

# **NEW SHOREHAM SCHOOL COMMITTEE MEETING**

**Block Island School**

**February 26, 2009**

**7:00 p.m.**

**The New Shoreham School Committee met in open session on Thursday, February 26, 2009, in the media center of the Block Island School. Chair William Padien called the meeting to order at 7:04 p.m. The following members were present: Shea Butcher, Annie Hall, Sean McGarry, William Padien, and Richard Tretheway. Leslie Ryan was also in attendance.**

## **Non-Renewal of Teaching Contracts**

**On February 11, 2009, letters were sent to five non-tenured teachers notifying them that Mrs. Ryan would be recommending to the School Committee that their contracts not be renewed for the 2009-2010 school year for fiscal reasons. One teacher received a letter informing her that it is anticipated that the teacher whose position she is filling will be returning from leave. Mrs. Ryan stated that Rhode Island General Law 16-13-2 mandates that all non-renewal of teaching contracts takes place by March 1. She read the following into the record: "In this serious financial climate it behooves us, in fact is mandated, that we hold our balanced budget in abeyance while we anticipate any and all financial exigencies. Both the town council and state government loom as possible sources of major concern. The staff who received notice were personally handed and informed**

that the intent here was to be in compliance with the law. Their concern is noted and appreciated. The language of the letters was prepared by Asquith & Mahoney in accordance with their responsibility to provide cause for lay-off notification. We have been remiss in not providing pink slips to untenured faculty over the past several years. In compliance we are delivering these notices and the school committee in good faith will proceed as our budget becomes firmer and more evident in its entirety. Given that, we can proceed by recommending those notifications be approved and accepted at this time.” Mrs. Ryan stated that it was her intention to not let the teachers go if the financial need does not arrive. William Padien agreed that the teachers would be reinstated once the funding is assured.

William Young, co-president of the New Shoreham Teachers’ Association, reminded the School Committee that most of the teachers who received the non-renewal notices are part of the contract’s staffing plan. He pointed out that Article XIV (Lay Off/Recall) of the contract would require the rehiring of the laid-off teachers if positions were eliminated or a decrease in pupil population occurred. He also stated that he appreciates the committee’s fiscal responsibility and understands the need to comply with the general law, but objected to the reasons for non-renewal and no mention of the teachers being untenured. He cautioned the School Committee to move carefully as they move forward.

**Mrs. Ryan stated that the reasons for non-renewal all began with the uncertainty in funding levels. The town is suggesting a reduction of \$71,000 in its funding to the school and the state appropriate of \$106,000 is still uncertain. Mr. Padien reiterated that this procedure is a formality and if the funding comes through the teachers will be reinstated. He has no intention of violating the teachers' contract. However, if state or local funding is not available to balance next year's budget, the committee would have no recourse if the non-tenured teachers were not notified by March 1. It was suggested that new letters, which would include the "non-tenured" wording, be sent to the teachers.**

**A motion (Padien, Butcher) to not renew the contracts of the teachers listed below for the reasons specified did not carry with a vote of 2-3, with Shea Butcher, Annie Hall, and Richard Tretheway voting in the negative.**

- Joan Baker – 1) Due to uncertainty in funding levels it is anticipated that it will be necessary to eliminate or consolidate positions or programs which will result in the lack of a position for a teacher with your seniority level. 2) Fiscal exigencies which will require a reduction in teaching personnel.**

- Victoria Carson – 1) Due to personnel and/or program changes in the school system a teacher with more seniority may elect to fill the position you now hold. 2) Due to uncertainty in funding levels it is anticipated that it will be necessary to eliminate or consolidate positions or programs which will result in the lack of a position for a**

teacher with your seniority level. 3) Fiscal exigencies which will require a reduction in teaching personnel.

- Robert Closter, Jr. – 1) Due to uncertainty in funding levels it is anticipated that it will be necessary to eliminate or consolidate positions or programs which will result in the lack of a position for a teacher with your seniority level. 2) Fiscal exigencies which will require a reduction in teaching personnel.

- Megan Hennessy – 1) Due to uncertainty in funding levels it is anticipated that it will be necessary to eliminate or consolidate positions or programs which will result in the lack of a position for a teacher with your seniority level. 2) Fiscal exigencies which will require a reduction in teaching personnel.

- Kathleen Mello – 1) Due to personnel and/or program changes in the school system a teacher with more seniority may elect to fill the position you now hold. 2) Due to uncertainty in funding levels it is anticipated that it will be necessary to eliminate or consolidate positions or programs which will result in the lack of a position for a teacher with your seniority level. 3) Fiscal exigencies which will require a reduction in teaching personnel.

- Donna Smith – 1) It is anticipated that the teacher whose position you are filling will be returning from leave and/or a regular teacher may elect to fill the position. 2) Due to uncertainty in funding levels it is anticipated that it will be necessary to eliminate or consolidate positions or programs which will result in the lack of a position for a teacher with your seniority level. 3) Fiscal exigencies which will require a reduction in teaching personnel.

**A motion (Padien, Hall) to rewrite the letters to each of the teachers (see above) stating the issue of non-tenured and referencing Policy HD: Personnel and Rhode Island General Law 16-13-2, with a follow up letter to the New Shoreham Teachers' Association not referencing any specific position but stating that the possibility of non-renewal of contracts may exist due to a financial crisis carried with a vote of 5-0. Mr. Padien further stated that if financial issues come up in the future the School Committee and the Teachers' Association will address them jointly to find a valid agreement. In the meantime, simplified notifications will go out to the teachers to meet the March 1 deadline.**

**Mr. Young stated for the record that he felt three of the letters would be in violation of Article XIV.**

### **Adjournment**

**A motion (Padien, Hall) at 8:04 p.m. to adjourn carried with a vote of 5-0.**

**Marsha L. Gutierrez, Clerk**

**Date approved: March 16, 2009**