

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

DONNA LEE LAURIE :
:
:
vs. :
:
NORTH KINGSTOWN :
SCHOOL COMMITTEE :

DECISION

Held:

The Commissioner, after independent review, found no error in the School Committee's decision not to renew the contract of a non-tenured teacher.

March 9, 1992

This is the case of an untenured teacher whose contract was not renewed during her third (i.e., tenure) year of teaching. (G.L.16-13-3). Since this teacher was not tenured the School Committee was not obliged to show good and just cause to sustain its decision not to renew her contract. Under the statute (G.L.16-13-2) it was simply required to inform the petitioning teacher of its reasons for not renewing her contract and to give her an opportunity to explain her position to the School Committee. Our Supreme Court has stated that "(w)hile the hearing contemplated by G.L.16-13-2 is not quasi-judicial in nature, the Committee does have a duty to listen to a dissatisfied teacher in an objective manner and fairly consider its original decision." "The burden of persuasion remains on the teacher to convince the Committee that it was mistaken when the Committee reached the conclusion that it did." Jacob v. Board of Regents.

Commissioner's Standard of Review

Our first view of this matter was that we should limit our review to determining whether the School Committee abused its discretion in deciding not to renew the petitioner's contract. Still, in Jacob v. Board of Regents, supra, our Supreme Court stressed that the Commissioner, on review, was to make a "de novo" decision. We think that this means that the Commissioner must make an independent decision as to whether the School Committee made a mistake in not renewing the petitioner's contract. In making this decision the Commissioner must be mindful of the fact that the entire burden of proof is on the non-tenured teacher.

We also believe that in making a decision as to whether or not a teacher is to receive tenure it is appropriate to use a standard which focuses on quality teaching rather than on teaching which is marginally acceptable.

Findings of Facts

In the case at hand the School Committee accorded petitioner all the procedural rights which were due to her. There is not a hint of bias or improper motivation in the unanimous decision of the School Committee not to renew the petitioner's contract. This does not mean that the School Committee thought that the petitioner was a bad teacher. On the contrary the Committee seemed to believe that the petitioner had the potential makings of a good teacher and that she was making progress remedying her perceived deficiencies. The problem was that the petitioner's record was not yet one which inspired in the Committee a sure confidence that the petitioner should receive permanent tenure in the school system. We find ourselves in the same position and of the same opinion as the School Committee. During petitioner's first year of teaching, which was on a part-time basis, her performance was good.¹ During her second year of teaching she fell below expected standards in at least six areas. During her third year of teaching she made much progress in remedying her deficiencies but she still had not obtained fully satisfactory ratings.

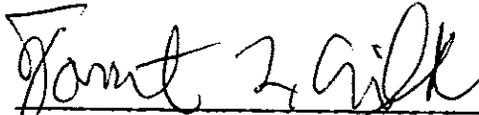
The petitioner has submitted evidence that a number of parents were very satisfied with her teaching. While we feel that we must accord such testimony a good measure of weight, we feel that in most cases more reliance should be placed upon the principal's evaluation. Such an evaluation is made on behalf of all the students and is based upon practical knowledge and professional training. In sum, we are left with the same conclusion that the Committee had. While the petitioner may well have had the potential to become a fine teacher

1) Neither party raised the issue of whether part-time teaching is, in fact, qualifying service for tenure purposes. We do not decide this question today since for the purposes of this hearing the parties agree that it is.

she has not convinced us that she should be accorded tenure in the North Kingstown School System.

Conclusion

Petitioner's appeal is denied and dismissed.



Forrest L. Avila, Esq.
Hearing Officer

Approved:



Peter McWalters
Commissioner

March 9, 1992