

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

MARIE B :
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vs. : :
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PROVIDENCE : :
SCHOOL BOARD : :
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 D E C I S I O N

April 15, 1991

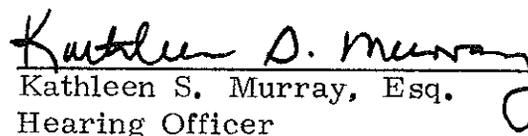
This matter was the subject of an Interim Order request and ruling which was issued on March 13, 1991 by the Commissioner of Education. The parties appeared for a full hearing before the undersigned Hearing Officer on April 9, 1991. At that time the Providence School Department requested that the record of the case include the transcript and exhibits forming the record of the case on the Interim Order request. This request was not objected to and was granted.

At the hearing, counsel for the School Department submitted additional evidence to clarify the School Department's position that students residing within the Providence School District should attend the Hanley Vocational Center and not Davies Vocational School. He noted that the purpose of construction of the James L. Hanley Vocational-Technical Center was to serve Providence residents (as well as residents of Johnston and North Providence). Counsel for the School Department argues that the entire scheme delivery of vocational educational services is disrupted by a statutory interpretation of §16-45-4 which permits Providence students to attend Davies. The practice, he argues, has been consistent with Board of Regents Regulations which place Providence in the region to be served by the Hanley Center. Upon the construction of the Hanley Center in Providence, he argues, Providence students did not continue to enroll at Davies since their eligibility to attend Davies terminated under R. I. G. L. §16-45-8.

The additional facts and arguments made by the School Department do not change the basic task here: to give a reasonable construction to,

and apply, state education law - §16-45-4 in particular. This statute designates Davies as the regional vocational school to serve inhabitants of the greater Providence area. We construe this language to include the City of Providence. We, therefore, affirm our Interim Order ruling that C be permitted to enroll at Davies, and incorporate herein the analysis contained in our March 13, 1991 Interim Order, a copy of which is attached.

As pointed out in our Interim Order ruling, we recognize the variance between the statute, as we have interpreted it and the Board of Regents regulations, but we are bound to give effect to the statute where there is such conflict. As also noted in our March 13, 1991 decision a carefully planned system of vocational education is disrupted by such a ruling. However, we must defer to the Legislature since it is the prerogative of that body to alter the statute's language to achieve consistency with the Regents' regulations on this subject.


Kathleen S. Murray, Esq.
Hearing Officer

Approved: April 15, 1991


J. Troy Earhart
Commissioner of Education