

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

ANN BOULET

V.

NORTH PROVIDENCE SCHOOL COMMITTEE

DECISION

Held: Due to the denial of appeal in companion case, appeal seeking advancement on teachers' salary schedule is denied.

Date: October 3, 2000

Introduction

This is the companion appeal to the case of Ann Boulet vs. Lincoln School Committee, also decided on this date. The appeal concerns Appellant's placement on the North Providence teacher salary schedule.¹

Background

Appellant began her Rhode Island public school employment in Pawtucket in January 1971, at which time she was hired as a step-two teacher. Appellant taught in Pawtucket for the second semester of the 1970-71 school year and the entire three subsequent school years. She also taught in the 1974-75 school year before taking maternity leave in October 1974. She was a step-five teacher at the time. Appellant did not return from leave and resigned from the Pawtucket system in August 1975.

Appellant worked for the Lincoln School Department as an ESL tutor from February 1984 to June 1985.² In the companion case, Appellant claimed that she was "regularly employed" as a part-time teacher during this period and thus entitled to be compensated according to her proper placement on the teacher salary schedule.

In September 1998 the North Providence School Committee hired Appellant as a teacher. Appellant was placed on the sixth step of the salary schedule. She was rehired for the 1999-2000 school year and advanced to the seventh step.

Positions of the Parties

Appellant contends that North Providence failed to credit her with the 1½ years of service that she accumulated in Lincoln from February 1984 to June 1985. She asks that her placement on the North Providence salary schedule be adjusted accordingly and that she be compensated for the difference in salary.

The School Committee contends that a teacher is statutorily entitled to advance a step on the salary schedule only upon the completion of an entire school year.³ For this reason, and because Appellant did not have any Rhode Island public school teaching

¹ The appeals were heard on September 7, 1999. The parties subsequently submitted memoranda.

² Appellant was paid on an hourly basis. During the second semester of the 1984-85 school year she also worked as a substitute teacher one day a week in the Lincoln system.

³ This argument was made prior to our decision in Martin vs. North Providence School Committee, November 15, 1999, discussed later herein.

experience prior to her hiring in Pawtucket, she should have left the Pawtucket school system as a step three teacher. North Providence, therefore, was legally obligated to hire Appellant in 1998 as a step four teacher, unless Appellant's service in Lincoln is found to constitute "regular employment" as a teacher. Absent a finding of any credit due for her employment in Lincoln, North Providence asks the Commissioner to place Appellant on step five of the salary schedule for the 1999-2000 school year.

Discussion

In the companion case of Ann Boulet vs. Lincoln School Committee issued on this date, we denied Appellant's claim that she was "regularly employed" as a teacher in Lincoln from January 1984 to June 1985. Because we did not recognize any service time for Appellant in that case, the appeal herein must be denied.

We decline to reduce Appellant's placement on the North Providence salary schedule as requested by counsel for the School Committee. Raised as a defense in this proceeding, there is no evidence that the School Committee has actually taken any action in this regard. Consequently, there is no School Committee decision for us to review regarding the calculation of Appellant's prior years of service, experience and training.

Had we sustained Appellant's claim in the companion case, however, we would have addressed the calculation of her service time in fashioning a remedy herein. In doing so, we would have applied Martin vs. North Providence School Committee, which was decided after the record closed in this matter.

The Martin case held that while the salary schedule statute⁴ requires the award of service credit for portions of school years served by a regular teacher, it does not mandate that teachers advance on the salary schedule throughout the school year. Martin therefore permits teachers to combine portions of school years served to accumulate additional whole years of service to be credited at the beginning of the school year.

Martin would have had a direct bearing on the remedy in this case had we found that Appellant was entitled to the nearly 1½ years of service credit in Lincoln.⁵ In assessing the equities of the case, we would have taken notice of the School Committee's

⁴ R.I.G.L. 16-7-29.

⁵ Appellant testified that she commenced employment in Lincoln in February of 1984, slightly beyond the mid-year point of the school year.

assertion regarding the actual amount of Appellant's public school service time. Given this assertion, and the holding of Martin, we would have found that Appellant had five years of public school service at the time of her hiring by North Providence in 1998.⁶ This finding is consistent with the fact that North Providence hired Appellant at the sixth step. Therefore, under Martin, Appellant would not have been entitled to additional compensation from North Providence had her appeal against Lincoln been sustained.

Conclusion

In light of our decision in Ann Boulet vs. Lincoln School Committee, the appeal is denied.

Paul E. Pontarelli
Hearing Officer

Approved:

Peter McWalters
Commissioner of Education

Date: October 3, 2000

⁶ The five years represent the total of the slightly more than 3 ½ years of service in Pawtucket, and the slightly less than 1½ years in Lincoln.