

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATION

COMMISSIONER OF EDUCATION

LINCOLN SCHOOL COMMITTEE
VS.
TOWN OF LINCOLN

DECISION

Held: Record of town clerk is
dispositive of what was determined at a
financial town meeting.

Introduction

This case results from an appropriation of approximately \$17,093,879 made by the Lincoln financial town meeting for the public schools of Lincoln for the 1992 and 1993 school year. The School Committee had requested \$17,343,365. The question before us is whether the sum of \$17,093,879 includes or excludes approximately \$250,000 in grant money which would be become due and payable to the school district during the school year. If the School Committee is right the grant money was not part of the appropriation and the school would be entitled to a total sum of 17,093,879 plus \$250,000 in grant money to operate the public schools of Lincoln. If the town of Lincoln is correct the School Committee has only \$16,818,188 to run the schools.

Jurisdiction

The issue of jurisdiction is disputed in this case. The respondent Town Council and the Town Administrator contend that the Commissioner has no jurisdiction to rule on the acts and resolutions of the financial town meeting. They contend that the construction of the language by which the financial town meeting made its appropriation to the School Committee must be reserved to the Superior Court. After considerable reflection we reach the opposite conclusion. We have no doubt that as a general rule the Commissioner has no jurisdiction to review the acts and resolution of a financial town meeting. We think however that when the resolution of the financial town meeting involves the appropriation of funds for the operation of public schools the construction of the resolution falls with jurisdiction of the Commissioner. The school law of Rhode Island provides that:

16-39-1. Appeal of matters of dispute to commissioner. -- Parties having any matter of dispute

between them arising under any law relating to schools or education may appeal to the commissioner of elementary and secondary education who, after notice to the parties interested of the time and place of hearing, shall examine and decide the same without cost to the parties involved.

Under Rhode Island school law towns are required to operate public schools (G.L. 16-2-2) and to fund them (G.L. 16-7-24). We conclude that a dispute concerning the construction of a budget resolution implementing G.L. 16-2-2 and G.L. 16-7-24 "arises under" a "law relating to schools or education". See Exeter-West Greenwich Reg. School District v. Exeter-West Greenwich Teachers Ass'n, 489 A.2d 1010 and West Warwick School Committee v. Souliere, Supreme Court, June 29, 1993.

The confusion in this case is compounded by the fact that no stenographic record of the financial town meeting exists. Still we think the record is clear enough for us to reach a conclusion in the matter. We have carefully perused the voluminous material in this case but after considerable reflection have concluded that most of it is not relevant to the issue before us, since we believe that we must confine our review to the record of the financial town meeting.

With regard to town meetings Rhode Island law specifies in G.L. 45-3-22 as follows:

45-3-22. Record of proceedings as evidence -- Certificate of clerk.-- A copy of the record of the proceedings of any town meeting, duly certified by the town clerk, shall be evidence of any act or vote of the town in town meeting assembled, recited in the copy, and the certificate of the town clerk that no town meeting has been held to consider any subject in the certificate mentioned, or that no vote of the town has been taken upon the subject, shall be evidence of the fact therein stated.

The record of the financial town meeting in this case states at the outset:

On a motion duly made and seconded, it was voted to approve the following resolution:

BE IT RESOLVED: That the appropriations voted by the taxpayers assembled in the Town Meeting this 11th day of May, A.D. 1992 shall be for the gross amounts and such amounts shall be deemed to include any unexpected balance carried forwarded at the beginning of the fiscal year, and also all receipts from department operations and from state and federal agencies. All receipts shall be credited to the General Fund, except those receipts that are school department related shall be credited to a separate School Department account. (Emphasis Added)

The resolution dealing with the School Committee budget states:

School Department -- Motion made and seconded to change the total School Department budget to \$16,365,185. Motion was defeated.

Comments on the School Department budget were from John Barr, Eleanora Kelley, Jason Boudout, William Nicolo, Robert Goulet, Susan Poore, Charles McDevitt, and Burton Stallwood. Mr. Stallwood and Mr. DiBiasio noted that the School Department figure as presented by the Budget Board of \$17,093,879 is a gross figure and that all revenues pertaining to school operations, literacy setaside, federal and state grants, etc., are to be deducted from the above number and the balance after revenue deductions will be funded by taxes.

After a motion duly made and seconded, it was voted to approve a total School Department budget of 17,093,879.

It was noted that funds for School Department salary increases, not paid because of contract dispute, will be encumbered in the 1991-1992 fiscal year.

We think that the intent of the town meeting must be determined by the record of the meeting. In its initial resolution, as we have seen, the financial town meeting specified:

BE IT RESOLVED: That the appropriations voted by the taxpayers assembled in the Town Meeting this 11th day of May, A.D. 1992 shall be for the gross amounts and such amounts shall be deemed to include any unexpected balance carried forward at the beginning of the fiscal year, and also all receipts from department operations and from state and federal agencies. All receipts shall be credited to the General Fund, except those receipts that are school department related shall be credited to a separate School Department account. (Emphasis Added)

We thereby read its subsequent resolution to appropriate \$17,093,879 to operate the public schools in Lincoln to include any grant money which might be received by the Lincoln School Department. That is to say the Lincoln School Committee has the sum total from all sources of \$17,093,879 to operate schools. In saying this of course we do not prohibit the Lincoln School Committee from filing an appeal if it concludes that it needs more funds to provide the educational services required by law and regulation, Exeter-West Greenwich R.S.D. v. Teachers' Ass'n, 489 A.2d 1010 (R.I. 1985).

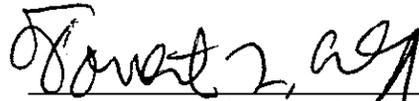
In case at hand we have the unambiguous decision of the financial town meeting to include grants in any appropriation it might make. We are bound by the terms of this resolution. We do not think that it is permissible to attempt to introduce ambiguities into the budget resolution by reference to colloquies and discussions either at or outside of the financial town meeting. Howard Union of Teachers v. State, 478 A.2d 563, 565 (R.I. 1984); In Re Steven, 510 A.2d 955;

McGee v. Stone, 522 A.2d 211, (R.I. 1987). As was stated in In Re Steven, supra:

When, as in the instant case, the language of a statute is clear and unambiguous and does not contradict an evidence legislative purpose, statutory intent must be determined solely therefrom. Moore v. Rhode Island Share and Deposit Indemnity Corp., 495 A.2d 1003, 1004 (R.I. 1985); Walsh v. Gowing, 494 A.2d 543, 546 (R.I. 1985). The statute must be read literally, giving its words their plain and ordinary meaning. City of Warwick v. Aptt, 497 A.2d 721, 724 (R.I. 1985); Moore, 495 A.2d at 1004; Walsh, 494 A.2d 546.

Conclusion

We therefore conclude that the Lincoln School Committee has the sum total of \$17,093,879, including grants, to operate the public schools of Lincoln.



Forrest L. Avila, Hearing Officer

Approved:



Peter McWalters, Commissioner of Education

Date: September 27, 1993