

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

DEPARTMENT OF EDUCATION

ANTHONY RUSSO

vs.

PROVIDENCE SCHOOL COMMITTEE  
AND PROVIDENCE TEACHERS' UNION

DECISION

Held: Non-renewal of probationary  
teacher was justified. No  
"conspiracy" is found.

Date: December 7, 1994

### Introduction

This matter is before the Commissioner on the basis of Mr. Russo's petition to be reinstated as a teacher in the Providence School System. A hearing was held on October 21, 1994.

### Background

Mr. Russo was a probationary teacher in the Providence public school system during the 1989-1990 and 1990-1991 school years. Four volumes of memoranda prepared by Mr. Russo's superiors during the course of his teaching career document that Mr. Russo was a very ineffective teacher. Mr. Russo was not able to control his classes or grade students consistently. Parents complained about the lack of instruction which their children were receiving. Mr. Russo was frequently absent and at times uncooperative with efforts to improve his teaching. A letter of dismissal was prepared by Providence but Mr. Russo requested, and was granted, the option of resigning.

The record shows that the Providence School System and the Providence Teachers' Union went to great lengths to help Mr. Russo improve his teaching. No improvement was made.

### Discussion

While Mr. Russo does not appear to be challenging his "non-renewal" from the Providence public school system we note for the record that the documents submitted not only would justify the non-renewal of a probationary teacher but would also provide good and just cause for the dismissal of a tenured teacher. G.L. 16-13-3 and G.L. 16-13-4.

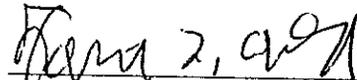
We can find nothing in the record to support the notion that the Providence Teachers' Union and the Providence School System are conspiring to prevent Mr. Russo from obtaining another teaching job elsewhere. We also find no evidence

that anyone ever lied to Mr. Russo about the continuation of the Math position which Mr. Russo held in the 1989-1990 school year. We further find that the Providence Teachers' Union did its best to help Mr. Russo improve as a teacher.

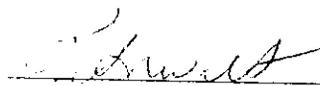
We conclude that this appeal must be dismissed on the merits. It is also barred by Mr. Russo's failure to file an appeal in a timely manner. We also note that to the extent that Mr. Russo raises a claim of "lack of fair representation" against his Union, such a claim would have to be adjudicated in the Superior Court rather than before the Commissioner of Education. Belanger v. Matteson, 115 R.I. 332.

Conclusion

The appeal is denied and dismissed.

  
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Forrest L. Avila, Hearing Officer

Approved:

  
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Peter McWalters, Commissioner

December 7, 1994  
\_\_\_\_\_  
Date