforming and the group shall make its recommendations to the commissioner and receiver within 45 days of its initial meetings. Meetings of the local stakeholder group shall be open to the public and the recommendations submitted to the commissioner and receiver shall be publicly available immediately upon their submission.

(c) In creating the turnaround plan, the commissioner and receiver shall include measures intended to maximize the rapid improvement of the academic achievement of students in the district and shall, to the extent practicable, base the plan on student outcome data, including, but not limited to: (1) data collected pursuant to section 1I, or information from a school or district review performed under section 55A of chapter 15; (2) student achievement on the Massachusetts Comprehensive Assessment System; (3) other measures of student achievement, approved by the commissioner; (4) student promotion and graduation rates; (5) achievement data for different subgroups of students, including low-income students as defined in chapter 70, English learners and students

receiving special education; and (6) student attendance, dismissal rates and exclusion rates. In creating the turnaround plan required in subsection (b), the commissioner and receiver shall include, after considering the recommendations of the local stakeholder group, the following: (1) steps to address social service and health needs of students in the district and their families in order to help students arrive and remain at school ready to learn; provided, however, that this may include mental health and substance abuse screening; (2) steps to improve or expand child welfare services and, as appropriate, law enforcement services in the school district community, in order to promote a safe and secure learning environment; (3) as applicable, steps to improve workforce development services provided to students in the district and their families in order to provide students and families with meaningful employment skills and opportunities; (4) steps to address achievement gaps for English learners, special education students and low-income students, as applicable; (5) English language acquisition programs for English learners, notwithstanding chapter 71A; and (6) a budget for the district including any additional funds to be provided by the commonwealth, federal government or other sources.

The secretaries of health and human services, public safety, labor and workforce development and other applicable state and local social service, health and child welfare officials shall coordinate with the secretary of education and the commissioner regarding the implementation of strategies pursuant to clauses (1) to (3), inclusive, of this subsection that are included in an turnaround plan and shall, subject to appropriation, reasonably support the implementation consistent with the requirements of state and federal law applicable to the relevant programs that each such official is responsible for administering.

In order to assess the district across multiple measures of district performance and student success, the turnaround plan shall include measurable annual goals including, but not limited to, the following: (1) student attendance, dismissal rates and exclusion rates; (2) student safety and discipline; (3) student promotion and graduation and dropout rates; (4) student achievement on the Massachusetts Comprehensive Assessment System; (5) progress in areas of academic underperformance; (6) progress among subgroups of students, including low-income students as defined by chapter 70, English learners and students receiving special education; (7) reduction of achievement gaps among different groups of students; (8) student acquisition and mastery of 21st-century skills; (9) development of college readiness, including at the elementary and middle school levels; (10) parent and family engagement; (11) building a culture of academic success among students; (12) building a culture of student support and success among faculty and staff; and (13) developmentally appropriate child assessments from pre-kindergarten through third grade, if applicable.

(d) Notwithstanding any general or special law to the contrary, in creating the turnaround plan under subsection (b), the commissioner and the receiver may, after considering the recommendations of the group of stakeholders: (1) expand, alter or replace the curriculum and program offerings of the district or of a school in the district, including the implementation of research-based early literacy programs, early interventions for struggling readers and the teaching of advanced placement courses or other rigorous nationally or internationally recognized courses, if the district or schools in the district do not already have such programs or courses; (2) reallocate the uses of the existing budget of the district; (3) provide funds, subject to appropriation, to

increase the salary of an administrator, or teacher in the district working in an underperforming or chronically underperforming school, in order to attract or retain highly-qualified administrators, or teachers or to reward administrators or teachers who work in chronically underperforming districts that achieve the annual goals set forth in the turnaround plan; (4) expand the school day or school year or both of schools in the district; (5) limit, suspend or change 1 or more provisions of any contract or collective bargaining agreement in the district, including the adoption of model provisions identified by the commissioner from among existing contracts or collective bargaining agreements in the commonwealth; provided, however, that the commissioner shall not reduce the compensation of an administrator, teacher or staff member unless the hours of the person are proportionately reduced; (6) add pre-kindergarten and full-day kindergarten classes, if the district does not already have the classes; (7) following consultation with applicable local unions, require the principal and all administrators, teachers and staff to reapply for their positions in the district, with full discretion vested in the receiver regarding any such reapplications. turnaround plan; (8) limit, suspend or change 1 or more school district policies or practices, as such policies or practices relate to the underperforming schools in the district; (9) include a provision of job-embedded professional development for teachers in the district, with an emphasis on strategies that involve teacher input and feedback; (10) provide for increased opportunities for teacher planning time and collaboration focused on improving student instruction; (11) establish a plan for professional development for administrators in the district, with an emphasis on strategies that develop leadership skills and use the principles of distributive leadership; (12) establish steps to assure a continuum of high expertise teachers by aligning the following

