

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF  
EDUCATION

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**In Re: Joseph S.**

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**Decision**

Held: Because the Graphic Design/Computer Production program at the Warwick Career and Technical Center has been proven to be substantially different from the Graphics Communication Technology course offered at the Regional Career Center at Coventry High School, this student is entitled to attend the Warwick program under applicable Board of Regents' Regulations.

DATE: July 26, 2002

## **Travel of the Case**

On May 28, 2002 the parents of Joseph S. filed a letter of appeal with Commissioner Peter McWalters challenging the May 24, 2002 decision of the Superintendent of Schools in Coventry that Joseph was not entitled to attend the Warwick Area Career and Technical Center to participate in its Graphic Design/Computer Production program.<sup>1</sup> The undersigned was designated to hear the appeal on June 4, 2002 and the hearing was convened on June 27, 2002. Evidence in the form of testimony and documentation was taken at that time, and the record in the case closed on July 11, 2002 upon receipt of the transcript. Decision in this matter has been expedited for two reasons. The first is that the decision affects the rights and obligations of the parties for the upcoming school year. Secondly, the Regents' Regulations Governing The Management & Operation Of Area Vocational-Technical Centers In Rhode Island contain a provision which requires that when a student is denied placement in any program at any area Vocational Technical Center, the Commissioner's decision shall be rendered within fifteen days of receipt of the appeal. Although not technically in compliance with this provision, given the time frame in which the parties agreed to a hearing date, a decision issued within fifteen days of the closing of the record is clearly required.

## **Issue:**

Does the Commissioner have jurisdiction to hear this dispute in that the Coventry School Committee has not been presented with this issue?

Is Joseph S. entitled to enroll in the Graphic Design/Computer Production program at the Warwick Area Vocational-Technical Center for the upcoming school year even though he is a Coventry resident and the Regional Career Center at Coventry High School has a course in Graphics Communication Technology?

## **Findings of Relevant Facts**

- Joseph S. resides in Coventry, Rhode Island and recently completed his freshman year at Coventry High School. Tr. pp.13-14.
- Joseph is presently fifteen years old. He has certain disabilities which qualify him for a program of special education. Despite his disabilities, Joseph passed all four of his major academic subjects, for which he was placed in small, self-contained special education classes. Tr. pp.13-14.
- Joseph's current Individualized Education Program notes that he continues to need placement in small, self-contained classes with support and structure. Appellant's Ex.3, page 2.

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<sup>1</sup> The superintendent returned the application to the Warwick Area Career and Technical Center that had been initially submitted on Joseph's behalf to officials at the Coventry school department.

- Joseph’s transition plan, set forth in his IEP, calls for continued placement in self-contained classes for his academic classes and his participation in a career and technical program in Graphic Arts. Appellant’s Ex. 3, page 3. The IEP notes that this plan will require a modification of the admissions procedures at the Career Center of Coventry High School “so that Joe is admitted to Career and Technical programming at the tenth grade level.” Appellant’s Ex. 3 page 4.<sup>2</sup>
- All vocational-technical programs at the Career Center at Coventry High School are two-year programs. Tr. p.16.
- Prior to the May 6, 2002 IEP meeting it had been indicated to Joseph’s parents that vocational program availability for Joseph for the tenth grade would be limited to an exploratory program at the Career Center at Coventry High School of which graphic arts was a component. The letter noted that students in grade 11 and 12 could participate in a two year graphic arts vocational program at the Career Center. School Committee Ex.B.
- Subsequent to the development of his IEP on May 6, 2002, Joseph’s parents met with the Director of the Career Center at Coventry High School. At the May 21,2002 meeting, his parents were advised that Joseph would be given the opportunity to begin the two-year program in graphic arts even though he would be a tenth grade student. School Committee Ex.C.
- A memorandum from the director of the Career Center at Coventry High School notes that placements for students accommodating their special interests can occur as internships or work-study experience. School Committee Ex.C.
- The graphic arts program at the Career Center at Coventry High School is a two year course entitled “Graphics Communication Technology” and “Advanced Graphic Communication Technology”. The course is two credits each year and is offered to students in grades 11 and 12. School Committee Ex.D; Appellant’s Ex.4; Tr.p.17.
- The total instructional time in the Coventry program is 492 hours over the two years. Appellant’s Ex.4.
- The focus of the Coventry program is on the basics of graphic communication, new media technology for desktop publishing and journalism, printing press and print shop skills. Appellant’s Ex.4.
- The graphic arts program at the Warwick Area Career and Technical Center is a three-year course entitled “Graphic Design/Computer Production 1, 2 and3. The course is three credits each year and is offered to students beginning in grade 10. Appellant’s Ex 4;School Committee Ex.C; Tr. p.16.
- The total instructional time in the Warwick program is 1,245 hours over the three years.Appellant’s Ex.4.
- The focus of the Warwick program is on development of creative abilities in the student by exposure to all phases of the advertising design field, including advertising art, desktop publishing, industrial display, lettering, screen process printing, and photography. Appellant’s Ex.4.

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<sup>2</sup> In a section of the IEP called “Conversation/Meeting Notes, it is noted that a topic of discussion was whether placement in a career and technical center would be Warwick (as parents requested) or at Coventry High School.

