

III.J.12

STAFF HIRING POLICY

Proposed Revision

I. Purpose

The East Providence School District will hire qualified and effective employees through a fair, lawful, and transparent process. This policy preserves the Superintendent's authority to appoint personnel while reserving to the School Committee the approval of employment contracts, compensation, and other financial commitments for employees who are not covered by a collective bargaining agreement.

II. Scope

This policy applies to the hiring and appointment of District employees. The contract-approval requirements in Section V apply to principals, administrators, and all other employees whose terms of employment are established by an individual contract and who are not covered by a collective bargaining agreement.

This policy does not alter rights established by law, an applicable collective bargaining agreement, or an existing contract.

III. General Hiring Standards

1. All hiring decisions shall comply with federal and state law, Rhode Island Department of Education regulations, District policies, the approved table of organization, applicable collective bargaining agreements, and the adopted budget.
2. Applicants shall be evaluated on job-related qualifications, experience, certification or licensure when required, demonstrated effectiveness, references, background checks, and the needs of students and the District.
3. The District shall provide equal employment opportunity and shall not discriminate on any basis protected by law.
4. No position may be filled unless it appears on the School Committee-approved table of organization and sufficient funds are available in the adopted budget, except as otherwise authorized by law or by vote of the School Committee.
5. The Superintendent may establish consistent screening and interview procedures and may use screening committees when appropriate.

IV. Appointment Authority

A. Personnel Assigned to an Individual School

In consultation with the school improvement team, the principal shall recommend the hiring of teachers, athletic coaches, instructional or administrative aides, and other personnel assigned to their

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school. Recommendations shall be consistent with District policy, collective bargaining agreements, budget restrictions, and applicable layoff and recall rights. The Superintendent shall approve and appoint such personnel as provided by law.

B. Principals

The Superintendent shall appoint the principal for each District school. For a principal employed under an individual contract, the appointment is subject to the contract and compensation requirements in Section V.

C. Administrators and Other Personnel Not Assigned to an Individual School

The Superintendent shall appoint administrators and other personnel not assigned to an individual school. For an employee appointed under an individual contract, the appointment is subject to the contract and compensation requirements in Section V.

D. Employees Covered by a Collective Bargaining Agreement

The compensation, benefits, term, and other employment conditions of an employee covered by a collective bargaining agreement shall be governed by that agreement and applicable law.

V. School Committee Approval of Individual Employment Contracts

6. The Superintendent may select and appoint a candidate and may extend a written offer that is expressly contingent upon School Committee approval of the employment contract, compensation, and financial terms.
7. Before the employee begins work under an individual contract, the Superintendent shall submit the proposed contract to the School Committee for review and approval. The submission shall identify the position, contract term, salary, benefits, stipends or other compensation, funding source, and total anticipated fiscal impact.
8. The School Committee shall approve the contract and the employee's compensation by a recorded vote at a properly noticed meeting. The Committee may discuss matters in executive session when permitted by law, but any vote shall be taken in open session, or, if taken in executive session, shall be disclosed as required by the Rhode Island Open Meetings Act.
9. No individual employment contract is binding on the District, and no salary or other contractual payment may be made, unless and until the School Committee has approved the contract and its financial terms by majority vote.
10. Following School Committee approval, the Chair, Superintendent, or another person specifically authorized by the School Committee may sign the approved contract on behalf of the District. No signer may change a material term after approval without a further School Committee vote.
11. School Committee approval is required before any renewal, extension, replacement contract, salary increase, bonus, stipend, severance provision, benefit change, or other material amendment becomes effective. Automatic renewal provisions are prohibited unless specifically approved by the School Committee in the contract.

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12. Unless specifically approved by the School Committee, a contract or amendment may not be made retroactive to avoid the approval requirements of this policy.
13. If the parties cannot agree on contract terms approved by the School Committee, the Superintendent may appoint another qualified candidate or return to the School Committee with revised proposed terms.

VI. Model Contracts

14. The School Committee may approve one or more model contracts and standard benefit packages for non-union employees.
15. The Superintendent shall use the applicable approved model contract unless the School Committee approves different terms due to unique circumstances.
16. The model contracts shall include a statement that the agreement is not valid or binding until approved by vote of the School Committee.
17. Each model contract shall also include the following standard provision: ***Additional Grounds for Termination: The Committee may terminate the agreement before its expiration in the event of a fiscal exigency, a substantial decline in student enrollment, consolidation, significant budget reductions, loss of funding, or other financial circumstances beyond the control of the Committee that materially affect the District's ability to sustain the position or services covered by the agreement.***

VII. Temporary and Acting Assignments

The Superintendent may make a temporary or acting assignment when necessary to maintain District operations, provided that the assignment complies with law, the adopted budget, and any applicable collective bargaining agreement. Any new individual contract, additional stipend, compensation outside an approved salary schedule, or assignment lasting more than fifteen (15) calendar days requires prior School Committee approval. A temporary or acting assignment may not be used to avoid Section V.

VIII. Reporting to the School Committee

The Superintendent shall provide the School Committee with a monthly personnel report listing all appointments, transfers, promotions, resignations, retirements, leaves, temporary or acting assignments, and vacancies. For non-union employees, the report shall also identify contract status, approved salary, contract term, and any approved changes in compensation.

IX. Records and Confidentiality

The District shall maintain hiring and contract records in accordance with applicable record-retention, public-records, confidentiality, and personnel-file requirements. Candidate and employee information shall be shared with the School Committee only as permitted or required by law.

X. Compliance and Effect of Policy

18. This policy shall be interpreted consistently with Rhode Island law. If a provision conflicts with controlling law or a collective bargaining agreement, the controlling law or agreement shall govern, and the remaining provisions shall continue in effect.
19. This policy supersedes prior Policy III.J.12 and any conflicting District policy or practice concerning authority to execute individual employment contracts.
20. This revision applies prospectively to contracts, renewals, extensions, and amendments presented on or after its effective date. It does not, by itself, invalidate an agreement already in effect. Existing agreements may be reviewed separately by the School Committee and legal counsel.

Legal References

- R.I. Gen. Laws § 16-2-9 - General powers and duties of school committees
- R.I. Gen. Laws § 16-2-11 - General powers and duties of superintendents
- R.I. Gen. Laws § 16-2-11.1 - General powers and duties of school principals
- R.I. Gen. Laws §§ 16-2-18.1 through 16-2-18.3 - Criminal records review
- R.I. Gen. Laws Chapter 42-46 - Rhode Island Open Meetings Act
- 200-RICR-20-10-1 - Rhode Island Basic Education Program Regulations
- Applicable federal and state equal employment opportunity laws

Policy History

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Proposed revision presented: _____

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