

005-16

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

Jean Campbell

v.

Cranston School Committee

SUPPLEMENTAL DECISION

Held: The Appellant's proposed nonrenewal by the Cranston School Committee in 2008 was based exclusively on financial reasons. The Superintendent recommended Ms. Campbell's nonrenewal, and the members of the School Committee voted to accept this recommendation, because funding for her position as Administrative Coordinator of Educational Reform and Special Projects had been cut from the budget during a period of financial exigency.

Date: February 10, 2016

Travel of the Case:

This dispute was originally heard and decided by the Commissioner on August 31, 2009. The Commissioner held that the Cranston School Committee did not violate the Appellant's rights when it did not provide her with a non-renewal hearing on July 14, 2008. Since the Appellant had sent an unconditional notice of her intention to retire from the district on June 29, 2008 (effective June 30, 2008) and the School Committee accepted her retirement at its July 14, 2008 meeting, the Commissioner ruled that the issue of her non-renewal had become moot.

The Commissioner's decision was appealed to the then-Board of Regents on October 1, 2009 and on July 1, 2010 the Board affirmed the Commissioner's decision. Thereafter, an appeal was taken to the Rhode Island Superior Court, which issued its decision and Order in this case on August 10, 2015. The Order of the Court is attached hereto as Appendix A. It was forwarded to the undersigned hearing officer on January 4, 2016.

As directed by the above-referenced Order of the Court, the record of the case as presented to the hearing officer on March 3, 2009 has been reviewed for the limited purpose of making findings concerning the reasons for Plaintiff's proposed non-renewal.¹ We understand the purpose of the remand is to erase any innuendo arising from her proposed non-renewal by the Cranston School Committee in 2008.

Findings of Relevant Facts:

- During fiscal year 2008, the Cranston School Department was in dire fiscal straits and was involved in litigation with the City of Cranston over the issue of sufficiency of the school budget. Tr. pp. 80,87; S.C. Ex.1.

¹ The Cranston School Committee voted to accept the recommendation of then-Superintendent M. Richard Scherza to non-renew Ms. Campbell's contract. Prior to taking final action on this issue, the Committee was required to provide her with a hearing pursuant to R.I.G.L. 16-12.1-3. Since there was no final action ever taken on the Appellant's non-renewal, we understand the Court's remand to refer to her proposed non-renewal.

- At the time that Superintendent M. Richard Scherza made his recommendation to non-renew the Appellant's contract on April 24, 2008, he did so for strictly financial reasons. In an attempt to bring the school budget within the parameters of the appropriation for school operations, the School Committee had amended the budget to "defund" the position that she held and ordered the Superintendent to consolidate positions. Tr. pp. 94-95,97,100,112-115; Exhibit C.
- In addition to the de-funding of the Appellant's position, the Superintendent was "under orders" to consolidate positions, especially at the administrative level. Tr. p.92, 98. He determined that Ms. Campbell's duties could be redistributed to other administrators, positions would be consolidated and hers could be eliminated. Tr. pp. 92-94.
- When it voted to accept the Superintendent's recommendation to non-renew Ms. Campbell's contract the School Committee did so for the reason that it had "defunded" her position. Exhibit F.
- Ms. Campbell's performance played no role in the Superintendent's decision to recommend that her contract be non-renewed. In fact, Mr. Scherza testified that he viewed her as a very competent administrator and had a lot of respect for the work she had done for the Cranston School Department. Tr. pp. 86, 94, 97-98, 100.

Consistent with the Order of the Superior Court, we have made the findings set forth above based on the record created at the hearing held on March 3, 2009. Also consistent with the Court's Order, we make no "declarations" or provide other relief or damages for the School Committee's failure to provide a 16-12.1-4 non-renewal hearing or its alleged breach of contract.

For the Commissioner,

Kathleen S. Murray
Hearing Officer

Ken Wagner, Ph. D.
Commissioner

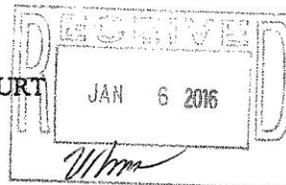
Date: February 10, 2016

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In Providence Superior Court
Title: 7/15/2015 3:34:35 PM
Case: 264826
Clerk: Carol Graziano

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT



JEAN CAMPBELL

VS.

C.A. NO. PC2010-4509

CRANSTON SCHOOL COMMITTEE

Exhibit A

ORDER

This matter came on for decision on the 16th day of June, 2015 in the Superior Court, Providence County; the Honorable Justice Patricia Hurst presiding. Stephen Adams, Esquire representing the Plaintiff and Ronald F. Cascione, Esquire representing the Defendant, and it is hereby

ORDERED, ADJUDGED AND DECREED

1. The Decisions of the Commissioner of Education and the Board of Regents are reversed in part and sustained in part.
2. Any request Plaintiff may have wanted to make for renewal of her contract was rendered moot by her retirement; however, Plaintiff nonetheless was entitled to a hearing and decision to erase the innuendo arising from her non-renewal.
3. The above matter is hereby remanded to the Commissioner of Education hearing officer for the limited purpose of making findings concerning the reasons for Plaintiff's non-renewal. The findings will be based upon the same record and evidence that was presented to the hearing officer on March 3, 2009. The hearing officer will issue a supplemental decision. The supplemental decision must be concise, clear and in writing, similar to that which is required by R.I.G.L. 16-12.1-5. It will address the reasons for Plaintiff's non-renewal such that Plaintiff can erase any harmful innuendo arising from her non-renewal. The hearing officer will not make declarations or provide other relief or damages for the School Committee's failure to provide a 16-12.1-4 hearing or its alleged breach of contract.

8/11/2015 9:13 AM

in Providence Superior Court
filed: 7/18/2015 3:34:38 PM
lps: 284820
wsc: Carol Graslino

Esq., at the following address: 10 Dorrance Street, Suite 800, Providence, RI
02903.

/s/ RONALD E. CASCIONE

Case Number: PC-2010-4509
Filed in Providence/Bristol County Superior Court
Submitted: 7/16/2015 3:40:55 PM
Envelope: 264643
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STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

JEAN CAMPBELL

VS.

C.A. NO. PC2010-4509

CRANSTON SCHOOL COMMITTEE

FINAL JUDGMENT

Judgment hereby enters in favor of the plaintiff on the issue on which the Court reversed the Hearing Officer and judgment hereby enters in favor of the defendant on the issue on which the Court sustained the Hearing Officer, as described more fully in the Court's Order concerning the Court's June 16, 2015 Bench Decision.

APPROVED

/s/ Patricia A. Hurst

Justice Patricia Hurst

Date: 08-10-15

ORDERED

/s/ Robert Quirk

Deputy Clerk

Presented by:

/s/ RONALD F. CASCIONE

Ronald F. Cascione, Esq. #2277

Brennan, Recupero, Cascione,

Scungio & McAllister, LLP

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CERTIFICATE OF SERVICE

I hereby certify that, on the 16th day of July, 2015:

I filed and served this document through the electronic filing system on the following parties: None.

The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

I served this document through the electronic filing system on the following parties: None.

The document electronically served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

I mailed or hand-delivered this document to the attorney for the opposing party and/or the opposing party if self-represented, whose name is Stephen Adams, Esq., at the following address: 10 Dorrance Street, Suite 800, Providence, RI 02903.

/s/ RONALD F. CASCIONE