

The meeting was called to order at 6:07 PM by the Chairman, Mr. Carpender, and the following members were present:

Mr. Richard Carpender, Chair  
Ms. Sylvia Wedge, Vice Chair

Mrs. Marge Levesque, Clerk  
Mr. Michael Buddemeyer  
Mrs. Angela Volpicelli

Mrs. Marilyn King  
Mrs. Cynthia Perrotti

Also Present: Dr. Lusi, Asst. Supt. Jermain, Christine Tague, Patti Cofield

A motion was made by Ms. Wedge and seconded by Mrs. Levesque to adjourn to Executive Session pursuant to R.I. Law 42-46-5, Exceptions (a)(1) Job Performance/Personnel Matters, (a)(2) Collective Bargaining and/or Litigation. So voted 7-0.

Public Session recessed at 6:07 PM and resumed at 6:41 PM.

1. **CHAIRMAN'S REPORT:** Mr. Carpender reported that an Executive Session was held prior to the meeting under Exceptions (a)(1) and (a)2. There were no motions made or votes taken. Ms. Wedge voted to adjourn and Mrs. Levesque seconded it. A motion was made by Ms. Wedge to seal the minutes. Seconded by Mrs. Levesque. So voted 7-0. Mr. Carpender reported that he attended a meeting of the Aquidneck Island group to discuss the RIPEC report. John Simmons of RIPEC will be invited to talk to the Town Council and School Committees on Aquidneck Island, and each group will do it separately. Mr. Carpender also reported that the Consolidation Committee met last night to look at the potential for shared services between the Town and School Department to save the Town some money. Mr. Carpender stated that we are getting ready to start another year, and he publicly thanked Dr. Lusi for her efforts over the last 3 to 4 years.
2. **SUPERINTENDENT'S REPORT:** Dr. Lusi announced that the Aquidneck Island Group met today regarding the RIPEC Report, and she has been in communication with our Town Administrator to set up a meeting for the School Committee and Town Council with John Simmons of RIPEC. Potential dates are September 23<sup>rd</sup> and 30<sup>th</sup>. Dr. Lusi asked the Committee to hold both of those dates for the time being. The goal of meeting would be to hear about the report in-depth from the people who worked on it and to allow the Town Council, School Committee, and the public, depending on how they choose to run the meeting, an opportunity to voice their concerns. All three Aquidneck Island towns plan to meet with RIPEC in September. Dr. Lusi also announced that she attended the Regional Special Education Board Meeting last Wednesday and received a revised budget that has increased. She will be looking at that closely and will ask the Regional Director, Trish Martins, to give a presentation to the School Committee on the direction of Special Education as a whole, as well as their budget. Dr. Lusi reported that she attended a meeting yesterday at Newport Hospital regarding H1N1. The meeting was geared towards first responders, and there

wasn't much information available for schools. However, there's a meeting scheduled next Wednesday at CCRI from 4:00 to 6:00 PM, and everyone is welcome to attend. The purpose of the meeting is to review the procedures and protocols if there is a swine flu outbreak. Dr. Lusi reported that she served on a proposal review committee for RIDE for a revision to the SALT survey. The State has surveyed students, teachers, administrators, and parents for a number of years, and the surveys are quite voluminous and may need a little updating. The purpose of putting out an RFP was to seek applications for revising and administering the survey. There were eleven applicants, and each member of the review committee was asked to review and comment on four. Dr. Lusi announced that the Administrative Retreat will be held this Thursday and Friday. She stated that this is a very busy time of year. We still have a few positions to fill, and we still have a steady flow of student registrations. We are running double registration appointments over the next few weeks. Our IT staff has been busy getting our buildings up and running. Staff Orientation will be held on Monday, August 31<sup>st</sup>, at PHS.

