

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

CONCERNED PARENTS & TEACHERS
vs.
EXETER - WEST GREENWICH
REGIONAL SCHOOL DISTRICT

D E C I S I O N

November 30, 1988

Appellants have filed a Motion to Reconsider the Commissioner's Decision dated September 15, 1988 in the captioned matter.

There are usually four criteria that judicial and quasi-judicial bodies use as guidelines for making a determination on a Motion to Re-Open or Reconsider made by one or both parties to a dispute. They are:

- (1) The discovery of new evidence which the party could not have had at the time of the hearing.
- (2) The court (hearing officer) overlooked or misapprehended fundamental piece(s) of evidence.
- (3) Arguments made at the hearing are not addressed in the opinion, or
- (4) There is a clear error of law.

The parties had every opportunity at the hearings held on August 5 and 8, 1988 to present testimony and evidence relative to the appeal taken to the Commissioner. The parties were given the option of filing written

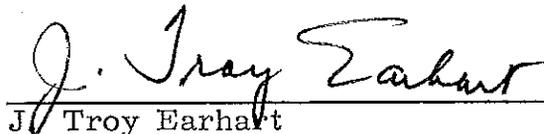
briefs or make oral argument. They elected to make oral argument. The petitioners offer nothing new in their Motion to Reconsider. They offer no new evidence which would impact the Decision. The hearing officer did not overlook or misapprehend fundamental piece(s) of evidence. All arguments proffered by the appellants and the respondent at the hearing were addressed in the Opinion and Decision. The hearing officer committed no clear error of law in the Opinion or Decision.

Therefore, it is the decision of the Hearing Officer to deny the Motion to Reconsider.



Ennis J. Bisbano
Hearing Officer

Approved:



J. Troy Earhart
Commissioner of Education

November 30, 1988