



This proceeding concerns an appeal by James and Doreen P to the Commissioner of Education from a decision of the Chariho Regional High School District Committee denying the P request that their daughter C be permitted to attend Hope Valley Elementary School.

In accordance with Section 16-39-2 of the General Laws of Rhode Island, this matter was heard on May 3, 1988 by the undersigned Hearing Officer under authorization from the Commissioner. The parties were afforded due notice of the time and place of the hearing. The School Committee was represented by counsel; the appellants appeared pro se. Both parties filed briefs following the hearing.

Based upon the testimony taken and the evidence presented, we make the following findings:

Facts of the Case

The background of this case begins with the Rhode Island General Assembly's passage of 86-S-3084 on June 25, 1986 (Public Laws, January Session, 1986 - Chapter 286). That Act authorized the Towns of Charlestown, Hopkinton and Richmond to join in a regional school district, grades kindergarten through 12. The Act provides for the issuance of bonds and notes, the establishment of a regional school committee, the adoption of a budget, and the construction and repair of school buildings.

The appellants and their two children, C, age 4, and R, age 1, reside in the Town of Richmond. The appellants testified

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1] The 1986 Act amended and added to legislation enacted in 1958 authorizing Charlestown, Hopkinton and Richmond to form a regional high school district.

that their property borders the Town of Hopkinton. Richmond Elementary School is located in the Town of Richmond. Hope Valley Elementary School is located in the Town of Hopkinton. The appellants testified that their home is located one (1) mile from the Hope Valley School and seven (7) miles from Richmond Elementary School.

In a January 25, 1988 letter to Superintendent of Schools, Robert A. Andreotti, the appellants requested that their daughter C be allowed to attend kindergarten at Hope Valley Elementary School in September of 1988.<sup>2</sup> In setting forth their request the appellants stated that C attendance at Hope Valley would enable them to accommodate their employment with their children's day care. Both of the appellants have full-time jobs in Providence. They commute to work together. On workdays the appellants' children are in the care of a home located in Hopkinton. The day care home is on the school bus route to and from the Hope Valley School. Thus, if C were enrolled in the Hope Valley School, the appellants would be able to retain their current employment, the arrangements for C schooling and day care would be set and R could remain in her familiar day care home with her sister part of the day.

By letter of February 17, 1988, Superintendent Andreotti denied the appellants' request on the ground that Richmond Elementary School, not Hope Valley,<sup>3</sup> serves the attendance area in which the appellants reside.

2] Although the official registration period for the 1988-89 school year was in April 1988, we find that the appellants' request continued in effect into the requisite period.

3] The Hopkinton day care home is located in the attendance area for Hope Valley Elementary School.

The appellants appealed the Superintendent's decision to the School Committee. The appeal was heard and denied on March 22, 1988. The appellants filed the instant appeal.

Position of the Parties

The appellants contend that this matter presents interrelated issues of employment, transportation, day care and family, and that the social importance of these issues favors assigning C to the Hope Valley School. The appellants assert that they must work full-time in Providence and commute to those jobs together. They claim that the Hopkinton day care home is the only suitable licensed facility currently available in the area. The appellants stress their children's happiness in being together at the Hopkinton day care home and they note that C: assignment to Hope Valley would not impose any transportation burden on the district.

The appellants further contend that C attendance at the Hope Valley School is consistent with regionalization. In the appellants' view, regionalization will result in a redistribution of children attending Chariho schools. C: assignment to Hope Valley, the school closest to her home, will advance this process. The appellants also argue that such an assignment will help alleviate overcrowding at Richmond Elementary School.

The School Committee offers two reasons why the appeal should be denied. First, it contends that the appellants lacked standing to appear before the Regional High School District Committee because that body

had no authority to consider the subject matter of the appellants' request. According to the School Committee, the District Committee was not authorized by the regionalization legislation to address matters involving kindergarten until July 1, 1988. The Committee further argues that the appellants' request should have been presented to the bodies that have authority in this matter -- the Richmond and Hopkinton school committees. Second, the School Committee contends that it has the authority to determine attendance areas for Chariho schools and that its use of town boundary lines to define those areas was proper. In declining to allow C to attend a school outside her attendance area, the Committee asserts it acted to insure stability factors for the district and its students. These factors include fiscal, transportation and staffing considerations for the district and continuity in the learning environment for the students.