- a) **Teaching and Learning:** Assistant Superintendent Jermain reported that the IT team has been very busy. Student registration has also been very busy. Some of our clerical staff has already participated in training on Adobe 9 and SchoolCenter to improve efficiencies. Our teachers have been coming in on their own time to attend full-week professional development sessions in math curriculum, Math ADD+Vantage, to focus on skills and problem solving in children. Seventeen teachers participated last week, and seven this week (Caroline Marino, Karen Heller, Mary Stockard, Sara Hilyard, Alyse Jacobsen, Nicole Vanasse, Michelle Polselli, Margaret Waugh, Elizabeth O'Brien, Pam Hamilton, Jessica Rowe, Sharon Raposo, Sue Mixter, Diana Grinnell, Liz King, Val Seveney, Jonna Conheeny, Bryn Weymouth, Pat Magill, Vicki Flaherty, Nancy Doucet, Claudia Divoll, Maryanne Reeber, and Patti Powell). The costs of this professional development have been shared by working with other communities.
- b) **Finance and Operations:** Ms. Tague reported that the Department of Education approved the food service contract with Chartwells.

### 3. APPROVAL OF MINUTES

A motion was made by Ms. Wedge to approve the minutes of the meetings held June 9, 2009, and July 28, 2009. Seconded by Mrs. Levesque. Mrs. King asked that the minutes reflect that Mr. Carpenter announced that no public comments would be accepted on the statement he read into the record. So voted. Mr. Buddemeyer and Ms. Volpicelli abstained from the July 28, 2009, minutes due to their absence from that meeting.

#### 4. CONSENT AGENDA

Mr. Carpender explained the purpose of a Consent Agenda; specifically, that the items on a Consent Agenda do not require debate or discussion. By State Law 16-2-11, Powers of the Superintendent, the Superintendent has the authority is to appoint all School Department personnel with the consent of the School Committee. The only power of the School Committee is to vote to approve or oppose an appointment. We don't have the right to discuss other candidates. If there were questions about someone's qualifications, that would be discussed during Executive Session.

- a) **Appt. – Physical Education/Health Teacher, .6 time, PMS.** The Superintendent recommends adoption of the following resolution, "that the Committee affirms the Superintendent's appointment, Recommendation #1-8/18/09, to the position of Physical Education/Health Teacher, .6 time, at Portsmouth Middle School, for the 2009-10 school year."
- b) **Appt. – Physical Education/Health Teacher, .6 time, PMS.** The Superintendent recommends adoption of the following resolution, "that the Committee affirms the Superintendent's appointment, Recommendation #2-8/18/09, to the position of Physical Education/Health Teacher, .6 time, at Portsmouth Middle School, for the 2009-10 school year." (Backup Enclosed)
- c) **Appt. – Grade 7 Science (.8 time)/Grade 6 Tech Arts (.2 time) Teacher, PMS.** The Superintendent recommends adoption of the following resolution, "that the Committee affirms the Superintendent's appointment, Recommendation #3-8/18/09, to the position of Grade 7 Science Teacher (.8 time) and Grade 6 Tech Arts Teacher (.2 time) at Portsmouth Middle School, effective August 31, 2009." (Backup Enclosed)
- d) **Appt. – Grade 8 Portuguese/Spanish Teacher, PMS.** The Superintendent recommends adoption of the following resolution, "that the Committee affirms the Superintendent's appointment, Recommendation #4-8/18/09, to the position of Grade 8 Portuguese/ Spanish Teacher at Portsmouth Middle School, effective August 31, 2009." (Backup Enclosed)
- e) **Appt. – Tech Arts Teacher, .4 time, PMS.** The Superintendent recommends adoption of the following resolution, "that the Committee affirms the Superintendent's appointment, Recommendation #5-8/18/09, to the position of Tech Arts Teacher, .4 time, at Portsmouth Middle School, for the 2009-10 school year."

