

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF  
EDUCATION

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**Karima K.**

**v.**

**West Warwick School Committee**

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**DECISION**

Held: The decision of the West Warwick School Committee to rescind its approval of the home instruction program of Mrs. K. for four of her grandchildren is sustained. Mrs. K. failed to comply with reasonable conditions of the program's approval, i.e. submission of quarterly attendance records and work samples in each of the required topics of instruction.

DATE: November 21, 2005

## **Travel of the Case**

On May 10, 2005 the West Warwick School Committee voted to rescind its approval of the home instruction program in place for four children who are residents of the city and instructed in their mother's home primarily by their grandmother, Karima K. In his letter of June 6, 2005 Superintendent David P. Raiche notified Mrs. K. of the School Committee's decision and the need to enroll the children in West Warwick public schools or to seek review of the Committee's decision by the Commissioner of Education. On June 24, 2005, Mrs. K, her daughter in law, Latifa K. and Musa A.-K. (whom we assume is the children's father) requested that the Commissioner hear this matter. The undersigned was designated to hear and decide this matter on July 15, 2005 and a hearing was scheduled for September 1, 2005. The transcript of the hearing was received, and the record closed, on September 21, 2005. Decision in this matter has been expedited because the issue involves compulsory education of these children, and the school year is well under way.

### **Issue:**

Did the West Warwick School Committee act reasonably, and consistent with the statute on home instruction (R.I.G.L. 16-19-2) when it rescinded its prior approval of home instruction for Students S., A., S., and B.?

### **Findings of Relevant Facts:**

- ◆ The Superintendent of the West Warwick school department recommended approval of the K.'s home instruction program to the West Warwick School Committee at its December 14, 2004 meeting. At this meeting, the School Committee accepted the Superintendent's recommendation. S.C.Ex.3 and 4.
- ◆ The Superintendent's recommendation, and the School Committee's approval of the program, was implicitly conditioned upon the information provided by Mrs. K. in her letter to Mr. Raiche dated November 18, 2004. This letter, also signed by the mother of the children, Latifa K.<sup>1</sup>, indicated that (they) agreed to submit work samples and attendance forms for each child... on a quarterly basis. S.C. Ex. 2, 3 and 4.
- ◆ From the point Mrs. K. was notified of approval of the home instruction program, she did not submit attendance forms on a timely basis. She submitted attendance forms for the first three quarters of the year on May 9, 2005. At the time of the hearing (September 1, 2005) she had not submitted attendance records for the fourth quarter. S.C.Ex.6; Tr. p. 13.
- ◆ After approval of the program in December of 2004, Mrs. K. did not submit quarterly work samples for the children. On June 9, 2005 she submitted some work samples

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<sup>1</sup> In her capacity as "Assistant/Parent

for each of the children. The Superintendent reviewed these work samples and could not determine at what point in the year the work had been done. Tr. p. 12. He found that the work samples did not cover all of the required subjects of home instruction, nor were they of sufficient number for him to determine if the children were making progress throughout the year. Tr. pp. 20-22, 27-28 and 44.

- ◆ On April 25, 2005 Superintendent Raiche notified Mr. K. that he would be recommending to the School Committee that approval of the home instruction program be rescinded because of her failure to honor the “terms of the agreement (she) entered into dated November 18, 2005”.<sup>2</sup> S.C.Ex.4.
- ◆ On May 10, 2005 the West Warwick School Committee approved the Superintendent’s recommendation, and Mrs. K. was notified of its decision on June 6, 2005. S.C.Ex.5.<sup>3</sup>

### **Positions of the Parties**

#### **West Warwick School Committee**

Counsel for the School Committee takes the position that the requirement that attendance records and work samples be submitted to the school department on a quarterly basis is a reasonable one. It is an effective way for the School Committee to fulfill its obligation under state law to ensure that the home instructed child is properly educated. The requested records also serve as documentation throughout the school year that the program identified at the time the School Committee gives its approval is actually being provided to the child instructed at home. According to the Superintendent’s testimony, he cannot ascertain that the K. children who are being instructed at home have received the program initially agreed to. He also cannot adequately assess their progress, as he is required to do under the statute.