- The Warwick program does not offer “advanced graphic communication technology” (Coventry’s second year offering) because it does not have printing equipment (Tr.p.65) and given that the program’s emphasis is on graphic design, almost the entire first year of the program is spent on developing the skills of painting, lettering, and using different artistic media to create portraits and other images, i.e. manual rather than computer generated design. Tr.pp.67-68.

## **Positions of the Parties**

### **The Appellant**

On his son’s behalf, Mr. S argues that Joseph is entitled to attend the graphic arts program in Warwick because the Career Center at Coventry High School does not offer a course that is substantially the same. He argues that Coventry has chosen to focus its program to specialize in printing technology, and Warwick has chosen to focus its program in graphics design to such extent that they are two different programs. Mr. S. directs our attention to the Regents Regulations Governing the Management & Operation of Area Vocational-Technical Centers in Rhode Island, and Section IV, C. 7 which provides that if a particular program is not available at a student’s area center, he shall have the right to attend the program in the center nearest to the student’s legal residence. In this case, this would be the Warwick Area Vocational-Technical Center.

As a second argument, Mr. S. submits that the Warwick program, with its emphasis on the manual elements of graphic design, is clearly the more appropriate program for his son, whose career goal is to be a commercial artist and whose interests do not lie in the area of printing technology, which is emphasized in the Coventry program. The more appropriate program is the one that clearly meets his needs and covers his areas of interest, contrary to the position of school administrators that the Coventry program more adequately meets his educational needs.

### **The School Committee**

At the outset, counsel for the Coventry School Committee asserts that the Commissioner is without jurisdiction over this dispute since it has not yet been submitted for resolution to the members of the School Committee. Under 16-39-1 and 16-39-2 of the General Laws of Rhode Island and consistent with the notion of exhaustion of administrative remedies, he argues that this dispute must be dismissed until it is addressed at the local level.

As to the merits, counsel submits that the program in graphic arts offered at the Career Center at Coventry High School is appropriate, even though it may not be the best program taking into account Joseph’s expressed interest in graphic design. The district is under no obligation to offer each student an individualized vocational program which matches his or her specific interests, but only an appropriate program. Given that

Coventry's program is approved by the department of education, it has been found to meet minimal state standards. In addition, he argues, the Coventry school department has applied for accreditation from the Print ED organization, as has the Warwick Area Center, and that in this process both programs will be accredited in the basic foundation course of Introduction to Graphic Communications, as well as in specialized areas depending on their program emphasis. This process results in a more standardized curriculum which nonetheless permits each area center to focus on particular elements in the graphic arts field.

There may be some differences in the graphic arts program as they are presented in these two vocational centers, counsel admits, but the programs are similar. Both, in fact, meet minimum state requirements. The entitlement to attend a program at a regional center outside of the area of the participating district exists only when there is no similar program offered to the student at his own regional vocational center. Evidence that Joseph will have an approved and appropriate graphic arts program in Coventry has been presented in this case, counsel for the school department argues. In fact, Coventry has opened its graphic arts program to Joseph even though he will only be in the tenth grade during the upcoming school year. He therefore has no entitlement to have Coventry pay for his attendance at the Warwick Area Vocational-Technical Center and provide him with transportation to that program.

### **DECISION**

A review of the Regulations of the Board of Regents Governing The Management and Operation of Area Vocational-Technical Centers in Rhode Island (July 19, 1990) indicates, as we have noted, that an expedited decision is required of the Commissioner in appeals when students are denied placement in a vocational-technical program (Section IV, H (5)). This same section also indicates that students denied placement in any program at any area vocational-technical center "shall have the right to appeal that decision direct (ly) to the Commissioner of Education". Given this explicit regulatory language, we must reject the argument made by the School Committee that the appellant is required to bring this issue to the Coventry School Committee prior to proceeding before the Commissioner. The cited language, together with a more general statement in Section III, at page 17 of the Regulations that the Commissioner, or his designee, is empowered to mediate disputes arising under the Regulations, indicates a clear intent to bypass the customarily-required hearing before the local school committee.

As our findings of fact would indicate, there are substantial differences in the Coventry and Warwick programs. These differences are in course content, length of the program, hours of instruction, and credits awarded. To address these differences, in part, the argument is made that Joseph S. might be allowed to expand upon the existing Coventry graphic arts program when he has finished the two year sequence, supplementing their program by participating in work-study and internship programs in the graphic arts field during his senior year at Coventry High School. There is insufficient proof on this record that such internships and work-study arrangements could or would substitute for the

numerous additional hours of classroom instruction in graphic design that are available in the Warwick program. Furthermore, it may not be possible for Joseph to participate in such internships and work-study arrangements as readily as some of his counterparts in the Coventry program. We would note that his IEP identifies his need for classroom support and structure (Appellant's Ex.3 at page 2) and notes that he needs "constant supervision" in order to ensure that his behavior as well as his academics are in order". (Appellant's Ex. 3 at page 3A) Thus, the argument that these future opportunities achieve the equivalency of the two programs is not persuasive on this record, and especially given the identified special education needs of this student.

We find that under the Regents' regulations the student has demonstrated that the Warwick Area Vocational-Technical Center has a "particular program", i.e. Graphic Design/Computer Production 1,2, and 3 and that Coventry does not have this program. Thus, he is entitled under Section IV, C (7) (page 35) to attend the Warwick program.

The appeal is sustained.

For the Commissioner,

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Kathleen S. Murray, Hearing Officer

APPROVED:

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Peter McWalters, Commissioner

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July 26, 2002  
Date