- f) **Appt. – Grade 6 Teacher, .4 time, PMS.** The Superintendent recommends adoption of the following resolution, "that the Committee affirms the Superintendent's appointment, Recommendation #6-8/18/09, to the position of Grade 6 Teacher, .4 time, at Portsmouth Middle School, for the 2009-10 school year."
- g) **Appt. – Assistant Principal, PHS.** The Superintendent recommends adoption of the following resolution, "that the Committee affirms the Superintendent's appointment, Recommendation #7-8/18/09, to the position of Assistant Principal at Portsmouth High School, retroactive to August 3, 2009."
- h) **Appt. – Clerk, Category B, PHS.** The Superintendent recommends adoption of the following resolution, "that the Committee affirms the Superintendent's appointment, Recommendation #8-8/18/09, to the position of Clerk, Category B, at Portsmouth High School, effective August 19, 2009."
- j) **Requests for Leaves of Absence.** The Superintendent recommends adoption of the following resolution, "that the Committee approves the requests for Family and Medical Leave in accordance with the backup information."
- k) **Coaching Appts. – PHS.** The Superintendent recommends adoption of the following resolution, "that the Committee affirms the coaching appointments at Portsmouth High School for the 2009-10 school year as presented."
- l) **Approval of Requests for Permission to Home School.** The Superintendent recommends adoption of the following resolution, "that the Committee approves the requests to provide home schooling for the 2009-10 school year for students HS#1 through 12-8/09, as listed in the confidential memo dated August 13, 2009, in accordance with the provisions of R.I. Law 16-19-2."
- m) **Administrator Resignation.** The Superintendent recommends adoption of the following resolution, "that the School Committee accepts the resignation of Christine N. Tague, Director of Finance and Administration, effective August 28, 2009."
- n) **Teacher Resignation.** The Superintendent recommends adoption of the following resolution, "that the School Committee accepts the resignation of Claire Dumas, Computer Teacher at Portsmouth High School, effective August 13, 2009."
- o) **General School Aide Resignation.** The Superintendent recommends adoption of the following resolution, "that the School Committee accepts the resignation of Carolyn Finn, General School Aide at Hathaway School, effective immediately."

A motion was made by Ms. Wedge and seconded by Mrs. Levesque to approve the Consent Agenda as presented. So voted 7-0. Dr. Lusi announced the following appointments:

- a) Physical Education/Health Teacher, .6 time, PMS – Blake Rocha, Step 2
- b) Physical Education/Health Teacher, .6 time, PMS – Tara McCarthy, Step 1
- c) Gr. 7 Science (.8)/Gr. 6 Tech Arts (.2) Teacher, PMS – Rebecca Silveira, Step 1 + Masters
- d) Grade 8 Portuguese/Spanish Teacher, PMS – Maria Costa-Alano, Step 3 + Masters
- e) Tech Arts Teacher, .4 time, PMS – Alexander Tainsh, Step 1
- f) Grade 6 Teacher, .4 time, PMS – Nicole Klimek, Step 1
- g) Assistant Principal, PHS – Lori McEwen, Step 3 + Doctorate (PSAA Contract)
- h) Clerk, Category B, PHS – Step 1
- k) Coaching Appointments, PHS:
  - Charles Phillips, Head Football Coach, Football
  - James Mello, Assistant Coach, Football
  - Kevin Shea, Assistant Coach, Football
  - Patrick Chilabato, Assistant Coach, Football
  - Craig Phillips, Assistant Coach, Football

Dr. Lusi announced that she accepted with deep regret the resignation of Christine Tague. Ms. Tague accepted a position as Director of Finance and Administration in the Dover-Sherborne school district in Dover, Massachusetts. During Ms. Tague's time in Portsmouth, the financial systems have been substantially upgraded. The Chart of Accounts was realigned twice. Mr. Carpenter stated that when Ms. Tague came onboard two years ago, we had deficits in the budget and a number of issues in the Finance Department that needed to be addressed. We are in much better shape now as a result of Ms. Tague's hard work and dedication.

## 5. **BUSINESS AGENDA**

- a) **Prudence Island Memorandum of Agreement.** Dr. Lusi explained that during our budget discussions this spring, there were a number of discussions with the School Committee, Town Council, and residents of Prudence Island on how to handle education of the youngest students on the island. She congratulated Mr. Bearse and Mr. Marshall for their hard work on the draft Memorandum of Agreement on behalf of the Prudence Island Foundation. She stated that the Town Solicitor will be reviewing it, and then it will be on the Town Council's agenda on Monday. The Prudence Island Foundation approved the draft in concept, and Dr. Lusi recommended that the School Committee approves it in concept. If there are any substantial changes made by the Solicitor or Town Council, it will have to come back before the School Committee. Ms. Wedge made a motion to approve the Memorandum of Agreement regarding Prudence Island School in concept, as presented, and in so doing, changes the closure of the Prudence Island School to a suspension of operations. Seconded by Mrs. Levesque. So voted 7-0.

