

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER
OF EDUCATION

.....

Thomas T.

v.

Davies Career-Technical Center

.....

DECISION

Held: Based upon a *de novo* review of this matter we conclude that the decision of the Davies school not to grant this student admission was correct. We therefore must sustain it. We will appoint a special visitor to work with Pawtucket school authorities to design an individual education plan that meets this student's need for vocational education.

DATE: October 3, 2000

Travel of the Case

The student in this case is attends the public schools of Pawtucket. His application to attend the Regional Vocational Center that serves Pawtucket--the Davies Career and Technical Center--has been denied. He has appealed this decision to the Commissioner of Education.

Conclusions of Law

- In Rhode Island all students are entitled to have access to vocational education.¹ In some cases this access is provided through the state's system of Regional Vocational Centers. In other cases the student's own school system is responsible for providing the student with vocational education.²
- State and federal law require schools not to discriminate against students with disabilities.³
- Under the Individuals with Disabilities Education Act (IDEA) this student is a student with a disability who is entitled to receive a free appropriate public education (FAPE) in the least restrictive environment (LRE).⁴ Vocational education can be part of a student's free appropriate public education.⁵

Findings of Fact

- This 14-year-old student is diligent, polite, and devoted to his studies. He works cooperatively with his teachers and is quite successful in the Boy Scouts. He receives excellent support from his family, his friends, and his teachers. A special visitor appointed to review this matter reported that:

Academically, he is receiving good grades in a classroom that is providing him with maximum supports and resources for his language difficulties. [He]...is performing at " 3-6 years below his grade level and 4 to 8 years below age equivalents." [He]...has

¹ R.I.G.L.16-45-1.1(d)(1) See: *Pawtucket School Committee v. Davies*, Commissioner of Education, 1995

² *Katie F. v. Pawtucket School Committee and the Davies School*, Commissioner of Education, 1993

³ See: 20 USC Sec. 2301 "The Carl D. Perkins Vocational and Applied Technology Education Act." See: R.I.G.L.42-87-1

⁴ 20 USC sec.1450 See: R.I.G.L.16-24-1

⁵ 34 CFR 300.26(a)(2)(iii)

difficulty with more complex tasks that require higher levels of reasoning.

- The entire report of the special visitor is incorporated by reference into the present decision.
- Several teachers in the Pawtucket school district wrote letters of recommendation on behalf of this student indicating their belief that this student could be successful in a vocational education program at Davies.
- This student was evaluated through the Davies admission process--a process that has been designed not to discriminate against students with disabilities. This process resulted in a decision that Davies, even with program modifications, was not an appropriate placement for this student.
- The student has appealed this decision to the Commissioner of Education.⁶
- A special visitor with excellent credentials in conducting vocational evaluations was appointed to review this matter. She interviewed the student, reviewed his records, and studied the Davies program with an eye to considering possible program modifications.
- At the hearing in this matter the special visitor stated the programs at Davies Career and Technical Center are, by their very nature "information intense." This is not surprising since Davies prepares students to use their intelligence, knowledge, and skills to independently and safely carry out complex, changing, and responsible tasks on behalf of employers and the general public. By its very nature Davies graduates must be prepared to perform and document work which meets or exceeds industrial and regulatory standards. The Special Visitor pointed out that:

The ultimate goal for the students is to reach a mastery level where they can sit for a certifying exam in their chosen technical area. This standard is required by the industries and the Department of Education, in terms of outcomes.

- This of course does not mean that students with disabilities are excluded from Davies School. In fact there are 165 students with varying disabilities who attend Davies and who have individualized education plans. The school employs 12 special education teachers to help these students meet the requirements of the school program. Still, by its very nature, the program at

⁶ R.I.G.L.16-39-1 and R.I.G.L.16-39-2

Davies--even after all reasonable accommodations have been made--is not suitable for every student. This does not mean that a student who cannot gain admission to Davies is excluded from vocational education. In such cases the student's home school district is responsible for designing a vocational education program meets the student's needs.

- The special visitor, after examining the program at the Davies School, interviewing the student, reviewing the student's school records and tests concluded that:

Unless his ability to understand and use information, problem solve and apply critical thinking skills improves over the next several years he will continue to be a person who will best be employed in entry-level, highly repetitious work. In a job setting he would have difficulty performing work that is multi-step but would flourish in an environment where he could be taught a specific job and be given the responsibility to carry it out as long as was consistently performed day to day. This type of academic and vocational training is not available at Davies, nor can it be provided through accommodations.

Conclusion

Based upon or *de novo* review of this matter we conclude that the decision of the Davies school not to grant this student admission was correct. We therefore must sustain it. We will appoint a special visitor to work with Pawtucket school authorities to design an individual education plan that meets this student's need for vocational education.

Forrest L. Avila, Hearing Officer

APPROVED

Peter McWalters, Commissioner

October 3, 2000
DATE