It was clear that the quarterly attendance reports and work samples for each child were required as a condition of ongoing approval. The failure to submit this documentation on a timely basis is not excusable and constitutes sufficient grounds for rescission of the approval given by the School Committee on December 14, 2004.

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<sup>2</sup> we infer that the “agreement entered into on November 18, 2005” was meant to refer to the letter Mrs. K. had submitted on November 18, 2004 in which she, and the children’s mother, indicated in writing that they agreed to follow the curriculum of the West Warwick School Department and to submit work samples and attendance forms on a quarterly basis.

<sup>3</sup> Although the June 6, 2005 letter from Superintendent Raiche did not indicate the reason for the School Committee’s action, we infer that the reason was the same as that forming the basis for the Superintendent’s recommendation to them.

Mrs. K.

Mrs. K. submits, on behalf of her daughter-in-law who is the parent of each of the four children in question, that she has in fact provided the program to which both of them committed on November 18, 2004. Her failure to submit the required quarterly reports and work samples is the result of a misunderstanding stemming from mixed messages she received as to when such information was actually required. As to the work samples, it is her position that Superintendent Raiche has never been specific as to exactly how many work samples in each subject area are “sufficient” in his mind. His failure to specify this previously excuses her lapses in this regard. Overall, she implicitly argues that since she has been involved in home instruction of her grandchildren for a long period of time<sup>4</sup>, any shortcoming in providing documentation this year should not form the basis for adverse action by the West Warwick School Committee.

### **DECISION**

Based on the record, it is clear that the obligation to submit quarterly attendance records and work samples was one assumed by both Mrs. K. and the childrens’ mother Latifa K. when they submitted their home schooling proposal to the Superintendent on November 18, 2004. Although not precisely referred to as a *condition* of ongoing approval for the year, this was a key piece of information requested by Superintendent Raiche in determining what his recommendation would be. We infer from the facts in this record that quarterly attendance and work samples were also facts about the K.’s home instruction program which were important to the West Warwick School Committee in its decision to approve the 2004-2005 program. The failure to submit this documentation on a timely basis, and as indicated in the “agreement” of November 18, 2004, provides a reasonable basis for the School Committee’s decision.

Mrs. K.’s argument that the Superintendent never specified *how many* work samples were required in each topic of instruction might have some merit if, in fact, she had submitted at least some quarterly work samples throughout the year. Had she done so, and Superintendent Raiche found them insufficient, this would have provided the opportunity for clarification of the number he was looking for. Since it was not until June 9, 2005 that a few work samples were presented (and in at least one subject area for each of the four children not one work sample was provided) the argument that a lack of clarification of the number was the problem with Mrs. K.’s compliance is disingenuous. A requirement that two or three work samples in each topic of home instruction be submitted<sup>5</sup> has not been shown to be unreasonable, and in any event, none were provided within the timeline agreed to.

The appeal is denied. The School Committee’s decision is affirmed, except to the extent that we would view it as a revocation, rather than a rescission, of its December 14,

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<sup>4</sup> Apparently past assessments of the childrens’ progress have been satisfactory.

<sup>5</sup> This was the specification provided by Superintendent Raiche in his testimony at the hearing on September 1, 2005.

2004 approval. A rescission would render the K. children truant for the entire school year 2004-2005, and would typically be based on an allegation that the home instruction program was void for some reason. Since the allegation in this case is the failure to comply with conditions of the home instruction “agreement”, a decision to revoke approval as of May 10, 2005 is hereby affirmed.

For the Commissioner

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Kathleen S. Murray, Hearing Officer

APPROVED:

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Peter McWalters, Commissioner

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November 21, 2005  
Date