- b) **Presentation on Uniform Chart of Accounts.** Ms. Tague introduced Sharon Allan and Georgie Murphy, who assisted the Finance Department in developing the Chart of Accounts. Ms. Tague stated that there is no history with the new Chart of Accounts on the level of detail, so it will take two to three years before there is consistent history for the data to be utilized in a format that will be correct for budgeting purposes. Dr. Lusi explained that the goal of the Uniform Chart of Accounts from RIDE's perspective is to have information consistent between districts and to have much more accurate and comparable information. Finding the right balance between the level of detail and the ability to use the data remains to be seen if they have the capacity to analyze this data once we do have the history. There has to be a lot of training, otherwise it will be garbage in, garbage out. Mr. Carpender asked about payroll and if the towns also have to do this. Ms. Tague stated that right now there is pending legislation to do this. She thinks at some point, they have to use the same structure; otherwise they will never be able to consolidate a database on expenditures. It will bring on a lot more responsibility to the Finance Department. She feels that the state didn't seem concerned with what we do and the effect it would have.
- c) **Field Trip Request.** Mrs. Meryl Moore, Choral Director and Chair of the Fine Arts Department at Portsmouth High School, stated that she approached the School Committee in the spring of 2005 and received approval to participate in an exchange program with students in Breast, France, in spring 2006. That program was very successful. She is asking to do the same exchange this year, during the spring of 2010. She will open it up to all of her students and hopes to have 25-30 students participate. The French students would be here from April 8-17, and the PHS students would travel to France from April 24 or 25 to May 3 or 4. Mrs. Moore stated that the parent group provides fundraisers for the students to cover part of the expense, and the students will pay the rest. She is not asking for money, just the School Committee support. Ms. Wedge made a motion to approve the field trip request. Seconded by Mrs. Levesque. So voted 7-0.
- d) **Facilities Subcommittee – Final Recommendations.** Mr. Buddemeyer thanked the members of the Facilities Subcommittee. He stated that School Committee appointed a Facilities Subcommittee of members of the community at large, the Portsmouth Town Council, the Portsmouth School Department, and representatives from the Committee, itself to review the School Department facilities. The Facilities Subcommittee met on several occasions over the course of the past four months to consider the recommendations contained in a report presented to the School Committee by the architectural firm of Robinson, Green, Beretta Corporation (RGB) of Providence, Rhode Island. The School Committee tasked the Facilities Subcommittee with the consideration of four options it had narrowed down from several options generated by RGB. The Facilities Subcommittee read the RGB report, discussed its contents, and made a list of pros and cons about each option. The Facilities Subcommittee asked the following questions to help evaluate the four options under consideration:

- Which option would provide the best educational environment for the students of Portsmouth?
- Which option would maintain an educationally sound transition of students from grade to grade?
- What is the cost and consequences of transportation of students for each option?
- What is the sense of community and neighborhood schools for each option;
- How could the student population be redistricted or distributed for each option?
- What would be the best “grouping” by grade levels in the existing or any new facilities that might be built?
- What is the most cost effective, and educationally sound option based in the community’s ability to pay?
- What current and/or future resources are available to offset the cost of the chosen option; which could include the potential disposal (selling/trading/donation) of the and/building(s)/property?
- What is the optimum use of existing Town properties?
- Which option provides the most efficient cost/budgetary savings as it relates to staffing and/or a consolidation of resources while maintaining a quality school system?
- What are the advantages/disadvantages of conversion of our existing and/or future facilities to take advantage of “Green Technology”?

Over the course of a series of meetings, the Facilities Subcommittee came to the unanimous consensus in its support of Option #2 with modifications. The subcommittee realized the necessity of being able to phase in any of the proposed options. This modified option is based on the educational theory that the students of Portsmouth would be best served by having an early learning center, elementary facility, and the middle and high school model that has served the town for 30 years.

### **Option #2**

Close Elmhurst and move the 5th grade back to the middle school, make necessary renovations to Melville for early learning center. Construct a new 2nd-4th (or 1st-4th) grade elementary school in a central location maintaining the option of keeping Hathaway Elementary School open if needed.

