

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF  
EDUCATION

JANE DOE

v.

WEST WARWICK  
SCHOOL COMMITTEE

DECISION

October 1, 1992

In the 6th grade the West Warwick school system divides students into three categories and places them in an "Intensive Program", a Middle Program, and a Basic Program. Placement in these programs is determined by MAT scores and teacher recommendations. The problem is that many teachers in the 5th grade rate their students quite highly so that the MAT 6 score becomes very important in the selection process for determining which students enter the Intensive Program. The record however does establish that teacher ratings can prevent a student's placement in the Intensive Program and that, at times, "extenuating circumstances" are taken into account in a way which overcomes a poor performance on the MAT 6.

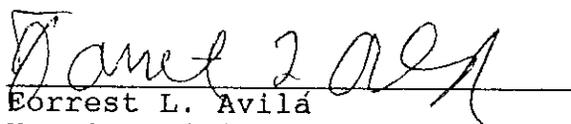
The student in this case was placed in the middle group and she contends that she should now be placed in the Intensive Program based upon factors other than the MAT 6 test. The school district replies that it did look at the other factors in making the placement decision and that even if it used the selection criteria suggested by the petitioner there would still be many students under this standard with a better claim to entry into the Intensive Program.

Petitioner's evidence does not persuade us, at this time, that the MAT 6 is, in fact, the only element relied upon by the school district in making placement decisions. Thus even if we accepted petitioner's premise that MAT scores cannot be the sole criteria for placement we could not grant interim relief in this case.

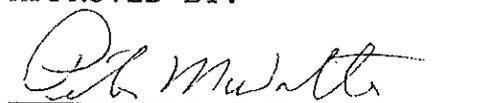
The petitioner has raised some questions about placement decisions which we think should be explored in greater detail. We will therefore appoint a special visitor to examine the placement mechanism at issue. This visitor will testify at the hearing on the merits. This hearing on the merits will be expedited and if it is determined that this student is entitled to relief we will decide whether this relief shall include compensatory education.

CONCLUSION

The petition for an interim is denied at this time, the hearing on the merits will be expedited and a special visitor is appointed.

  
Ernest L. Avilá  
Hearing Officer

APPROVED BY:

  
Peter McWalters  
Commissioner of Education