

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF  
EDUCATION

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**Traci Rossi et als**  
**v.**  
**Johnston School Committee**

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**DECISION**

Held: In this case a group of parents is appealing the decision of the Johnston school committee to cease using the Graniteville School as an elementary school. After a review of the record in this case, we conclude that even under a good cause standard, the school committee's decisions to reassign certain students to the Winsor Hill School and to cease using the Graniteville Elementary School as a regular elementary school must be affirmed. The appeal is therefore denied and dismissed.

DATE: December 18, 2007



## **Jurisdiction and Travel of the Case**

In this case a group of parents is appealing from a decision of the Johnston school committee to cease using the Graniteville School as an elementary school and instead to use this school to house, inter alia, the district's Early Childhood Center. Jurisdiction is present under R.I.G.L.16-39-1 and R.I.G.L.16-39-2

## **Positions of the Parties**

### **The Parents**

The parents contend that the school committee has closed the Graniteville Elementary School, and that no good cause exists for this closure.

### **The Johnston School Committee.**

The school committee contends that it has not closed the Graniteville School, but rather that it has simply assigned a different group of students to this school. In any event, the Johnston school committee contends that its decisions in this matter were fully warranted by the facts and that good cause — assuming that the good cause standard is applicable to this case — is present to support these decisions.

## **Findings of Fact**

1. The Johnston School Committee, as is the case with all Rhode Island school committees, is experiencing increasing budgetary pressures. Program audits of the Johnston public schools resulting from two prior court actions involving budget questions in fiscal years 2005 and 2006 suggested that Johnston would be able to save money without diminishing educational quality by eliminating at least one elementary school. A decline in projected elementary school enrollment enhanced the feasibility of this option.<sup>1</sup>
2. In making her decisions in this matter, the superintendent considered the effects that the addition of 350 apartments through an affordable housing program in Johnston would have on student population. She gave similar attention to the addition of 25 houses near Pine Hill Avenue.
3. Johnston has a significant number of students who are enrolled in out-of-district special education programs. These programs require Johnston to make significant tuition payments. Johnston believes that some of these students, especially the very young ones, could be returned to the Johnston public schools at less expense to the district if quality programs for them were developed within the district.<sup>2</sup>
4. Taking the above-stated considerations into account, the superintendent of schools of Johnston concluded that the Graniteville School — the district's smallest

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<sup>1</sup> Transcript pages 17 & 18.

<sup>2</sup> Transcript, page 21.

elementary school — should cease to function as an elementary school and that instead the Graniteville school building should be used to house the district's Early Childhood Center. The decision to house the district's Early Childhood Center, which provides education to young students in need of special education, at the Graniteville school building was additionally supported by the fact that the configuration of this school would allow pre-k, kindergarten, and first grade classes to be housed on the first floor of the building, as is now required by the fire code.

5. Under the superintendent's plan, students who previously attended the Graniteville School will now attend the Winsor Hill School.
6. The superintendent's plan to change the function of the Graniteville School was integral to the efforts of the Johnston school committee to deal with budget constraints while continuing to provide students with a quality education.
7. Based upon the record before us, we find that the superintendent fully briefed the school committee on all the options that were available to the committee to enable it to stay within its budget limits, while providing students with a quality education. On February 27, 2007 the school committee, inter alia, voted to accept the superintendent's recommendation concerning the reconfiguration of the Graniteville School.
8. While a school survey conducted some 5 years ago indicated that the Winsor Hill School was overcrowded, two new classrooms and a gymnasium have since been added to the school. The superintendent is now confident that Winsor Hill will not be overcrowded if her plan is put into effect.

