

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

In The Matter Of: :
 : :
JOHN T. DOE, a : :
 : :
Student at the Rhode : :
Island Training School : :

D E C I S I O N

February 27, 1989

This student was a senior honor student at a Providence public high school. He was convicted of a serious crime and was sentenced to the Rhode Island Training School until his twenty-first birthday. The Rhode Island Training School has requested that we order Providence to provide this student with textbooks and course material so that he might be able to take the examinations needed to earn his Providence high school diploma. The Training School education staff has offered to supervise the studies of this youth and to proctor the examinations he will need to take to qualify for his diploma. Providence contends that it has no obligation at all in the matter and that this youth's education is now the entire responsibility of the Training School.

We think that it is clear that DCF is responsible for educating students who are confined to the Training School. The law provides as follows:

42-56-33. Training school for youth. - The department of corrections shall maintain a school to be known as the training school for youth for the detention of children by order of the family court and for the confinement, instruction, and reformation of children found delinquent or wayward by the family court.

In this regard the functions of the Department of Corrections were transferred to the Department for Children and Their Families by G.L.42-72-17. Sundry other provisions of the General Laws contemplate that DCF will operate a school at the Training School. e.g.G.L.16-15-2, G.L.16-12-8, and G.L.16-24-13. We, therefore, think that it is clear that DCF is responsible for the education of this student and that with regard to education programs the Training School is an integral and responsible part of Rhode Island's public education system.

We think, however, that this does not end our inquiry. The General Laws also provide that the Commissioner of Education is charged with the duty:

G.L.16-60-6(4). - To implement broad policy as it pertains to the goals and objectives established by the regents from time to time; to enforce standards and to exercise general supervision over public elementary and secondary education in the state and over all elementary and secondary nonpublic education in the state as provided hereinafter in subdivision (8) of this section.

The Commissioner is also charged with the duty:

G.L.16-60-6(5). - To be responsible for the coordination of the various elementary and secondary educational functions among the educational agencies of the state including local school districts and to encourage and to assist in the cooperation among them so that maximum efficiency and economy may be achieved.

We think that these provisions contemplate that school districts and state agencies providing education have a duty to cooperate with each other. In the case at hand nothing more than cooperation is required from the City of Providence. Providence is not being required to fund this student's placement, or to send teachers to the Training School or to assume responsibility for providing this student with education. All that is being requested of Providence is that it continue to allow this student to use his schoolbooks and that it will send him examinations to take under the supervision of the Training School staff. Surely this will satisfy the statutory mandate that this student's education be provided with maximum efficiency and economy. We note that the testimony at the hearing established that other school districts have cooperated in this way so that a student was able to earn a high school diploma through this procedure. No testimony was presented to demonstrate that Providence could not proceed in a similar fashion in this case.

We, therefore, direct Providence to provide this student with textbooks and course material so that this student may attempt to pass the requisite examinations to attain a Providence high school diploma. We do not set any precedent which requires in every case that a school district follow the procedure set out here. It is simply clear that in a case of this nature, where the student is doing well in school and where he is near to graduation, the best way to proceed is in the manner which we order today.

Conclusion

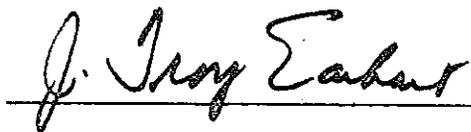
The Providence School Department is required to provide this student with textbooks and course material so that he might be able to take the examinations needed to earn his Providence high school diploma. This decision encompasses only courses required for graduation. Providence has the option of permitting this student to complete courses which are not required for graduation. The Training School staff is required to monitor all assignments and examinations and to pick up and deliver these assignments and examinations. The Training School education staff is of course required to appropriately proctor the examinations to be given to this student.

We do not require Providence to allow this student to participate in graduation exercises.



Forrest L. Avila, Esq.

Hearing Officer



Approved:

J. Troy Earhart

Commissioner of Education

2/27/89