

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

FREDERICK DALY

V.

NORTH KINGSTOWN SCHOOL COMMITTEE

DECISION

Held: This is the appeal of Frederick Daly from the decision of the North Kingstown School Committee to dismiss him from his tenured position as a music teacher in the North Kingstown School System. This matter is before the Commissioner for a de novo decision as to whether good and just cause exists for the dismissal of Mr. Daly. G.L. 16-13-3. The record before us convinces us that such good cause exists and that we must therefore sustain the decision of the North Kingstown School Committee to dismiss Mr. Daly.

DATE: January 29, 1999

Findings of Fact:

Mr. Daly gave acceptable service for a number of years as a music teacher and received favorable evaluations and occasional compliments on his work. By 1987, however, Mr. Daly began to experience difficulty in classroom management and compliance with administrative requirements. He also began to direct abusive and insulting language against students and staff members. On 3 November 1987 Mr. Daly was informed by school authorities “about the detrimental effect that alcohol use may have on your career.” He was told to seek counseling. By 1988 Mr. Daly’s teacher evaluations were still acceptable but they contain such oblique criticism as: “Mr. Daly occasionally fits the temperamental artist mold which can exasperate the administrative mind, but his superb concert results make it all seem worthwhile.” Mr. Daly did not take any hint from this evaluation. On 13 December 1991 a letter of reprimand was placed in his file because of late submission of grades and failure to have emergency lesson plans available on days when he was absent. Such occasions were becoming more frequent.

The letter admonished him:

A copy of this memorandum will be placed in your personnel file for permanent keeping. Be advised that should further instances occur involving your attention to professional responsibilities and to school rules and procedures, you are subject to further and more severe disciplinary action up to and including termination.

Mr. Daly still did not take steps to change his pattern of behavior. He had difficulties with scheduling, keeping appointments, and use of abusive language. School officials frequently found themselves in the position of having to explain and apologize to parents and students about Mr. Daly’s conduct. By 3 May 1995 Mr. Daly had been placed on suspension. The suspension agreement read:

By agreement of the parties, the North Kingstown School Committee and Frederick Daly, represented by NEARI, do hereby agree regarding the disciplinary matter currently pending before the School Committee, after discussion and in lieu of a formal disciplinary hearing agree as follows:

1. Frederick Daly is suspended from May 3, 1995, to the end of the 1994-1995 school year, based upon the memo of Manuel H. Perry, dated April 13, 1995. For the 1995-1996 school year, Mr. Daly will remain suspended .2 and will be scheduled for instrumental music classes only. While all the specifics of said memo are not admitted, Mr. Daly does acknowledge the use of inappropriate language and classroom management techniques. The suspension is without pay or benefits, except that health care insurance shall continue in order to permit the counseling referred to in paragraph 2 below.
2. As a condition of returning for the 1995-1996 school year, Mr. Daly shall undergo an assessment by Human Relations Consultant, Terrance Giblin, Ph.D. and agree to participate in any follow-up counseling recommended. A certification that he has done so and is fit to return to teaching duties shall be provided before the commencement of the 1995-1996 school year. The School Committee reserves the right to require a second opinion from a consultant of the Committee's own choosing.
3. During the 1995-1996 school year, Mr. Daly shall be subjected to more intensive evaluation than usual, including frequent classroom observations by principal(s). The primary objective is to assist him in managing the classroom and his language so as to provide a positive atmosphere for students.
4. Mr. Daly agrees to appear in executive session before the School Committee at which time he will apologize to students, parents, and members of the Committee for his inappropriate behavior in the classroom.

After Mr. Daly returned to work it was not long before his old pattern of behavior surfaced. Once again he was abusive to students in the classroom and both parents and students were alarmed and upset. In the end the School Committee had exhausted its

patience with Mr. Daly and decided that it could no longer allow him to serve as a teacher.

Conclusions of Law:

Given the record before us, it is our independent conclusion that we must concur with the decision of the North Kingstown School Committee. The school committee simply cannot be confident that the students entrusted to Mr. Daly will not suffer verbal abuse or that Mr. Daly will attend to the administrative and scheduling tasks which are essential to the orderly and safe operation of the public schools. Under the circumstances we must conclude that good and just cause under G.L. 16-13-3 is present to support the dismissal of Mr. Daly.

Conclusion:

The appeal of Mr. Frederick Daly is denied and dismissed.

Forrest L. Avila
Hearing Officer

Approved:

Peter McWalters
Commissioner

DATE: January 29, 1999