

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

NANCY AND JAMES O.

V.

GLOCESTER SCHOOL COMMITTEE

DECISION

Date: April 4, 1996

Held: School Committee is directed to consider school "choice" options.

Introduction

This matter was heard on January 3, 1996. The record was closed on January 18, 1996, when the transcript became available.

Findings of Fact

The Gloucester School Committee operates two elementary schools -- the Fogarty Memorial School and West Gloucester Elementary School. The line that separates these schools for attendance purposes is Route 102. The problem in this case is that in August of 1995 the petitioners, James and Nancy O. , moved their residence to the other side of Route 102 so their son, James, now attends the West Gloucester School. The petitioners are requesting that their son be allowed to continue as a student at the Fogarty School. The petitioners believe that their son benefits by continuity in the locale of his education. They have offered to provide James with transportation if he is allowed to continue at the Fogarty School.

Discussion

The School Committee has denied the petitioners' request to allow James to remain at Fogarty School. The Committee argues that it has drawn appropriate attendance lines between the schools and that it would be administratively impractical to allow parents authority to choose which school their child is to attend. The record, however, does establish that teachers who do not live in the Foster-Glocester School District have a contractual right to

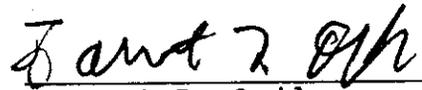
place their children in the district and that these teachers have the option to choose either the Fogarty School or West Gloucester School.

Holding

No one in this case is arguing against the school committee's right to establish reasonable attendance zones for the schools in its system. The petitioners are, however, requesting that the school committee examine the question of whether it would be possible to allow parents a choice of which of the two schools they would like their child to attend.

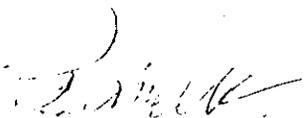
Conclusion

This matter is remanded to the School Committee and we request that the committee consider what school assignment options might exist for parents.



Forrest L. Avila
Hearing Officer

Approved:



Peter McWalters
Commissioner

Date: April 4, 1996