

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

NORMAND AND SUSAN
P

vs.

WOONSOCKET SCHOOL
COMMITTEE

DECISION

HELD: Woonsocket School Committee's placement of 130 9th graders, including the appellants' son, at a middle school, because of space limitations at Woonsocket High School, resulted in need for additional facilities/program access to achieve compliance with Regent's regulations.

October 20, 1992

TRAVEL OF THE CASE

On August 27, 1992 the undersigned was designated by Commissioner Peter McWalters to hear this appeal, filed with the Commissioner on August 20, 1992. It was heard on September 9, 1992 at which time both parties presented testimony and documentation in support of their respective positions. The record closed upon the filing of the transcript on September 16, 1992.

Jurisdiction to hear the appeal lies under R.I.G.L. 16-39-2.

FINDINGS OF RELEVANT FACTS

- Mr. and Mrs. P. son, T , is in the 9th grade, enrolled in a college preparatory course of instruction at the "high school annex" in Woonsocket.
 - The "high school annex" is the unofficial name of a cluster of classrooms at the Woonsocket Middle School which also houses grades 6-8. Approximately 130 9th grade students (out of a total of 430) take their academic program at the middle school because Woonsocket High School lacks the space to accommodate all the city's children enrolled in grades 9-12.¹
 - Determination of which 9th grade students would attend Woonsocket High School and which would attend the "high school annex" at the middle school was pursuant to a plan designed to

1. Woonsocket High School's space problem is attributable to that facility's unexpectedly speedy transition from a 3-year to a 4-year high school. In the 1991-92 school year this transition was begun when a chain of events caused the school committee to relocate all 6th graders to what was then Woonsocket Junior High School, and begin the transition of that facility to a middle school. Both the creation of a middle school and a four year high school were not unanticipated, but the speed with which these changes had to be accomplished was not expected. see Dr. Kelleher's testimony at pages 66-68 of the Transcript.

keep smaller programmatic groups together, i.e. some special education students, those students in the accelerated program, etc.

- All 9th grade students in the C/D "tracks" were assigned to attend Woonsocket High School because a large number of these students had opted to take the pre-vocational program at the Area Vocational Center which is adjacent to the high school. Their placement at the high school would, therefore, facilitate their access to the 9th grade pre-vocational program.
- Those 9th grade students in the largest remaining programmatic group (A/B level) were then divided, with the younger children placed at the Woonsocket Middle School and the older ones, to the extent that space for them was available, placed at Woonsocket High School. (Tr. p. 68-73)
- T was assigned to the high school annex for ninth grade on the basis of his program (college preparatory, level A) and his age (at 14, he is among the younger students in the 9th grade in Woonsocket) (Tr. p. 70)
- The academic program available to T is the same as that which would be available to him if he took his classes at Woonsocket High School (Tr. p. 78)²
- T's class schedule and that of his fellow 9th-graders at the annex, is that of the middle school children, and his school

2. Superintendent Kelleher so testified; however, in her testimony, Mrs. P stated that there did not appear to be a consistency between his recommended program for this year, and the actual components of his academic program, according to his 1992-3 class schedule. (see Tr. p. 18-21)

day ends approximately 30-40 minutes after that of his counterparts at Woonsocket High School (Tr. pp. 31,89)

- The Woonsocket School Committee has adopted a ninth grade annex plan to ensure that the 9th grade experience of Annex students is high in quality and as similar as possible to that of 9th graders placed at Woonsocket High School. (see S.C. Ex. 1)
- The Annex plan provides, inter alia, for supervision of academic programs by Woonsocket High School department heads, establishes a liaison between the two facilities, and requires that special efforts be made to accommodate the needs of, and involve, annex 9th graders in extra-curricular activities at the high school.
- If students at the Annex wish to participate in extra-curricular activities at the high school they must provide their own transportation to Woonsocket High School which is located one to one and one-half miles away. (Tr. p. 121)

DECISION

The appellants perceive numerous disadvantages to their son's placement at the Ninth Grade Annex for his freshman year of high school. Mrs. P argues that the ninth graders at Woonsocket High School have access to a more modern building, a superior library, a better language laboratory and computer equipment. She notes also that, in point of fact, her son's actual access to extra-curricular activities is quite limited by his placement at the ninth grade "Annex", given the later release time of the middle school and the distance to the high school. In

light of their son's initial difficulties in eighth grade and the academic success he achieved after much time and effort were devoted to his studies, the appellants find their son's placement at the middle school this year a disappointment. They fear it will also be a disincentive to his continuing academic achievement and adversely affect his attitude toward school.

