

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

PATRICIA E. GIDDINGS

VS.

WESTERLY SCHOOL COMMITTEE

DECISION

Held: The Commissioner lacks
jurisdiction in this case.

Date: June 25, 1993

In this case the petitioner, Patricia E. Giddings, is seeking to appeal the failure of the Westerly School Committee to appoint her to a position as a Special Education Aid. We indicated at the hearing on this matter that we doubted whether we had jurisdiction to decide such a question. This was not only because the teacher tenure law (G.L. 16-13-1) was not involved but also because the dispute involved the interpretation of a collective bargaining agreement. Hoag v. Providence School Committee, Commissioner of Education, 1988; Madden vs. Warwick School Committee, Commissioner of Education, 1984; LaSalle v. Cranston School Committee, Commissioner of Education, 1991. The parties have not pointed out to us any contrary authority on this jurisdictional issue. Our review of the applicable authorities convinces us that we lack jurisdiction to decide this case since it does not "arise under" school law.

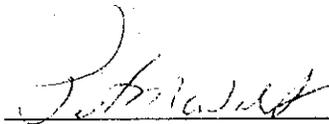
Conclusion

This matter is dismissed for lack of jurisdiction.



Forrest L. Avila
Hearing Officer

Approved:



Peter McWalters
Commissioner of Education

Date: June 25, 1993