

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF  
EDUCATION

Student M.F. Doe

v.

Providence School Board

INTERIM ORDER  
DECISION

Held: Student Doe's mother has proven that the Business & Entrepreneurial Technology program available at the Career And Technical Center in East Providence is substantially different from the career and technical programs available in Providence. Under the Regulations of the Board Of Regents Governing the Management and Operation of Area Vocational-Technical Centers in Rhode Island (1990), Student Doe is entitled to enroll in East Providence and Providence must provide tuition and transportation to facilitate his attendance.

**DATE: October 3, 2008**

## **Travel of the Case**

On September 9, 2008 Student Doe's mother filed an appeal with Commissioner Peter McWalters with respect to her son's request to enter the East Providence Career and Technical Center. Her son had been accepted into the career and technical program in East Providence, but when she requested approval of his enrollment there, the Providence school department notified her that it would not pay the required tuition because of the availability of two career and technical programs in Providence that it deemed comparable.

The undersigned was designated to hear and decide this dispute on September 11, 2008. A hearing was convened on September 15, 2008 at which time testimony and documentary evidence were taken. The record was supplemented by additional documentation, a process which concluded on September 28, 2008. Jurisdiction to hear this matter arises under R.I.G.L. 16-39-1 and specifically under the Board of Regents Regulations Governing The Management & Operation Of Area Vocational-Technical Centers In Rhode Island. The decision in this dispute has been expedited for two reasons.

The first is that the decision affects the rights and obligations of the parties for the current school year. Secondly, the Regulations require that when a student is denied placement in any program at any area center, the Commissioner's decision in such dispute must be rendered within fifteen (15) days of the receipt of the appeal<sup>1</sup>. Given the need to supplement the record with facts that were unavailable at the time of hearing, the process has been extended beyond this timeline.

## **Issue**

Is Student Doe entitled to enroll in the Business and Entrepreneurial Technology Program Offered at the East Providence Career and Technical Center even though he is a Providence resident and Hope High School is offering a course entitled "Business Leadership Training Program" and a course entitled "Microsoft System Certification Program and Student-Run Helpdesk"?

## **Findings of Relevant Facts**

- Student Doe is a resident of the city of Providence. Last year he was enrolled in the eighth grade at Springfield Middle School in Providence. Tr. pp. 1 and 11.
- Student Doe is a dedicated student and works very hard at his academics according to written letters of recommendation from his teachers. He receives all A's and B's on his report card, is involved in extracurricular activities, including competitive

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<sup>1</sup> See the Regulations at pages 46-47.

soccer and Babe Ruth baseball, and has attained a leadership position in the Civil Air Patrol. (See documentation submitted from the admission office at Davies<sup>2</sup>).

- After being deemed ineligible for admission to the Davies Career and Technical High School, Student Doe looked into the career and technical programming available currently at the Hanley Center. After doing so, he did not find a program in his area of interest. After learning that if a particular program was not offered in the Providence system that he could attend such program at the next closest center, he determined that the career and technical program that met his needs was the “Business & Entrepreneurial Technology Program” at the East Providence Career and Technical Center”. He applied for, and has been accepted into this Program. Petitioner Ex.2, letter from Charles B. Rocha, Jr. Principal/Director. See Tr. pp. 4-11.
- Student Doe’s mother discussed the East Providence Program with the Director of the Hanley Center who indicated to her that the career and technical program in East Providence that her son had selected was not available at the Hanley Center. When she approached staff of the Providence school system to “sign off” on her son’s enrollment at the East Providence Center, they would not give their approval and informed Mrs. Doe that two additional career and technical programs were being offered this year at Hope High School. Tr. pp.5-12.
- Student Doe’s mother tried to access written information about the two “alternative”<sup>3</sup> career and technical programs her district had indicated would be available at Hope High School this year so that she could compare them to the program in East Providence, but was unable to do so. There are no written materials describing the program available yet for distribution to parents and students, nor is there any information on these two programs on the district website. They were approved and certified as CTE programs by the Rhode Island Department of Education two weeks ago. Tr. pp. 26-31.
- The Business & Entrepreneurial Technology” program at the Career and Technical Center in East Providence is designed to prepare students for entry-level corporate

