

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

.....

Student J.

v.

**Davies Career & Technical
High School**

.....

DECISION

Held: This is an appeal from a decision denying immediate admission to the Davies Career and Technical High School. Unlike an open admission school, Davies requires certain criteria for admission, and students may be placed on a waiting list. The student in this case has not yet met the admissions criteria and is therefore not entitled to immediate admission to Davies as a 9th grade student. We encourage this student to apply for admission to the Davies School as a 10th grade student.

DATE: March 1, 2007

Jurisdiction and Travel of the Case

This is a direct appeal from a decision of the Davies Career and Technical High School to deny immediate admission to a student who has just moved into Rhode Island from a New York. Jurisdiction is present under R.I.G.L.16-39-1, R.I.G.L.16-39-2, and the Career and Technical Regulations of the Board of Regents.

Position of the Parent

The parent contends that her daughter was in a nursing career program in a Career and Technical High School in New York and that her daughter therefore should be allowed to immediately enroll into a nursing program at the Davies Career and Technical High School.

Position of Davies School

The Davies School submits that the student's school records show that she was attending a regular high school in New York rather than a Career and Technical High School. Davies also submits that, in any event, her academic record, at this time, does not support immediate admission to Davies Career and Technical High School.

Findings of Fact

1. The mother and aunt of this student show a commendable interest in advancing this student's education.
2. This family moved to Central Falls, Rhode Island in December of 2006. Central Falls is one of the Rhode Island school districts that enroll students at the Davies Career and Technical High School. This ninth grade student did not enroll in the Central Falls school system until sometime in January of 2007.¹
3. The New York High School this student was attending was a regular high school rather than a Career and Technical High School. While this student was taking Biology in her New York high school she was not taking any nursing courses.²
4. If a student was enrolled in Career and Technical program in another state the Davies School will examine the students credentials
5. Admission to the Davies School is through regulations whose goal is to, "promote equal access, enrollment, and participation in vocational programs regardless of age, sex, race, limited English proficiency, disadvantage, or disability."³
6. Students who met admission requirements are admitted to Davies through a lottery or, in the case of special needs students, through the IEP process.
7. There are presently 17 students on the waiting list for admission to the 9th grade at the Davies Career and Vocational School.
8. The Davies School would be willing to place this student on its ninth grade waiting list if (1) she had been enrolled in a Career and Technical program in

¹ Transcript, Page 10.

² Transcript, Page 7.

³ R.I.G.L.16-45-1.1

New York and (2) if she could pass diagnostic tests to demonstrate reading ability at the sixth grade level and mathematical skills at the fifth grade level. Since this student has special education needs, a fifth grade reading level, might, under some circumstances, suffice for admission.

9. The record shows that this student was not attending a Career and Technical high school in New York.
10. The Davies School has encouraged this student to take the tests she needs to qualify for 10th grade admission to the school.

Conclusions of Law

The Davies Career and Technical Center is not an open admission school. Students who wish to enroll at Davies must meet certain criteria for admission and, even then, they may find themselves placed on a waiting list. The student in this case has not yet met the criteria for admission to Davies.

Conclusion

We must find that this student has not demonstrated that she is entitled to immediate admission to the Davies Career and Technical High School as a 9th grade student. We encourage this student to apply for admission to the Davies School as a 10th grade student.

Forrest L. Avila, Hearing Officer

APPROVED:

Peter McWalters, Commissioner

March 1, 2007
Date