

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER
OF EDUCATION

CRANSTON PUBLIC SCHOOLS :
 :
V. :
 :
JOHNSTON PUBLIC SCHOOLS :

DECISION

HELD: The administrative School District
of the Regional Vocational School
has authority to set academic
standards

DATE: April 2, 1999

Facts of the Case

Under Rhode Island law and the Regulations of the Board of Regents, the state is divided into regions for purposes of vocational education. In accordance with this policy the Cranston Area Career and Technical Center receives students from Cranston, Scituate, Foster-Glocester and Johnston. Johnston students attend the Cranston Center under a long-standing variance procedure authorized by the Rhode Island Department of Education. The present dispute stems from a decision of Johnston school authorities to establish certain special attendance rules and academic standards for Johnston students who are attending the Cranston Area Career and Technical Center. If a Johnston student fails to meet these standards, Johnston school authorities claim the right to prohibit the affected student from attending the Cranston Area Career and Technical School. This is in spite of the fact that the student might well be meeting all attendance and academic standards established by the Cranston Area Career and Technical Center as authorized by the Cranston School Committee which is the Administering District for the Center.

In the case at hand Johnston sent notices to a number of Johnston students telling them that they had failed to meet the standards established by the Johnston School Committee for attending the Cranston Area Career and Technical Center and that they were being withdrawn from the Center and reassigned to the Johnston High School. Some of the students were scheduled to graduate within a few months.

Travel of the Case

This matter came before the Commissioner as a result of petition filed with the Commissioner by Cranston School Committee and by affected parents. Those petitioning

requested an interim order prohibiting the disenrollment of the affected students and final relief in the form of a decision that the Cranston School Committee, as the administering School District, sets academic standards for the Cranston Area Career and Technical Center and that these standards may not be preempted or overruled by attendance and academic standards potentially set by the three other sending districts in the region.

Positions of the Parties

The Johnston School Committee argues that it has the unilateral right to independently establish its own academic standards for Johnston students who are attending the Cranston Area Vocational Center. If a Johnston student does not meet these standards, the Johnston School Committee claims the right to withdraw the student from the vocational center, even if the Center is satisfied with the progress the student is making. The argument seems to be that the unilateral decision of the Johnston School Committee can supercede the authority of the Administrating School Committee of the Vocational Center, the judgement of the Vocational Center Director and Vocational Center Guidance Counselors, and the authority of the Area Center Coordinating Committee, the Board of Regents and sundry other parties – not the least of whom are the parents of the students concerned.

Cranston’s position is that The Regulations of the Board of Regedts Governing the Management and Operation of Area Career and Technical Centers prevents us from accepting Johnston’s argument. These Regulations state in the Section on Definitions that:

- B) Vocational-technical programs shall be developed, implemented and evaluated with participation from

students, parents, educators, workers and representatives of labor, community-based organizations, business and special populations. (emphasis added)

Cranston argues that there is little room for unilateral action in the field of vocational education. We concur. A reading of the State Vocational Education Regulations convinces us that it is the duty of the Administering School District, with the advice of all affected parties, to set the academic standards for the Regional Vocational School which it administers. It would be impossible to operate a Regional Vocational School if the school had to operate in accordance with two, three, four, five, or even six different disciplinary and academic regulations which might prevail in each of the sending school districts. Merely to state this proposition is to reject it.

If a sending school district questions the administration of the Area Vocational School by the Administering District, its remedy is through its voice in the Area Coordinating Committee. The Regulations state:

The Area Coordinating Committee will meet at least four times each year and will forward its findings and recommendations to the school committee of the administering school district for possible implementation and to the Permanent Task Force on Area Vocational-Technical Centers. (emphasis added)

The Regulations further state:

The Commissioner of Education or the Commissioner's designee is the person to (1) determine compliance with these regulations and (2) mediate disputes arising thereunder.

We conclude that it is the Administering School District and not the Johnston School Committee which has the duty and authority to set academic standards in the Vocational Career and Technical Center operated by the Administering District.

Conclusion

It is the duty and responsibility of the Administering School District, in consultation with all affected parties, to establish academic standards at the Area Career and Technical Center which it administers. This authority preempts the authority of sending districts as to students enrolled in the Regional Vocational School. Any dispute about academic standards is to be resolved by the Commissioner of Education under the supervision of the Board of Regents.

Because of the ongoing conflict regarding academic and disciplinary standards for students at the Cranston Area Career and technical Center, a special visitor is hereby appointed to examine and report on this matter.

Forrest L. Avila
Hearing Officer

Approved:

Peter McWalters
Commissioner of Education

DATE: April 2, 1999