

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

WILLIAM E. WOLF

vs.

CRANSTON SCHOOL
COMMITTEE

DECISION

February 1, 1989

This matter was heard on October 5, 1988 upon the appeal by Sherri and William E. Wolf from an action of the Cranston School Committee. Upon motion by counsel for the School Committee the matter was continued to October 21. The motion to continue was granted since the School Committee argued successfully that no conclusive and applicable action had been taken by the School Committee as of October 5 and that definitive action was scheduled on the agenda for October 17, 1988.

A second hearing was held on October 21 on a request for hearing under §16-39-2, Rhode Island General Laws. Mr. and Mrs. Wolf appeared pro se and the School Committee was represented by counsel.

Facts of the Case

The background of the case began in the 1986-87 school year when the Wolfs requested a transfer of their children from their elementary school since they perceived that another elementary school in the system had a smaller class size than the school in which their children were presently being educated. They began to seek a transfer which would be effective September of 1987. Under cross-examination, Mr. Wolf also revealed a concern over socio-economic differences among schools and a concern for the school succession of children through the grades; i.e., what schools the children would attend as they were promoted.

The Wolfs met with the Superintendent of Schools and a transfer was not granted. The employment of an additional teacher, however, reduced the class size and the Wolfs did not pursue the transfer at that time.

In October of 1987, however, the Wolfs allege that they became con-

cerned about the educational progress of their children at their present school. This concern was sparked by newspaper stories which listed test scores for all schools in Cranston. The Wolfs concluded from the articles that their children would do "better" educationally in a school that had a "higher average [score]."

Again the Wolfs requested a transfer for their children. The Superintendent denied the request as did the School Committee; hence the appeal.

Position of the Parties

Mr. and Mrs. Wolf have attempted to transfer their children to another elementary school in the City of Cranston. Direct and unrefuted testimony revealed that the reasons for the request to transfer were based upon reports of "higher" average scores reported in the press, perceptions of smaller class size in other schools in the City and alleged general socio-economic factors associated with the present or future educational setting for their children. The Wolfs allege that these reasons are sufficient to grant an exception to the School Committee policy.

The School Committee contends that two facts have driven their decision not to grant the requested transfer. First, that the Superintendent and staff of the system have responded effectively to every educational request (except the transfer) of the Wolfs over the years and that the Wolfs have stated a satisfaction with the education their children have received. Secondly, the Committee argues that it has the obligation under law to establish a sufficient number of schools in convenient places for the education of students and further, under law, have adopted the rules and regu-

lations for the attendance and classification of pupils in such a way that the districts are not set in concrete but allow for flexibility for reasons which the Committee believes to be rational and appropriate.

Applicable State Law

16-2-2. Town schools required-School Year - Location.-- Except as herein otherwise specifically provided, every town shall establish and maintain for at least one hundred eighty (180) days annually exclusive of holidays a sufficient number of schools in convenient places under the control and management of the school committee and under the supervision of the board of education. . . .

16-2-16. Rules and regulations --Curriculum.-- The school committee shall make and cause to be put up. . .rules and regulations for the attendance and classification of the pupils,"

Conclusion

Rhode Island General Laws vest in each school committee "the entire care, control and management of all public school interests. . . ." (§16-2-18). The school committees are further required to establish ". . .a sufficient number of schools in convenient places. . . (§16-2-2) and establish, ". . .rules and regulations for the attendance and classification of the pupils, . . . (§16-2-16).

Unrefuted testimony and exhibits clearly support that the Cranston School Committee has met its obligation under the law. The Committee has established several schools in Cranston, described and published the attendance area for each of the schools and described and published an administrative procedure for creating exceptions to the policies, rules and regulations of the Committee.

The Wolfs wish an exception to the policies and rules and regula-

tions established by the Committee for the management of the schools. There has been no argument made that the Committee abused its discretionary power to manage the educational process. The prime purposes of the laws, rules and regulations are for the orderly and effective management of the schools. There is clearly discretionary authority afforded to the School Committee to meet the law in different ways. In the absence of any allegation or proof of an abuse of this discretionary power, the action of the Cranston School Committee must be deemed to be appropriate.

We recognize the concern of the Wolfs for the best education of their children and commend them for a vigorous involvement in that process. We also commend the staff of the School Department for its commitment to a positive response to that parent concern and involvement. This is evidenced by the testimony of the Wolfs' concerning their level of satisfaction with the teaching staff.

We note, however, that the Wolfs' reasons of a socio-economic nature or of a perceived academic superiority of other schools or other areas have been judged not to be sufficient for the Committee to make an exception to the existent rules and regulations. This action is entirely within the power of the Committee. We find that the action of the Committee was warranted by facts and law.

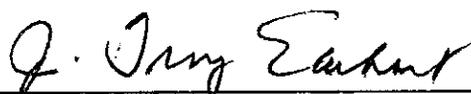
Accordingly, the appeal is denied.



Donald J. Driscoll, Hearing Officer

February 1, 1989

Approved:



J. Troy Earhart, Commissioner