

STATE OF RHODE ISLAND

COMMISSIONER OF EDUCATION

AND

PROVIDENCE PLANTATIONS

SANDRA ROSEN

V.

CHARIHO REGIONAL SCHOOL

DISTRICT

DECISION

Held: Collective Bargaining
Agreement must be
sustained.

Date: February 22, 1996

Findings of Fact

The petitioner is a teacher in the Chariho school system. She objects to the fact that her union contract has the result of depriving her of the opportunity to teach in a position she prefers. Her problem results from the fact that she obtained an additional teaching certificate and under the Chariho Contract teachers may be involuntarily "bumped" into positions for which they are qualified if such "bumping" would have the effect of preserving another teacher's job. Of course, under Rhode Island law a teacher is bound by the collective bargaining contract negotiated by the teacher's union and ratified by a majority of the members of the Union unless the contract violates statutory law. Belanger v. Matteson, 115 R.I. 332 at 340 (1975). See also Audet v. Board of Regents for Elementary and Secondary Education, 606 F.Supp. 423 (1985).

The petitioner wishes to argue that the contract violates the statutory provisions of G.L. 16-2-9.1(8) which requires school committees to:

(8) Encourage and promote professional growth of school staff so that quality of instruction and support services may continually be improved.

Unfortunately for the petitioner the same statute at G.L. 16-2-9.1(14) provides as follows:

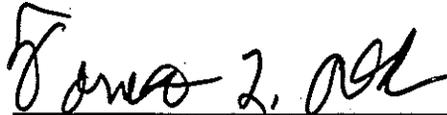
Nothing in this section shall be deemed to limit or otherwise interfere with the rights of teachers and other school employees to collectively bargain

pursuant to chapters 9.3 and 9.4 of title 28 or to allow any school committee or superintendent to abrogate any agreement reached by collective bargaining.

Given the language of G.L. 16-2-9.1(14), we are unable to find any statutory conflict which might void the applicable collective bargaining agreement. We must therefore deny petitioner's appeal.

Conclusion

The appeal of the petitioner is denied and dismissed.



Forrest L. Avila
Hearing Officer

Approved:



Peter McWalters
Commissioner

Date: February 22, 1996