

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

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Traci Rossi et als
v.
Johnston School Committee
(In Re Winsor Hill School)

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DECISION

Held: Hearing in this matter was granted for the purpose of giving parents an opportunity to present evidence of alleged deficiencies at Winsor Hill School, which the petitioners contended were a product of the reconfiguration of Graniteville School and the resulting transfer of students to Winsor Hill School. Our findings indicate the petitioning parents, except with regard to R.I.G.L.16-22-4 (Instruction in Health and Physical Education) have not demonstrated the presence of any major operational difficulties at Winsor Hill School. The school district has shown Winsor Hill School is providing students with a quality education, despite the initial difficulties created by the merger of two distinct student populations. The petitioners' appeal is therefore denied and dismissed. The Superintendent of Schools, however, is hereby required to file a report with the Commissioner on how Winsor Hill School, and the school district in general, will comply with R.I.G.L.16-22-4.

DATE: August 20, 2008

Jurisdiction and Travel of the Case

This case results from the transfer of Johnston students from the Graniteville School to the Winsor Hill School. The purpose of the hearing that was granted in this matter was to give parents an opportunity to present to the Commissioner evidence of alleged deficiencies at the Winsor Hill School which the parents contended were a product of the reconfiguration of the Graniteville School and the resulting transfer of students to the Winsor Hill School. 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, who appeared in this matter *pro se*, contend that by merging students from the Graniteville School into the Winsor Hill School, the Winsor Hill School is so over-utilized that students are not receiving a quality education.

The School District

The school district contends that the Winsor Hill School is able to fully serve the students who attend it.

Conclusions of Law

Rhode Island law requires towns and cities to operate public schools which are under the general authority of the Board of Regents:

R.I.G.L. 16-2-2 City and town schools required – School year – Location – Kindergartens. – (a) Except as specifically provided in this section, every city or town shall establish and maintain for at least one hundred eighty (180) days annually exclusive of holidays a sufficient number of schools in convenient places under the control and management of the school committee and under the supervision of the board of regents for elementary and secondary education. In lieu of convenient location the school committee may provide transportation for pupils to and from school in accordance with the provisions of chapter 21 of this title.

Under state law Rhode Island students are entitled to receive a *quality* education:

R.I.G.L. 16-7-15 Statement of purpose. – The purpose of §§ 16-7-15 to 16-7-34 [Foundation Level School Support] *is to provide a quality education for all Rhode Island youth* by requiring a minimum per pupil expenditure level, by encouraging school committees to provide superior

education beyond this minimum, by identifying fiscal responsibilities of school committees, by further improving the efficiency of our school systems through encouraging small school districts to combine into larger, more efficient regionalized units, and by incorporating the many various state aids into one comprehensive program. (Emphasis added)

We therefore conclude that the question before us is whether or not the Winsor Hill School is able to provide its students with a quality education. The petitioning parents have challenged the capacity of the Winsor Hill School to provide this quality education by alleging certain deficiencies at the school. We will address these alleged deficiencies in our Findings of Fact.

Findings of Fact

1. The Winsor Hill School gives the impression of being somewhat crowded, but not so crowded as to be uncomfortable. (Impression of hearing officer)
2. Special Education classes at Winsor Hill School comply with present Board of Regent's staffing regulations. (Tr. Vol. I, at Page 9) At the start of the school year there were some individual cases of special education students not receiving all their IEP services. This problem has been substantially corrected. (Tr. Vol. II, at Page 5 through 17) An inclusion model for special education students is in effect in the Winsor school. The Winsor School has always used this inclusion model. Some IEPs needed to be modified to reflect this fact. (Tr. Vol. II, at Page 76)
3. There have been problems in transferring new students into Winsor Hill School, but school officials have worked diligently, and with a good measure of success, to correct scheduling deficiencies. (Tr. Vol. I, at Pages 20 through 38)
4. The school nurse indicates that the addition of new students has sometimes challenged her, but she indicates that she is successfully meeting these challenges. (Tr. Vol. I, at Page 39 through 46)
5. Some class sizes have gone up, but not to an unusual level. For example one teacher felt that it would be better if she had fewer than 24 students in her class. (Tr. Vol. I, at Page 67 and 73)
6. Early in the school year some busses arrived at school late. This problem appears to have been substantially remediated. (Tr. Vol. II, at Page 92 and 136 (GPS arrival data)) When necessary, late arriving students are given breakfasts that they can eat in class so that instructional time is not lost. (Tr. Vol. II, at Page 25 through 54)
7. Lunch rooms are crowded, but manageable. (Tr. Vol. II, at Page 58 and 84)

8. There is some question about whether the Winsor school is in compliance with state health instruction standards. (Tr. Vol. I, at Page 97) The testimony indicates that students are receiving only about half of the 100 minutes of instruction they are required to receive under R.I.G.L.16-22-4 (Instruction in Health and Physical Education)
9. The school has been inspected by fire authorities and is now in compliance with applicable standards. (Tr. Vol. II, at Page 122)

Discussion

Two days of testimony were taken in this matter and numerous exhibits were received into evidence. However, as our findings indicate, the petitioning parents, except with regard to R.I.G.L.16-22-4 (Instruction in Health and Physical Education) never demonstrated the presence of any major operational difficulties at the Winsor Hill School. It is evident that there were some initial difficulties in managing a new situation at the start of the school year. These difficulties were essentially dealt with in a relatively short time. In essence the parents have not carried the burden of proof in this case. Although the parents skillfully presented their case, much of it wilted under the pressure of cross examination. The school district then put on credible testimony from school officials that indicated the Winsor Hill School was providing students with a quality education, despite the initial difficulties created by the merger of two distinct student populations.

Conclusion

The petitioners' appeal is denied and dismissed. The Superintendent of Schools however is hereby required to file a report with the Commissioners on how the Winsor Hill School and the school district in general, will comply with R.I.G.L.16-22-4 (Instruction in Health and Physical Education).

APPROVED:

Forrest L. Avila, Hearing Officer

Peter McWalters, Commissioner

August 20, 2008
Date