

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

 JOHN C.E. DOE *
 *
 V. *
 *
 PAWTUCKET SCHOOL COMMITTEE *
 *

DECISION

Held: Rules for administering gifted program were reasonable.

DATE: August 20, 1997

Under the common law and under Rhode Island statute law, the local school committee decides on methods for classifying and promoting students. G.L. 16-2-16.

Bernard v. Inhabitants of Shelburne, 216 Mass. 19, 102 N. E. 1095. At G.L. 16-2-16 the law states:

16-2-16. Rules and regulations – curriculum.—The school committee shall make and cause to be put up in each schoolhouse rules and regulations for the attendance and classification of the pupils, for the introduction and use of textbooks and works of reference, and for the instruction, government, and discipline of the public schools, and shall prescribe the studies to be pursued therein, under the direction of the department of elementary and secondary education.

In pertinent part G.L. 16-2-9 states:

16-2-9. General powers and duties of school committees. –
(a) the entire care, control, and management of all public school interests of the several cities and towns shall be vested in the school committees of the several cities and towns. School committees shall have, in addition to those enumerated elsewhere in this title, the following powers and duties:

(20) To establish policies governing curriculum, courses of instruction and text books.

The Pawtucket School Committee has elected to operate a program for gifted children. This is a “pull-out program” which provides services to gifted children for half a day once a week. Admission to this program is determined by MAT reading and math scores, an IQ test, and teacher recommendations. In a prior year, when funding for the MAT tests was not available, other standardized tests were substituted.

The school committee argues that it has set appropriate standards for admission to its gifted program and that the standards it has set are reasonable and appropriate. The petitioning parent in this case argues that she is in the best position to evaluate her child and that she should have the choice whether or not to enroll him in the program. The student in this case has not attained a high enough score to be admitted to the gifted

program, even though he has been tested several times. Still the child's parent is convinced that the child is qualified for the program "regardless of test scores."

As mentioned above, schools have the right to reasonably classify students. We can find nothing unreasonable about the classification methods Pawtucket has used in this case. We therefore must sustain its judgment not to admit this student to its gifted program.

Conclusion

The appeal is denied and dismissed.

Forrest L. Avila, Hearing Officer

Approved:

Peter McWalters, Commissioner

DATE: August 20, 1997