

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

KATHY ALMONTE

VS.

SCITUATE SCHOOL COMMITTEE

DECISION

Held: Attendance zone is sustained.

Date: September 1, 1993

The Scituate School Committee operates two kindergartens at the North Scituate Elementary School and one kindergarten at the Clayville School. There is a contractual limit of 25 students to a class in the Scituate school system. It is the policy of the Scituate School Committee to keep the size of kindergarten classes as low as possible. The School Committee has had a problem with over-enrollment at the North Scituate School. In the words of the School Committee:

"The over-enrollment problem at North Scituate Elementary has recurred for the 1993-94 school year. By April of this year, 50 students has already registered for North Scituate (Exhibit D). As the Superintendent testified, there has traditionally been additional enrollment during the summer months and even after school has begun. He therefore decided, with the approval of the School Committee, to again assign all kindergarten students in the Scituate Village Estates and Trimtown areas to the Clayville School. This year there are 10 kindergarten children from the two areas, three of whom have siblings at North Scituate Elementary.

Even with these 10 children registered at Clayville, the two North Scituate kindergartens have 23 and 22 students registered as of the date of this hearing (August 12). With several weeks remaining before school opens, there is a real danger of reaching the contractual maximum class size of 25 in each".

The petitioners in this case, the Almonte family, live in Scituate Village Estates in an area normally served by the North Scituate Elementary School. Four of the Almonte children presently attend the North Scituate Elementary School. The fifth Almonte child is ready to start kindergarten and the family wishes him to attend the North Scituate Elementary School with his brothers. The decision of the Scituate school Committee to assign kindergarten students living in the

Scituate Village Estates area to the Clayville School makes this impossible.

The Almontes are challenging the decision of the School Committee to assign their youngest child to the Clayville School on the grounds that he should not be separated from his brothers, that the home scheduling problems will result from this assignment, and that the stress reduction through the placement of all the brothers in one school would benefit the health of Mrs. Almonte.

The School Committee replies to this argument by stating:

The School Committee policy on School Attendance Areas (Exhibit A) provides that the Superintendent shall ordinarily assign students to the school nearest their home, but he may make exceptions to equalize classroom loads or to effect economies in transportation. Superintendent Brown testified that since 1991 there has been a problem of over-enrollment at the North Scituate Elementary School. In 1991-92 two volunteers solved the problem. In 1992-93, the problem was addressed by assigning all kindergarten age students in the Scituate Village Estates Development and in the Trimtown Road area to attend kindergarten at Clayville Elementary. These two areas were chosen for their proximity to Clayville and for economies of bus transportation as they contained clusters of students.

In 1992-93, all the seven students living in these two areas were assigned to kindergarten at Clayville. Four had older siblings attending North Scituate (Exhibit C). There were no exceptions made to this administrative policy. All kindergarten children residing in these two areas went to Clayville.

The School Committee argues that the overcrowding at the North Scituate Elementary School will continue during the 1993-94 school year. The Committee,

as an accommodation, has offered to assign all the Almonte children to the Clayville School. It is well established that the Commissioner of Education reviews the drawing of attendance zones only for abuse of the School Committee's discretion. Massey v. East Greenwich School Committee, September 4, 1990. We must recognize that no matter where a school committee draws a line some families will be inconvenienced. Thus, even under de novo review, we doubt that we could do much better than the School Committee has done in this case. In the present case the School Committee recognizes the wisdom of attempting to assign all students from the same family to the same school. The School Committee has offered to assign all the Almonte children to the Clayville School. The Committee also points out that the youngest Almonte child will in the future be able to attend the North Scituate Elementary for the first grade. It should also be noted that since the policy of the School Committee is to keep kindergarten students separated from older students there would in fact be few occasions when the brothers would be together even if they were assigned to the same school.

In sum we can find no abuse of discretion on the part of the School Committee in the way it drew its attendance zones. There are other families in the Scituate Village Estates area who have siblings who also will have to attend different schools. We see the need of the School Committee to treat all families on an equal basis.

We note however that it is possible that some openings may be available at the North Scituate School this Fall. We are also aware that the School Committee itself has emphasized that it shares the opinion of the petitioners that siblings, as far as possible, should be assigned to the same school. In the interest of attempting to allow siblings to attend the same school we strongly request the School Committee to reconsider this matter to see if there is a fair way to

distribute any available openings to families who wish to keep their children at the same school. In saying this we do not require the School Committee to give up its goal of maintaining reasonable class sizes.

Conclusion

The manner in which the Scituate School Committee drew its attendance zones is sustained. The School Committee is requested to reconsider this matter to see if there is a way to distribute any potential openings at the North Scituate Elementary School to families who wish to keep their children at the same school.


Forrest L. Avila, Hearing Officer

Approved:


Peter McWalters, Commissioner

September 1, 1993
Date