### **Phase I** (as soon as possible)

- Contact the Rhode Island Department of Education to receive guidance on facility projects (Joseph Paul da Silva, 222-4294) and to further develop the documents “Necessity of School Construction” and Housing Aid Reimbursement Forms;”

- Close Elmhurst: district avoids having to perform the expensive list of repairs and fire code upgrades sited in the RGB study.
- Make renovations to Melville and transition Pre-K-1st grade to Melville as soon as possible.
- Maximize teaching space at Hathaway with 2-4th graders. By keeping Hathaway open, we allow for a more gradual approach providing the district maximum flexibility. This would also allow for the option to initially build a smaller facility which could be added on to if and when Hathaway is closed. This allows for us to track the elementary population to see if it continues to decline.

Phase II (2-4 years out)

- Construct new facility in a central location. The facilities committee feels strongly that a central location is key to the success and support of this project to the community at large;
- Constructing a new building in a central location would allow for maximum energy savings, maximum transportation savings;
- Purchased/donated land would have the additional benefit for the Town to develop security/safety/recreational/cultural centers or areas needed in the future.

Additional Considerations:

- The Facilities Subcommittee is aware that we have not resolved the issue of Administration but purposely decided that it wanted to focus on the facilities for the children first. The committee believes this modified Option 2 would allow for the administration facilities to be relocated to Melville and/or possibly the new facility. This topic needs further exploration.

Further Considerations for the Town at Large: The Elmhurst property could be sold to fund new construction.

Mr. Buddemeyer asked that this recommendation be uploaded to the School Department's website. The next step is to contact RIDE and plan out proper documents and how to move forward. Mrs. Levesque thanked Mr. Buddemeyer for chairing the Facilities Subcommittee. Ms. Wedge stated that she was a member of that subcommittee, and it was very professionally run. Ms. Perrotti asked what the cost estimate is for Option 2 modified. Mr. Buddemeyer stated that it is still roughly at the \$40 million mark, and that the Subcommittee chose the best long-term option for the Town. Mrs. King asked if the Subcommittee did research on consolidating elementary schools. Mr. Buddemeyer stated that they looked at a large population and the issues that go along with that, so it was determined to not be the favorable thing to do. Mr. Carpender

recommended that the School Committee not act on this issue tonight, but rather at the next meeting so that the recommendation could be posted to the website for the public and the Committee could have time to think about. Mr. Carpender asked Mr. Buddemeyer if he would continue on as the Facilities Subcommittee chairman. Mr. Buddemeyer agreed. Mr. Carpender asked him to take two actions – present at the next meeting what his subcommittee should look like going forward, and that he contact RIDE for the required forms, etc., to start the process. Mr. Fitzmorris asked if there would be a public presentation on this, and Mr. Buddemeyer stated yes. Dr. Lusi thanked Mr. Buddemeyer and the members of his subcommittee.

- e) **Report on Medicaid Receipts and Approval of Transfer of Funds.** A motion was made by Ms. Wedge and seconded by Mrs. Levesque to approve the transfer of \$360,000 of Medicaid receipts for use as revenue for the 2009-10 operating budget. So voted 7-0.
- f) **Preliminary Report on Year-End Financials.** Ms. Tague reviewed the analysis of variances by revenue and expenditure categories and the unaudited preliminary bottom line results for the Fiscal Year 2009. She reported that these numbers are preliminary and may change with the issuance of a final report. As indicated by the summary variance analysis below, the School Department is projected to end the year with an unaudited operating surplus of \$91,846, which represents .002% of the operating budget.

<b>REVENUE</b>	
<b>DEFICIT</b>	<b>-930,538</b>
<b>EXPENDITURE</b>	
<b>VARIANCES</b>	
<b>SALARIES</b>	<b>110,493</b>
<b>BENEFITS</b>	<b>619,823</b>
<b>PURCHASED</b>	
<b>SERVICES</b>	<b>173,808</b>
<b>SUPPLIES</b>	<b>80</b>
<b>OTHER</b>	<b>-70,565</b>
<b>EQUIPMENT AND</b>	
<b>CAPITAL</b>	<b>-11,255</b>
	<b>822,384</b>
<b>SURPLUS DRAW DOWN FY</b>	
<b>2008</b>	<b>-108,154</b>
<b>ANTICIPATED</b>	
<b>DRAW DOWN</b>	<b>200,000</b>
<b>NET AVAILABLE</b>	
<b>OPERATING SURPLUS</b>	<b>91,846</b>

Revenue Deficit \$930,538: Is primarily attributable to the state aid cuts as a result of the Pension Reform and Federal Stabilization Funds, in lieu of state aid which is required to be accounted for in a separate fund (separate report attached on stimulus fund). Additional impact aid assisted in offsetting the revenue shortfalls in Little Compton Tuition and Permanent School Aid. It also assisted in offsetting the drawdown of fund balance of \$108,154 instead of \$200,000.