processes with the common core of professional knowledge and skill: hiring, induction, teacher evaluation, professional development, teacher advancement, school culture and organizational structure; (13) develop a strategy to search for and study best practices in areas of demonstrated deficiency in the district; (14) establish strategies to address mobility and transiency among the student population of the district; and (15) include additional components, at the discretion of the commissioner and the receiver, based on the reasons the district was designated as chronically underperforming and based on the recommendations of the local stakeholder group in subsection (b).

If the commissioner does not approve a reapplication submitted by an employee pursuant to clause (7) for a position in a school or if an employee does not submit a reapplication for a position in a school, the employee shall retain such rights as may be provided under law or any applicable collective bargaining agreement in relation to the employee's ability to fill another position in the district; provided, however, that the employee shall not have the right to displace any teacher with professional teacher status in any other school during a school year.

A teacher with professional teacher status in a school declared underperforming or chronically underperforming may be dismissed for good cause; provided, however, that the teacher receives 5 days written notice of the decision to terminate which shall include without limitation an explanation of the reason why the commissioner/superintendent is not retaining the teacher in the school; provided, further, that the teacher may seek review of a termination decision within 5 days after receiving notice of the teacher's termination by filing a petition for expedited arbitration with the commissioner; provided, further, that except as otherwise provided herein section 42 of chapter 71 shall apply to a petition filed

pursuant to this section; provided further, that the commissioner shall cause an arbitrator to be selected pursuant to the procedures in section 42 of chapter 71 within 3 days of receipt of petition and shall conduct and complete a hearing within 10 days of receipt of the petition; provided further, that in reviewing dismissal decisions, the arbitrator shall consider the components of the turnaround plan and shall also consider any personnel evaluations conducted that are consistent with the guidelines established pursuant to section 1B; and provided, further, that the arbitrator's decision shall be issued within 10 days from the completion of the hearing.

For a district with English learners, the professional development and planning time for teachers and administrators identified in clauses (9) to (11), inclusive, shall include specific strategies and content designed to maximize the rapid academic achievement of English learners in the district.

(e) if, after considering the recommendations of the group of stakeholders, pursuant to subsection (d) the commissioner considers it necessary to maximize the rapid academic achievement of students at an underperforming or chronically underperforming school by altering the compensation, hours and working conditions of the administrators, teachers, principals and staff at the school or by altering other provisions of a contract or collective bargaining agreement applicable to the administrators, teachers, principals and staff, the commissioner may request that the school committee and any union bargain or reopen the bargaining of the relevant collective bargaining agreements to facilitate such achievement. The bargaining shall be conducted in good faith and completed not later than 30 days from the point at which the commissioner requested that the parties bargain. The agreement shall be

subject to ratification within 10 business days by the bargaining unit members in the school. If the parties are unable to reach an agreement within 30 days or if the agreement is not ratified within 10 business days by the bargaining unit members of the school, the parties shall submit remaining unresolved issues to a joint resolution committee for dispute resolution process on the next business day following the end of the 30 day bargaining period or failure to ratify.

The joint resolution committee shall be comprised of 3 members, 1 of whom shall be appointed by the employee organization within 3 business days following the submission of unresolved issues to the joint resolution committee, 1 of whom shall be appointed by the school committee within 3 business days following the submission of unresolved issues to the joint resolution committee and 1 who shall be selected through the American Arbitration Association who shall forthwith forward to the parties a list of three conciliators, each of whom shall have professional experience in elementary and secondary education, from which the parties may agree upon a single conciliator; provided, however, that if the parties cannot select a conciliator from among the 3 within 3 business days, the American Arbitration Association shall select a conciliator from the remaining names. The joint resolution committee shall conduct a dispute resolution process to be concluded within 10 business days of selection. This process shall be conducted in accordance with the rules of the American Arbitration Association and consistent with this section; provided however, that all members of the joint resolution committee must agree to any resolution. The fee for the process shall be shared equally between the 2 parties involved.

The joint resolution committee shall consider the positions of the parties, the designation of the school as underperforming or chronically underperforming, the designation of the district as chronically underperforming, and the needs of the students in the school.

