

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

MRS. PATRICIA A.

VS.

NARRAGANSETT SCHOOL COMMITTEE

DECISION

JUNE 5, 1990

Appellant has filed a Motion to Re-Open the case to correct the record to read, "R. . . . , 17 years of age, and is in grade 11 at Narragansett High School," and has also filed a Motion to Extend for an additional 30 days in order to file a brief to correct the record as stated in her Motion to Re-Open.

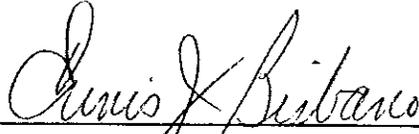
There are usually four (4) criteria that judicial and quasi-judicial bodies use as guidelines for making a determination on a Motion to Re-Open or Reconsider made by one or both parties to a dispute. They are:

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 misunderstood 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 appellant offers no new evidence in her Motion to Re-Open which would impact the Decision. The Hearing Officer did not overlook or misunderstand fundamental piece(s) of evidence. All arguments proffered by the Appellant and 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. If the Appellant believes that the correction of the record to reflect the fact that R. . . . is 17 years of age and in grade 11 at Narragansett High School would impact the decision of the Commissioner, a request should be made to the Board of Regents to remand the case to the Commissioner for said purpose if the Board is so convinced.

Therefore, the Motion to Re-Open is denied.

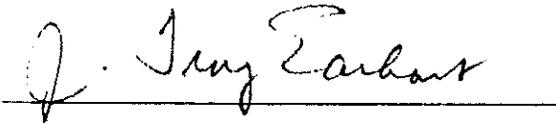
Since the Appellant has appealed the Commissioner's Decision to the Board of Regents in a timely manner, there is no need to grant the Motion to Extend.



Ennis J. Bisbano

Hearing Officer

APPROVED:



J. Troy Earhart

Commissioner of Education

June 5, 1990