Expenditure Surplus \$822,385: The Total unspent balances in all appropriation categories are \$822,385. Again, this is primarily attributable to the Pension Reform savings and a portion of the Regional Assessment expenses transferred to the Federal Stabilization Fund.

The Benefits Surplus variance of \$ 619,823 is as a result of unexpended appropriations in Certified Retirement because of the Pension Reform, Unemployment compensation, and FICA.

The Purchased Service Surplus variance of \$173,808 is because of unexpended appropriations in Out-of-District Tuition.

The Supplies variance surplus variance of \$80 is unremarkable.

The Other Expense Deficit of \$70,565 is primarily due to the Regional Special Education and the East Bay Collaborative assessment.

The Equipment and Capital Deficits of \$11,255 is primarily due to payments for studies to bring Melville and Hathaway up to code for Fire and Safety requirements. Normally, this expense should have been paid through previously-approved bond issues for Fire safety; since the projects are not moving forward, and until the facilities study is complete, the Town would not be bonding this small amount and the bills needed to be paid.

Ms. Tague reported that overall, the school district was successful in effectively managing the FY 2009 operating budget, given all the uncertainty with the state budget issues, the delay with the wind turbine project, and the unanticipated increase in the regional assessment.

A motion was made by Ms. Wedge and seconded by Mrs. Levesque to accept the preliminary report on year-end financials. So voted 7-0.

- g) **Report on Stimulus Funds.** Ms. Tague reported that if the Regional increase continues when we have the final budget, we should use IDEA stimulus funds to assist in paying that assessment. Dr. Lusi stated that after the second year of the stimulus money, if the cost remains the same, a gap will exist, so we need to look closely at that.
- h) **Explanation of Tenure Law.** Mr. Carpender stated that Mrs. Perrotti requested this agenda item. Mr. Carpender emphasized that we are not talking about any specific individuals. Mrs. Perrotti asked if the advisory opinion had been received from RIDE, and Dr. Lusi replied no. Mr. Carpender stated that neither the School Department nor the School Committee has the right to grant or deny tenure. We don't have a policy on it because it is a state law. Mr. Carpender stated that over the last few months, there was a question raised by RIDE as to whether or not emergency certificates counted as part of the probationary period for tenure. The question had never been asked before. RIDE indicated that they believe this is an important legal issue that needs to be answered, so they want to write an opinion on it, which will take time. Dr. Lusi explained that an advisory opinion is RIDE's interpretation of a law. If they determine that emergency certifications don't count toward tenure, than any appeal hearing would be to RIDE, not to the School Department or School Committee. Mrs. Perrotti stated that her concern is to be consistent and fair from this point forward. She feels that the whole basis of the June 9<sup>th</sup> hearing is flawed, stating that losing state funding was Mr. Updegrave's argument. Dr. Lusi stated that every community has the potential to lose funding if teachers are not certified. If you have requested an emergency certificate and it has been granted, then the state considers the teacher "certified" for that year, but not highly qualified. For reports to NCLB, anyone under emergency certification is "not highly qualified." Dr. Lusi stated that at the time of the hearing, and it is still the case today, it was assumed that a teacher who has served with us for three years and has come back for a fourth year is tenured. Therefore, we are assuming that anyone who has served with an emergency certificate is certified unless told otherwise. She stated that as this unfolded, a number of questions were posed to her and came from her, and it was determined that we have not necessarily been consistent. She believes what was presented at the hearing was the best understanding of tenure. It is a matter solely under the control of state law, and we have asked for a clarification of state law. There is also someone else in our system who should also be considered tenured, and that is not how it was looked at. Dr. Lusi stated that regardless of what the advisory opinion determines, teachers' seniority and certification determine layoffs. She stated that one issue in Rhode Island is that the state has never provided any teachers with a document indicating that they are tenured. Our School Department and School Committee cannot stop someone from being tenured because it's a violation of the law. Dr. Lusi stated that as a superintendent, she does not have legal authority to grant tenure, so she has never done it. Tenure is controlled by state law, as interpreted by RIDE. Mr. Carpender reiterated that an official of RIDE raised the question as to whether or not emergency certification counts towards certification. It had nothing to do with us. Dr. Lusi said she is curious, when the