#### Analysis

In making its procedural argument for the denial of this appeal, the School Committee asserts in its brief that "under [the authorizing legislation], Chariho Regional High School District will have authority of grades kindergarten through 12 for the Towns of Charlestown, Richmond and Hopkinton beginning on July 1 and until such time that a duly elected School Committee is seated." (Brief, p.3). The School Committee argues that prior to July 1, 1988, it was without authority to act on matters related to kindergarten.

Based upon our examination of the Chariho regionalization statute and the record in this proceeding, we are not persuaded by the School

Committee's argument. Pursuant to Section 2 of the Act, a regional school district came into legal existence following the approval of the Act by the voters of Charlestown, Richmond and Hopkinton. Section 10(1)(a) of the Act provides for a regional school committee for the district, the first of which is to be elected in the general election in November of 1988. Section 10(1)(a) further states: "Until such time as those elected in that election shall be certified and qualified, the existing Chariho Regional High School District Committee shall serve as the Regional School Committee." Section 15 (1) states that the regional school district fiscal year shall begin on July 1 and end on June 30.

We find the statute to be silent regarding the precise time that the Regional School Committee assumes authority to act on matters unrelated to the high school level. As mentioned earlier, a new regional school district currently exists. While the statute sets forth July 1 as the beginning of the district's fiscal year, we find little significance in that fact other than it happens to be a commonly used fiscal year for Rhode Island school districts. We certainly do not view the fiscal year provision as a statutory limitation on the district committee's authority to undertake necessary preparations for the upcoming school year. Nor do we find any other evidence in the record establishing July 1, 1988 as the specific date the district committee became empowered to act on a system-wide basis. In the absence of statutory language or other record evidence showing a lack of jurisdiction, we find that the Chariho Regional High School District Committee, acting in its role as Regional School Committee for the recent-

ly formed district, was not precluded from passing upon the appellants' appeal on March 22, 1988.

Turning to the merits of the appeal, we begin by observing that the Rhode Island General Laws vest in each school committee "the entire care, control, and management of all the public school interests. . ." (16-2-18). The school committee is charged with the formulation of "rules and regulations for the attendance and classification" of pupils (16-2-16) and the establishment of "a sufficient number of schools in convenient places. . ." (16-2-2).

Superintendent Andreotti testified that the School Committee has set forth attendance districts for Chariho schools, and that the attendance areas for the 1988-89 school year coincide with town boundary lines. Applying this policy to the appellants' request, the School Committee decided that C , based on her Richmond residency, should attend Richmond Elementary School.

It is clearly permissible for a school district to determine attendance areas and assign students to certain schools based upon their place of residence. This practice facilitates efforts to predict enrollment figures for purposes of proper planning and operation of the district's schools. The Superintendent testified as to the adverse impact an "open enrollment" policy would have on the district's ability to operate its school system effectively. The attendance area policy also provides for stability and continuity during the student's education. We note that under this policy the

4] We find §13(1) of the regionalization statute to be relevant here. It reads: "A student who enters an elementary school in kindergarten will be assured of matriculation at that school through grade 4 unless the family relocates outside the elementary school attendance district. Siblings, also, will be assured of matriculation in the same elementary school as long as another sibling is in attendance."

assigned school need not always be the closest or most conveniently located to the student.

It is undisputed that the appellants and their children reside in the Town of Richmond. Their residency is not affected by the child care arrangement in Hopkinton, which is merely temporary in nature. Without doubt, the day care home plays an important role in the appellants' family life. That fact, together with the issue of child care in general, was presented to the School Committee. The appellants have again raised those considerations in this proceeding. While we recognize the difficulties faced by the appellants in trying to balance their professional and family responsibilities, we reiterate that under state law the assignment of students is within the discretion of those charged with the administration of schools. In carrying out this task the Chariho School Committee acted within its authority by applying an attendance area policy. As discussed earlier, the benefits of the attendance area policy are essential to the proper operation of the school system. The Committee, after considering the appellants' arguments, decided not to grant an exception to its policy. Having considered all the evidence, we find that the Committee's denial of the appellants' appeal from the decision of the Superintendent was warranted by the facts.

Accordingly, the appeal is denied.

5] We note that although the School Committee is free to redefine the attendance areas in light of regionalization, it was within its discretion not to do so at this particular time.

Paul E. Pontarelli  
Paul E. Pontarelli, Esq.  
Hearing Officer

7/8/88

Approved:

J. Troy Earhart  
J. Troy Earhart  
Commissioner of Education