

STATE OF RHODE ISLAND

COMMISSIONER OF EDUCATION

AND

PROVIDENCE PLANTATIONS

WARWICK SCHOOL COMMITTEE

V.

CITY OF WARWICK

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INTERIM ORDER DECISION

Held: An additional interim appropriation of \$691,420 is required.

Date: November 21, 1995

This request for an interim order was brought by the Warwick School Committee. The Committee contends that it needs an immediate supplemental appropriation of \$1,058,079. Hearings were held and a voluminous record was compiled. Both the School Committee and the City of Warwick have submitted extensive briefs in this matter. An audit report developed by Peat Manwick Corporation was also made part of the record. The School Committee contends that it needs an immediate supplemental appropriation of \$1,058,079 to ensure that students in Warwick receive an education in accordance with all applicable state and federal regulations.

G.L. 16-39-3.2.

For this school year (1995-1996) the city of Warwick has appropriated the sum of \$90.2 million dollars to operate the public schools of Warwick. It settled on this figure by taking last year's school budget and multiplying it by an inflation factor. The position of the City of Warwick is that the School Committee should live within this appropriation and use it to provide full funding for the applicable collective bargain agreement and to provide all school services required by law. Exeter-West Greenwich Teachers Ass'n v. Exeter-West Greenwich School Committee, 489 A.2d, 1010. The School Committee's reply to this position is to argue that an appropriation of \$90.2 million is insufficient to operate the public schools of Warwick in conformity with the law. It contends that it needs a total additional sum of \$3,456,766 to attain such conformity. It

also contends that for purposes of this interim order hearing it needs an immediate appropriation of \$1,058,079 out of this \$3,456,766 to enable it now to continue to provide required educational services to Warwick students.

We will itemize the School Committee's request for additional interim funds and give our response to each item as it is mentioned.

Findings of Fact and Conclusion of Law

1. The School Committee has requested the sum of \$45,659 to hire a computer technician and a laboratory aid.

Response: We find insufficient evidence to justify the immediate hiring of a school computer technician. We understand the School Committee's argument that such a technician could repair computers, install software, and create networks. Still, the installation of software and the set-up of networks can continue at this time to be done by the professionals now doing such work. Nothing in the BEP specifically requires the hiring of a computer technician.

We further find that the need for a laboratory aid is now the subject of a grievance hearing between the school department and Warwick Teachers Alliance. We must leave the question of whether this position is required by contract to the collective bargaining process. Nothing in the BEP specifically requires the filling of this position.

We therefore find that we must deny the request of the Warwick School Committee for \$45,659, plus fringe benefits, for the two positions.

2. Athletic Expenditure

The School Committee of Warwick is seeking the sum of \$274,420 for the operation of the sports and extra curricula activities in the school system.

Response: The sum of \$274,420 is sought by the School Committee for extra-curricula activities. It must be recognized that this sum is expected to cover athletic and extra-curricula activities for three high schools and three junior high schools. The City of Warwick brief breaks out these requested expenditures as follows:

SPORTS AND EXTRA CURRICULA PROGRAMS	
SALARIES	\$ 47,000
COACHING/INTRAMURAL	\$ 127,000
ICE RINK RENTALS	\$ 27,900
POOL RENTALS	\$ 5,000
TRANSPORTATION-FIELD TRIPS	\$ 2,520
TRANSPORTATION-ATHLETICS	\$ 20,000
ATHLETIC SUPPLIES	\$ 15,000
DUES ATHLETICS	\$ 30,000
TOTAL	\$ 274,420

To this sum we must add \$2,000 to cover the cost of physician services, making a complete total of \$276,420.

We find that the sum of \$276,420 is needed to operate a full schedule of extra-curricula programming including hockey and basketball. We base this conclusion on the detailed testimony taken at the hearing. The BEP permits a program of extra-curricula activities which does not include interscholastic sports. As we read the City's brief,

however, the City does not wish to challenge the existence of interscholastic sports in the Warwick school system. It simply wishes to argue that other expenditures should be cut to fund interscholastic sports. This, of course, is an issue which can be addressed when a final decision is rendered on the merits of this case.

3. Computers

The school district contends that it needs \$226,000 for additional computers and computer instruction:

TECHNOLOGY SUPPORTED EDUCATION	
SUBSTITUTE TEACHERS	\$ 15,000
IN-SERVICE	\$ 30,000
EQUIPMENT	\$ 181,000
TOTAL	\$ 226,000

Response: This request seems to go beyond any need to supplement existing computer programs in Warwick. Instead it goes more to the establishment of a new level of computer instruction in the Warwick school system. We conclude that the need for additional computers should not be considered on this request for a interim order. Instead we think that this request should only be considered when a final decision is rendered. Our postponement of consideration of this issue should not in any way be taken as an indication of lack of awareness of the vital importance of technology in education today. We are simply differing ruling on this issue until the record is more fully developed.

4. School Supplies - Including Text Books:

The School Committee is requesting \$348,000 for school supplies and textbooks.

SCHOOL SUPPLIES	\$120,000
TEXTBOOKS	\$228,000
TOTAL	\$348,000

Response: We find that the sum of \$228,000 is reasonably required for second semester textbooks. Much of this expenditure is the result of long delayed, but needed changes in the curriculum. Additional text books are also needed for special education students. We should note that under Rhode Island law a school district must provide students with textbooks and school supplies. G.L. 16-27-2.

The district is also requesting an additional \$120,000 for school supplies. It is obvious that a school system needs a reasonable measure of school supplies. The present record, however, is not detailed enough to justify us in ordering the full expenditure requested. We find \$60,000 to be a reasonable sum to be expended on supplies while this matter is considered on the merits.

5. Services

The school district is seeking to purchase \$127,000 in services:

PURCHASE OF SERVICES	
OUTSIDE SERVICES	\$ 5,000
TESTING	\$ 30,000
EQUIPMENT REPAIR-INSTRUCTION	\$ 30,000
EQUIPMENT REPAIR-OFFICE	\$ 2,000
MAINTENANCE IMPROVEMENTS	\$ 30,000
MAINTENANCE REPAIRS	\$ 30,000
TOTAL	\$ 127,000

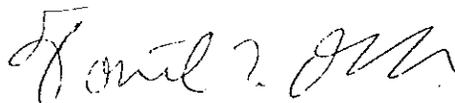
Response: The testimony in this case indicates that the categories of "maintenance improvements" and "maintenance repairs" refer to required radon testing. The City may have something of a point when it argues that perhaps some of this testing and repair could legally be put off to a later date. Still radon testing is a matter of public health. We therefore agree with the School Committee that this testing program should be completed expeditiously. We find that the sum of \$60,000 should be made immediately available to the School Committee for this purpose.

The School Committee is also requesting \$30,000 for student testing. Such testing is often required not only for children in special education but also children in regular education. The BEP requirement and special education regulations require that such testing be made available. We therefore agree with the School Committee that \$30,000 is needed for this purpose.

Finally, the School Committee requests \$30,000 for equipment repairs and \$7,000 for similar expenditures which appear to be necessary to conserve and protect public property. We therefore concur in this expenditure of \$37,000.

Conclusion

We conclude that the sum of \$691,420 must be immediately appropriated to cover required school expenditures while this matter is considered on the merits.



Forrest L. Avila
Hearing Officer

Approved:



Peter McWalters, Commissioner

November 21, 1995
Date