community was here, she thought the concern was about a person you thought was highly qualified that you wanted returned to the classroom. She does not know why the timing of that quality teacher becoming tenured is a question of concern for the community. Dr. Lusi read the memo she gave the Committee as backup for this agenda item:

*Teacher tenure in Rhode Island is controlled by R.I.G.L. 16-13-3 (appended). This law makes very clear, and this was reinforced by Deputy Commissioner Abbott when Mr. Updegrave and I spoke with him at RIDE, that school committees and/or local administrations have no jurisdiction over the granting of tenure. Tenure is granted by the State and only by the State. We do not grant tenure.*

*Deputy Commissioner Abbott also explained that the State of Rhode Island has never provided teachers with any official documentation stating that they are tenured and that this is something the Regents may want to change going forward.*

*In Portsmouth, we have always treated teachers as tenured after they have taught for us for three years and are brought back for a fourth year; although, as I've spoken to our principals, I have realized that some have assumed that the three years didn't officially start until the individual was fully certified, but this has never been made explicit and may well have been inconsistent over time. There is no PSD tenure policy, and such a policy would not be appropriate since tenure is a matter solely of state law.*

*I requested the advisory opinion from RIDE regarding the tenure law as applied to emergency certified teachers for multiple reasons: First, the question of whether or not the teacher tenure laws applied to emergency certified teachers was posed to me by a Rhode Island Department of Education (RIDE) staff member who was thinking out loud and acknowledged that the question had never been asked of, or addressed by, RIDE. Second, in sorting through the issues surrounding the termination hearing that took place in June, I realized that there are other teachers in our system who should be receiving tenure earlier than the school administration was assuming, if time served under an emergency certificate counts toward the 3-year probationary period as defined in 16-13-3. This question had not crystallized for me earlier, because we had never had a teacher serve under an emergency certification for an entire 3-year period; so in the cases of the individual(s) I am currently aware of, becoming tenured is only a matter of a difference in months, rather than years. Third, I realized that we do periodically hire teachers as long-term substitutes with emergency certification, and they are sometimes appointed, still with an emergency certificate, the following year. It is important for me and for our principals to be clear on when the "tenure clock" starts so that we are fair and consistent with all teachers in our system.*

*Since tenure is a matter solely of state law, I requested the advisory opinion to ensure that the Portsmouth School Department was interpreting the law fairly and consistently when applied to all Portsmouth teachers. The School Department has no discretion in modifying the tenure laws, and the administration has an obligation to enforce state law; the advisory request was intended to clear up a question concerning the application of tenure law to all of our emergency certified teachers.*

Several members of the public spoke against the School Committee's action. Mr. Carpender stated that at the time of the hearing, the individual teacher was not certified. He has been doing this a long time, and he has always been honest, upfront, and as clear as he can be. He tries to make the best decision with what is presented at the time. He took exception to the insinuation that the Committee did something wrong. The Committee and Administration took an action for a second employee in a similar circumstance and should not be attacked for trying to clear up something. They have tried to rectify this and move forward.

- i) **Consolidation Committee Discussion/Appointments.** Mr. Carpender stated that Mr. Hamilton's committee met for the first time last night. They discussed potential sharing of services. The committee is meeting again in a couple of weeks. The members from the School Committee will be Mrs. Levesque, Mrs. Volpicelli, and Mr. Carpender.

## 6. SUBCOMMITTEE AGENDA

- a) **Facilities.** No report.
- b) **Finance.** No report.
- c) **Health and Wellness.** No report.
- d) **Policy.** No report.

A motion was made by Ms. Wedge and seconded by Mrs. Levesque to adjourn the meeting. So voted 7-0. The meeting adjourned at 9:36 PM.

Respectfully submitted:

Patti Cofield  
Recording Secretary for:

Mrs. Marjorie Levesque, Clerk