
SCHOOLS - RHODE ISLAND

Purcell v. Johnson

Supreme Court of Rhode Island - July 18, 2023 - A.3d - 2023 WL 4567587

Unelected candidate for school committee brought a petition in quo warranto against town council, its appointee to school committee, and school committee, seeking a determination that she was entitled to be appointed to fill a vacancy on school committee.

Appointee and town council also brought a petition in quo warranto for a determination that appointee had the right and title to the position on the school committee.

The Supreme Court held that:

- Town charter was inconsistent with and could not be reconciled with legislative act regarding appointments to vacancies on regional school committee, and
- More specific town charter governed, and unelected candidate was entitled to be appointed to regional school committee.

Town's charter that specified that, in the event of a vacancy on the regional school committee, the town council "shall appoint the unelected candidate who received the greatest number of votes for that office in the most recent general or special election" was inconsistent with and could not be reconciled with legislative act authorizing towns to incorporate and form a regional school district, where act placed no limitation on whom the council could elect to fill a vacancy on the regional school committee.

Unelected candidate for regional school committee who had received the greatest number of votes for that office in the most recent election was entitled to be appointed by town council to fill vacancy on school committee, as provided by town charter, where town charter was more specific in its outline of a substantive procedure to fill a vacancy on regional school committee and was precise in who the appointee would be, and thus controlled over legislative act authorizing towns to incorporate and form a regional school district which placed no limitation on whom the council could elect to fill a vacancy.

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