

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

SUZANNE O. AND JEANNE G.
V. TIVERTON SCHOOL COMMITTEE

Decision on Interim Order

Held: Students have a statutory right to
a vocational education.

Date: August 29, 1995

The student in this case is a sophomore in Tiverton who has been accepted into the Automotive Technology Program at Rogers Vocational High School in Newport. He is representative of about 7 other students from Tiverton who have also been accepted by Rogers. The General Laws of Rhode Island specify that: "All youth and adults who choose vocational programs shall have access to those programs". G.L. 16-45-1.1.

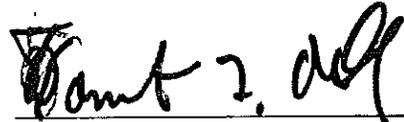
This case results from the fact that the Tiverton school system, as an economy measure, decided to disregard the statutory mandate for vocational education and to inform parents that their students would not be allowed to attend Rogers Vocational School.

Under Rhode Island law a school committee cannot avoid its statutory obligations by failing to set aside sufficient sums to carry them out. Brown v. Elston, 445 A.2d 279, at 283 (R.I. 1982). Moreover a town, as the appropriating authority for the school committee, must appropriate sufficient sums to enable the school committee to carry out its statutory obligations. Exeter-West Greenwich Regional School Dist. v. Exeter-West Greenwich Teachers' Ass'n, 489 A.2d 1010 (R.I. 1985) and West Warwick v. Soulier, 626 A.2d 1280 (R.I. 1993). It should be noted that the Commissioner has no authority to waive statutory requirements.

Given the facts of this case we must rule that the Tiverton School Committee must fund the placements of Tiverton students who wish to pursue a vocational education at the Rogers Vocational School in Newport. If the school committee fails to carry out this obligation the Commissioner has authority to withhold payments of school funds due under G.L. 16-7-15, et. seq. and to pay these funds directly to Rogers Vocational School to remedy this situation. G.L. 16-5-30.

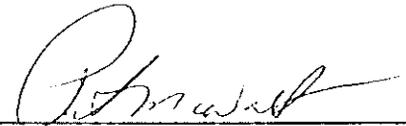
Conclusion

The Tiverton School Committee is ordered to place and fund these students who have elected to pursue a vocational education at the Rogers Vocational School.



Forrest L. Avila, Hearing Officer

Approved:



Peter McWalters, Commissioner

Date: August 29, 1995