

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATION

COMMISSIONER OF EDUCATION

GAZAILLE AND BAILLAREON

VS.

NORTH SMITHFIELD SCHOOL  
COMMITTEE

DECISION

Held: School district has an appropriate  
class assignment procedure. Case  
is found to be moot.

DATE: February 18, 1994

Two sets of parents in this case are objecting to the placement of their children in the classroom of Teacher Doe. This case now appears to be moot since the students concerned have, in the normal course of events, moved on to new placements. At the hearing in this matter the parents expressed concerns about the teaching ability of Teacher Doe. The school district conceded that Doe's teaching needed some remediation but it pointed out that it was taking steps to help the teacher improve. The district was confident that the teacher's performance was not so far off the mark that any student would be put at an educational risk.

The parents also contend that the school district should have honored their requests to move their students to another class since, in their opinion, the school district had honored other similar requests from other parents. One of the petitioning parents also argues that her student had a number of substitute teachers during the past school year and that it would be inappropriate to place him in a class with a teacher whose skills, in some measure, seemed to be in need of improvement.

The principal of the school testified that she has taken steps to improve the performance of the teacher and that she is providing careful supervision of the situation. She also described the method by which classes were established in the school. She testified that:

Approximately in May, the teachers receive a slip of paper that they fill out, which has the children's first name, last name, parents' name, address, their standardized test scores, information. In June, the fifth grade teachers, for example, sit down to put together class lists for the sixth grade teacher, and we do that arbitrarily, the teacher comes with her stack of her current class, we sit down, and we build heterogeneous classes. For example, we'll start with the boys who have the top math scores, and we divide them amongst the six, No. 1 through no. 6, and we do that with the girls, and we do that with each group, and we do that with some of the lower group functioning children so that we have heterogeneous

groups. The teachers then sit down with those groups in early June and go through them and say, two children who may have personality clashes, and we think that they would not be good together in a classroom, we move them. We then look at any special needs that children have, for example, when we assign a teacher to a group, we had one child who is orthopedically impaired, needed to be with a particular classroom teacher, we assigned that teacher that classroom. Then we alphabetically assign the other teachers the other classes. Group No. 1 had the last names who began with B. We then continued to look at that list, and the teachers then take the list and fine tune it. That takes an afternoon. When that list is finished, that list is given to me, my secretary types the list up, and she hands it to the sixth grade teachers. They look at the list, and they make adjustments. This happens mid-June. By this time, they look at that list to see if they have a relative that might be in that classroom that we didn't pick up. If they had a student that would be coming into that classroom that they didn't feel that they would be the best teacher for that particular child. So, the sixth grade teachers does (sic) some fine tuning on that list. That list comes back to my secretary, she retypes it. Those lists come back to me. I look at the list, and I make changes in that list. I might know of two children who don't belong together. I may have had a parent call me and say, please review my particular child, and see if this is the best placement. Sometimes I say, this is the best placement. Sometimes I say, I concur with you. This is not the best placement for that child. Based on reasons, that could be, that I find that particular child could be educationally at risk in a particular classroom. So, I make changes. That is a longer process. Once the teachers leave the building, we, Ms. Elias and I, set up and type what we were going to send out, letters out.

The principal further testified that any changes made in the class lists were made for sound educational reasons and that they were not the result of favoritism. Since the principal was able to provide a sound explanation for each of the several changes made we credit her testimony. There is no evidence on the record to show that class changes were made on the basis of favoritism. We can therefore find no merit in the petitioning parents argument on this point.

We see more merit in the contention that if changes in classroom assignments were to be made perhaps a student who has had many substitute

teachers the year before might be particularly eligible for reassignment under the present circumstances. However, since the issue is now moot there is no need to address it further.

We also find that the school district has taken appropriate measures to protect the interest of all students in this case. We are confident that the district will continue to monitor this situation with care. If a decision is reached that this teacher is not qualified we are sure that district will take appropriate action. This action could include a referral to the Teacher Certification Division of the Department of Education.

Conclusion

This matter is dismissed as moot.



Forrest L. Avila  
Hearing Officer

Approved:



Peter McWalters, Commissioner

February 18, 1994  
Date