Notwithstanding any other provision of this chapter, the unanimous decision of the joint resolution committee shall be dispositive of all the issues in dispute and shall be submitted to the parties within 10 business days of the close of the hearing. Under no circumstance, shall a time extension be granted beyond 10 business days of the close of the hearing. In the event that a unanimous decision is not submitted to the parties within 10 business days, the commissioner will resolve all outstanding issues.

(f) The turnaround plan shall be authorized for a period of not more than 3 years, subject to subsection (g). The commissioner and receiver may jointly develop additional components of the plan and shall jointly develop annual goals for each component of the plan in a manner consistent with the provisions of subsection (d). The receiver shall be responsible for meeting the goals of the turnaround plan.

(g) The commissioner and receiver shall provide a written report to the school committee on a quarterly basis to provide specific information about the progress being made on the implementation of the district's turnaround plan. One of the quarterly reports shall be the annual evaluation required in subsection (g).

(h) The commissioner shall evaluate the performance of the receiver on not less than an annual basis. The purpose of such evaluation shall be to assess the implementation of the turnaround plan and determine whether

the district has met the annual goals contained in the turnaround plan. The evaluation shall be in writing and submitted to the board and the local school committee no later than July 1 for the preceding school year. If the commissioner determines that the district has met the annual performance goals stated in the turnaround plan, the evaluation shall be considered sufficient and the implementation of the turnaround plan shall continue.

If the commissioner determines that the receiver has not met 1 or more goals in the plan and the failure to meet the goals may be corrected through reasonable modification of the plan, the commissioner may amend the turnaround plan, as necessary. After assessing the implementation of the turnaround plan in the district, the commissioner may amend the plan if the commissioner determines that the amendment is necessary in view of subsequent changes in the district that affect 1 or more components of the plan, including, but not limited to, changes to contracts, collective bargaining agreements, or school district policies, in manner consistent with the provisions of subsection (d). If the commissioner determines that the receiver has substantially failed to meet multiple goals in the turnaround plan, the commissioner may terminate such receiver; provided, however, that the termination shall not occur before the completion of the first full school year of the receivership of the district.

(i) After the period of receivership, there shall be a reevaluation of a district's status under this section. The board of elementary and secondary education shall adopt regulations providing for: (1) the removal of a designation of a district as chronically underperforming; and (2) the transfer of the operation of a chronically underperforming district from

an external receiver to the superintendent and school committee, based on the improvement of the district. The regulations shall include provisions to allow a district to retain measures adopted in a turnaround plan for a transitional period if, in the judgment of the commissioner, the measures would contribute to the continued improvement of the district. Such regulations shall also include provisions that clearly identify the conditions under which such a transitional period shall end and the powers granted to the commissioner and board under this section shall cease to apply to a district previously designated as chronically underperforming. At any time after a chronically underperforming district has been placed in receivership, the school committee of the district may petition the commissioner for a determination as to whether the turnaround plan adopted under subsection (b) should be modified or eliminated and whether the school district shall no longer be designated as chronically underperforming. The decision of the commissioner shall be based on regulations adopted by the board. A school committee may seek review by the board of elementary and secondary education of an adverse determination.

(j) If, on the basis of the regulations adopted by the board pursuant to subsection (h), a district has not improved sufficiently to remove the designation of the district as chronically underperforming, the commissioner may: (1) jointly determine subsequent annual goals for each component of the turnaround plan with the receiver and renew the turnaround plan for an additional period of not more than 3 years; or (2) create a new turnaround plan, consistent with the requirements of this section.

(k) If a municipality has failed to fulfill its fiscal responsibilities pursuant to chapter 70, the commissioner may declare the school district as chronically underperforming, subject to the approval of the board. The municipality's mayor or chairman of the board of selectmen shall have the opportunity to present evidence to the board. A vote by the board that a school district is chronically underperforming for fiscal reasons shall authorize the commissioner to petition the commissioner of revenue to require an increase in funds for the school district, alleging that the amount necessary in the municipality for the support of public schools has not been included in the annual budget appropriations. The commissioner of revenue shall determine the amount of any deficiency pursuant to the sums required pursuant to chapter 70, if any, and issue an order compelling the municipality to provide a sum of money equal to such deficiency. If the municipality does not provide a sum of money equal to such deficiency, the commissioner of revenue, pursuant to section 23 of chapter 59, shall not approve the tax rate of the municipality for the fiscal year until the deficiency is alleviated. Nothing in this subsection shall be construed as creating a cause of action for educational malpractice by students or their parents, guardians or persons acting as parents.

If the district is designated as chronically underperforming pursuant to this subsection, the provisions of this subsection shall supersede those in subsections (a) to (j), inclusive.