

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

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RHODE ISLAND  
DEPARTMENT OF EDUCATION  
  
vs.  
  
PROVIDENCE SCHOOL BOARD  
(SPECIAL EDUCATION)  
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DECISION

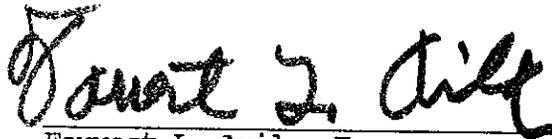
October 29, 1990

The two objectives which the Department has in these proceedings are (1) to bring Providence into substantial compliance with Special Education Laws and Regulations and (2) to help Providence institute a local "self-correction mechanism" which will act to keep Providence in compliance in the future. The documents submitted by the special visitor and the compliance officer convince us that Providence, as a result of a great deal of strenuous work during the last month, has brought itself into substantial compliance with the requirements of law and regulation. Given this fact there is now no need or justification for withholding state aid from Providence and so the withholding we directed is hereby cancelled. On September 27, 1990 we expressed "...our hope that Providence will be able to reach compliance in short order." Providence is to be commended for the work which it has done.

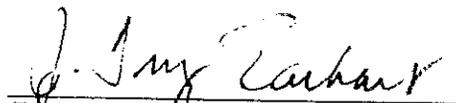
Of equal importance is the fact that Providence is creating a self-correction system which we hope will be able to keep them on the correct compliance course. Providence has appointed a compliance officer, established a complaint procedure, and taken steps to involve parents in the resolution of difficulties. Our tasks now are to monitor the compliance level which Providence has attained to ensure that no backsliding takes place, and to assess the effectiveness of the self-correction mechanism which Providence is developing. To accomplish these goals we order as follows:

1. All prior orders which we have entered in this matter remain in full force and effect except that the withholding of funds is hereby cancelled.

2. We retain jurisdiction over this matter and continue in effect the appointment of the Special Visitor. The Special Visitor will monitor compliance and require implementation of the additional steps specified in his report of October 24, 1990. A copy of this report is attached to this decision and is incorporated as our findings of fact on compliance. The Special Visitor is authorized to make unannounced inspections to monitor compliance.
3. The Compliance Officer, Dr. Joseph McCormick, will file monthly reports with the Commissioner as specified in the Special Visitor's Report of October 24, 1990.
4. If there is a reoccurrence of non-compliance further enforcement action will be taken.

  
Forrest L. Avila, Esq.  
Hearing Officer

Approved: October 29, 1990

  
J. Troy Eakart  
Commissioner of Education



Ex 7

STATE OF RHODE ISLAND & PROVIDENCE PLANTATIONS  
DEPARTMENT OF EDUCATION

22 Hayes Street  
Providence, R.I. 02908

J. Troy Earhart  
Commissioner

October 24, 1990

TO: Dr. Troy Earhart  
Commissioner

FROM: Dr. Phil Zarlengo  
Special Visitor, Rhode Island Department of Education

Dr. Joseph McCormick  
Providence Compliance Officer

RE: Providence

The Providence School Department, as fully documented in the enclosed report, has taken the necessary steps to bring the special education program into compliance as ordered in the September 27, 1990 Hearing Decision. The attached report provides detailed information on the process used to correct all specific issues identified as non-compliance as of the September 13, 1990 hearing. The Rhode Island Department of Education has verified the information provided by the Providence School Department.

1. Providence still does not have sufficient bilingual special education staff.

All bilingual special education positions have been filled with either a fully certified individual or with two teachers (one bilingual, one special education) and an aide. The school department will continue to recruit and/or train qualified individuals with dual certification.

2. There continues to be a shortage of certified special education staff and aides. Based upon student enrollment reported from various schools there is also a need for additional rooms and teachers.

All special education classrooms have appropriately certified staff and necessary aides (two are special education substitutes). As new vacancies occur, a process is in place to fill them as quickly as possible.

There presently exist openings for new students at all levels.

The Board of Regents does not discriminate on the basis of age, sex, race, religion, national origin, color or handicap in accordance with applicable laws and regulations.

3. There are still deficiencies in the areas of counseling, speech and language services and interpreting.

All speech/language and counselling services are being provided, including provisions for make-up services. This process has been completed through contracted services, overtime and reassignment of staff. Interpreters have been assigned to needed classrooms and are available to all teachers as needed.

4. Record maintenance and the general management of all paperwork is confusing and lacks organization.

All IEPs have been reviewed and all stipulated services are being provided.

A new record maintenance system will be in place by January 1, 1991.

Consultant services will be utilized to facilitate this process.

5. Unannounced inspections at a number of schools revealed various individual deficiencies in implementing suspension regulations, transportation, and mainstreaming.

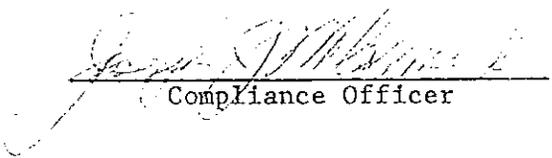
All twenty-seven issues have been corrected. Records were amended, meetings were held and facilities were improved to resolve the issues involved depending upon their nature.

The Department of Education recognizes the complexity involved in providing special services and the probability of new issues of non-compliance developing. The following steps are being taken to maintain compliance and effectively resolve any and all new issues:

- o A Hispanic evaluation team will be developed and assigned to necessary bilingual referrals by November 15, 1990.
- o School-based parent concern teams will be developed by December 1, 1990 at each school to address problems in an expeditious manner.
- o A complaint hotline at the central office with a 24 hour response will be in place by November 1, 1990. A separate line will be installed shortly.
- o A planning group has been developed which includes representatives of Providence Advisory Committee on Special Education, Rhode Island Department of Education and the Providence School Department. This group will address emerging issues relating to improving special education.
- o A Special Education Parent Information Center will be established to disseminate information to the parents of special education students. Parents of special education students will be surveyed as to the needs/interests around which parent activities will be developed. Further, parents will be offered opportunities for enhancing parenting skills and for becoming involved directly in the education of their children.

o Monthly reports will be provided by Dr. Joseph McCormick, Compliance Officer, to the Rhode Island Department of Education. These reports will include the status of all cited issues as well as any new areas of concern.

It is recommended that the Commissioner retain jurisdiction in this matter and that he take whatever steps are necessary to maintain ongoing compliance.

  
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Compliance Officer

  
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Special Visitor