

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF  
EDUCATION

.....

**Edwin B. Gordon**

v.

**The BEACON School a/k/a  
Beacon Charter High School**

.....

**DECISION ON**  
**REMAND**

Held: The decision of The Board of Regents affirming that the Appellant's December 1, 2003 termination as a special education teacher was invalid, effectively remands this matter for hearing on the issue of damages. Based on evidence submitted with respect to lost wages and other damages incurred by Mr. Gordon, the Beacon School is directed to pay him the sum of twenty-one thousand, four hundred and forty dollars and 25/100 (\$21,440.25), minus mandatory employee taxes, deductions and contributions. Statutory interest on the net sum due him at the rate of twelve (12%) per cent calculated from the date of May 11, 2004 is also due him. In addition, the Beacon School must also pay on his behalf all employer contributions to the social security and state employees' retirement system which would have been made up to the date of May 11, 2004.

DATE: September 26, 2005

## **Travel of the Case**

On June 23, 2005 the Board of Regents for Elementary and Secondary Education affirmed the August 18, 2004 decision of the Commissioner that Edwin Gordon's December 1, 2003 termination from his position as a teacher of special education was invalid.<sup>1</sup> The matter was heard on the issue of damages on August 23, 2005 pursuant to Mr. Gordon's July 29, 2005 request for an expedited hearing and despite the August 19, 2005 request of Beacon's attorney that the matter be continued because of transitions at the school. On August 25, 2005 additional material was submitted by Mr. Gordon, with copies to Beacon's attorney. On August 31, 2005 the record closed upon receipt of the transcript of the August 23, 2005 hearing.

## **Findings of Fact:**

The facts in this hearing are uncontroverted. Pursuant to the Commissioner's decision of August 18, 2004 Mr. Gordon should have been reinstated to his teaching position as of December 1, 2003. His subsequent termination by Beacon's Board of Trustees was, for purposes of this dispute, effective May 11, 2004. (See Transcript pp. 58-59)<sup>2</sup> As a result, Mr. Gordon is owed eighteen thousand, four hundred and ninety-four dollars and 64/100 (\$18,494.64) in lost salary (Tr. pp.16-18), two thousand nine hundred and forty five dollars and 61/100 (\$2,945.61) in unpaid reimbursement for his medical and dental insurance premiums (Tr. p.43). From these amounts, which total \$21,440.24, the Beacon School should deduct taxes and other mandatory deductions, such as Mr. Gordon's share of contributions to the state retirement system, of which he was a contributing member. In addition, statutory interest at the rate of twelve (12%) per cent of this net amount should be computed from the date of May 11, 2004 and paid to Mr. Gordon.<sup>3</sup> The Beacon School also must pay the employer's share of contributions to the social security and state employees' retirement system on Mr. Gordon's behalf.

## **Decision**

The amounts set forth above are the damages incurred by Edwin Gordon as a result of his invalid termination of December 1, 2003. These amounts should be paid to him forthwith.

---

<sup>1</sup> One of the legal defects in the December 1, 2003 decision was the fact that it was made by the three Administrative Directors of the school, rather than the Board of Trustees which is the governing body of the Beacon School. The Board of Trustees did, at some point in May of 2004, act on the issue of Mr. Gordon's termination and an appeal from its decision is currently pending before the Commissioner.

<sup>2</sup> There was initially a legal issue as to the effective date of the Board of Trustee's decision to terminate Mr. Gordon. Evidently, the matter was taken up at a meeting of the Board of Trustees on May 4, 2004; neither of the parties submitted a copy of the board's written decision, or documentation as to the date it was mailed or received by Mr. Gordon. For purposes of this decision the effective date was fixed as May 11, 2004.

<sup>3</sup> Additional statutory post-judgment interest will accrue from the date of this decision to the date of payment.

For the Commissioner,

\_\_\_\_\_  
Kathleen S. Murray, Hearing Officer

APPROVED:

\_\_\_\_\_  
Peter McWalters, Commissioner

\_\_\_\_\_  
September 26, 2005  
Date