## Conclusions of Law

The General Laws of Rhode Island provide that:

**R.I.G.L. 16-2-15. Location of schools - Control of property.** -- (a) The school committee shall locate all schoolhouses, and shall not abandon, close, or change the location of any *without good cause*.... (Emphasis added)

The parents in this case contend that the Johnston School Committee has closed the Graniteville Elementary School without good cause. The Johnston school committee contends that it has not closed the Graniteville School, but rather that it has merely elected to house a different group of students there. In the alternative, the school committee contends that its decision in this matter was not arbitrary or capricious and that, beyond this, there was good cause for the decisions it made in this matter.

We have some doubts as to whether or not this matter is properly a school closing case. However, we will not examine this issue because we believe that even under a good cause standard the school committee must prevail in this matter. Our standard of review is *de novo*. *School Committee v. State Board of Education*, 103 R.I. 359, 237 A.2d 713 (1968) We find that the evidence before the school committee at the time when it made

its decision concerning the Graniteville school supported the action the committee took in this matter. We further find that the evidence before the Commissioner, when the hearing in this matter concluded, more than sufficed to justify a *de novo* decision supporting the actions of the school committee. We therefore conclude that, even under a good cause standard, the school committee's decisions to reassign certain students to the Windsor Hill School and to cease using the Graniteville Elementary School was appropriate.

## **Discussion**

We have carefully examined the parents' arguments in this case. These arguments, which were well presented, were to the effect that Graniteville Elementary School is doing an excellent job of educating the children of the attendance area which the school serves. The parents do not believe that it is wise to remove their children from a school which is presently serving them well, and move these children to a different school — the Winsor Hill School — which is more distant from their homes and which, in the parents' view, may not be prepared to receive these children. The parent's were particularly concerned that Winsor Hill might become overcrowded. In sum, the parents recognize that the district is under budgetary pressure, but they believe some different economy measure should be undertaken in preference to the reassignment of their children to the Winsor Hill School.

The school committee's response to these arguments is that it carefully considered other alternatives to the decision it made to cease using the Graniteville Elementary School as a regular elementary school. The school committee did weigh transportation time and school crowding issues in its decision. It has considered enrollment projections and new construction in Johnston. The superintendent was confident that any overcrowding issues that might develop could be readily dealt with. Out of all the options before it, the committee concluded that reassigning some students to the Winsor Hill School was the most appropriate option before it to cope with the budget constraints that are pressing on the committee. On the record before us there is nothing to show that the balance the school committee struck is incorrect. While the parents may weigh matters differently, we cannot say that the decision the school committee made here is not supported by good cause.

After the record was closed in this matter the petitioners, through various communications, suggested that conditions at the Windsor Hill School had changed in ways supporting their allegations that overcrowding, inadequate classroom space, and transportation problems were increasing at the Windsor Hill School. We elected to receive additional testimony from the superintendent concerning these representations. The superintendent indicated that in her judgment the Windsor Hill School was operating in a satisfactory manner. The petitioners contended that they should have the opportunity to rebut these conclusions of the superintendent. We agree with the petitioner's on this point, but we conclude that it would not be appropriate to reopen the matter now before us to hear petitioner's evidence concerning conditions at the Windsor Hill School. This is because we think as a general principle that we must rule on the evidence before as of the date the parties have rested their cases. We therefore elect not to reopen the present matter, but we do give the petitioners leave to file a new appeal concerning conditions at

the Windsor Hill School. We direct, however, that the school committee rule on the petitioners' grievances first. If a dispute concerning conditions at Windsor Hill School still exists after the school committee's hearing concerning these grievances an appeal can be filed with the Commissioner.

### **Conclusion**

We conclude that even under a good cause standard the school committee's decisions to reassign certain students to the Windsor Hill School and to cease using the Graniteville Elementary School as a regular elementary school must be affirmed. Petitioners are given leave to present their grievances concerning conditions at the Windsor Hill School to the school committee. If a dispute concerning conditions at Windsor Hill School still exists after the school committee's hearing concerning these grievances an appeal can be filed with the Commissioner.

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Forrest L. Avila, Hearing Officer

AFFIRMED:

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Peter McWalters, Commissioner

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December 18, 2007  
Date