On one hand the school department does not deny the obvious differences in the experience of attending ninth grade at the Annex versus attending ninth grade at the more-modern high school. The Superintendent does point out, however, that the same academic program is available to T at the Annex.³ Although the equipment in the language laboratory and computer room may not be as "state of the art" as that at the high school, we have no evidence that the equipment used in courses at the Annex is outdated, or that it inhibits proper instruction in the subjects for which it is used. Thus, T 's academic program at the Annex has not been shown to be at variance from what he would be receiving if he were placed at the high school.

It may very well be that the 9th grade students who have been placed at Woonsocket High School have the advantage of using a superior facility. This situation, in and of itself, presents no violation of school law. In addition, the school committee acted reasonably in setting the criteria for students to be placed at each of the two facilities.

3. While T 's program this year may not be exactly what was recommended for him at the close of the last school year, there is no evidence that this discrepancy is due to the unavailability of these courses at the Annex.

Although Woonsocket High School may be the superior facility, this is not problematic, so long as the "inferior" facility still provides students with the minimum academic program required by regulations established for public schools by the Board of Regents. It is in this respect that we have two concerns about 9th graders at the Annex. What must be provided to them is access to and instruction in a library which meets all the requirements for secondary school libraries set forth in the Basic Education Program for Rhode Island Public Schools (BEP), Topic 26 Library/Media services. Since the annex 9th graders are physically located at a middle school, which under the BEP is an elementary school, the library resource requirements for that facility are substantially different. The record does not indicate that the library at the middle school meets the additional requirements imposed on secondary school libraries. The ninth graders at the Annex must therefore have sufficient access to the library at Woonsocket High School to meet BEP requirements.⁴

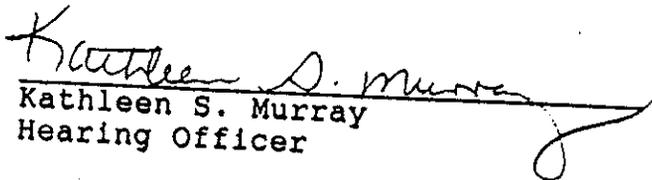
Another area of concern is Woonsocket's compliance with the student activities program component of the BEP (Topic 29 pp. 222-223). While the school administration has made commendable efforts to encourage participation by students, more needs to be done to make the full range of activities truly available to annex students. The fact that these students get out of school at least thirty minutes after their counterparts at the high school and must then travel on their own to the high school remains an impediment to their full participation in these activities. We

4. The BEP states that library services are an essential component of the total educational program. (p. 199)

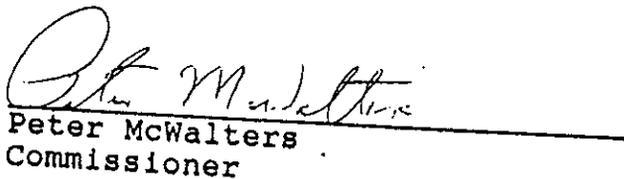
direct the school administration to take immediate additional steps to facilitate the annex students' participation in activities at the high school.

In order to insure that access to the library services of the high school, as well as to extra-curriculum activities, is accorded 9th grade annex students to an extent consistent with the BEP, Louis E. Del Papa, * Director of the School Approvals Unit, is appointed special visitor. Mr. Del Papa, or his designee, shall also ascertain whether any other violations of the Basic Education Program are presented by the situation at the Annex. A report of the special visitor detailing any and all regulatory violations, together with steps taken to achieve compliance, shall be submitted on or before December 1, 1992. We retain jurisdiction over this matter until after the special visitor's report is received, in the event further hearing is required at that time.

* or his designee


Kathleen S. Murray
Hearing Officer

APPROVED:


Peter McWalters
Commissioner