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<sup>2</sup> Because Student Doe did not obtain the cutoff scores required on standardized tests in Reading and Math, he was ineligible for admission to Davies Career & Technical High School, his first choice for career and technical programming. (See documentation submitted by the Davies School). A certain number of placements at Davies (currently 75) are state-funded and set aside for Providence students because the Hanley Center, which serves Providence-area career and technical students, has been under reconstruction in recent years. (See letter from Providence’s attorney dated September 26, 2008) Because the new school is not yet ready, Hanley’s career and technical programs are operating at “half capacity” with exploratory programs offered to 9<sup>th</sup> and 10<sup>th</sup> graders, and only a cosmetology program to upperclassmen there. These programs are presently located at the West Broadway School. The new Hanley Center is scheduled to open in September of 2009. At that time, according to the testimony and documentation submitted after the hearing, programs available at the Hanley center will be: construction technology, masonry, HVAC, cosmetology, automotive technology, graphic communications, culinary arts and hospitality, electrical science, and plumbing and pipefitting . Tr. pp. 18-24; 45-48.

<sup>3</sup> It is not clear if these two programs were described as being comparable to the Business & Entrepreneurial Technology Program at the East Providence CTC or mentioned to Mrs. Doe as possible alternative programs in which Student Doe might be interested.

work in the world of “business entrepreneurship”. The program provides students with training in the use of office technology and corporate document preparation (such as purchase and supply orders, inventory control forms, memos and multi-page reports). Students in the program use electronic calculators, business simulation packets, and Microsoft Excel spreadsheets and receive instruction in accounting practices, such as payroll, banking, discounting, budgeting and inventory and supply ordering. Students successfully completing the program will be prepared for entry into a two or four-year business college or ready for an entry-level position within the corporate world. Petitioner’s Ex.2, “Program Offerings” at the Career and Technical Center.

- The “Microsoft Systems Certification” program is a career and technical program available this year at the Hope Information Technology High School. It is a three course sequence of technology courses<sup>4</sup> leading to a certificate as a “Microsoft Office Specialist”. It will provide students with both an industry-recognized certificate and the opportunity to participate in an innovative student-run “Helpdesk” at which they can hone their information technology skills, develop customer services skills and learn to work as a team. It also will enable students to earn three (3) college credits through an agreement with Johnson and Wales University. (See documentation submitted by the Providence School Board: July 15, 2008 Application of the Providence School District<sup>5</sup>) The goal of the program is to give students “IT” instruction that will provide them with a series of viable post-secondary pathways to success in the field of technology.
- The “Business Leadership Training Program” at Hope Leadership High School will expand upon an existing JROTC leadership training program to provide students with targeted instruction in Business. Students who successfully complete four JROTC leadership training courses will be allowed to enroll in CCRI’s Introduction to Business course, which will be integrated into their Year 4 JROTC studies at Hope. The CCRI course will build on the general leadership skills developed in the JROTC program to provide students with business skills, which will be acquired in an applied context that includes working on team projects, case studies and problem analysis. The curriculum of the Introduction to Business Course will be adapted so that it can be delivered by the instructor in 37.5 hours during the academic year and will have modified rubrics and assignments. The subjects to be covered are: Managing the Business Environment; How Economics Affect Business; Competing Globally; Ethical Behavior in Business; Choosing a form of Business Ownership; Entrepreneurship; Leadership; Management and Employee Empowerment; Motivating Employees; Team Building; Human Resource Management; and Marketing and Financial Management. The Business Leadership program is designed to provide students with highly marketable skills that can be used in any career context. At the conclusion of the program, students will have three college credits and

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<sup>4</sup> Computer Information Systems I and II, and Helpdesk Foundations.

<sup>5</sup> We infer that this was an Application submitted for approval and certification for Perkins-funding to the Rhode Island Department of Elementary and Secondary Education.

a JROTC Leadership Certificate. ( See Documentation submitted by the Providence School Board: July 15, 2008 Application of the Providence School District).

- Students at Hope are permitted to “cross enroll” across “houses” so that a student in the Hope Leadership High School could take an office technology course<sup>6</sup> at the Hope Information Technology High School. Tr. pp. 51-52.
- The Providence School District will incur a tuition expense if Student Doe is enrolled in the program into which he has been accepted at the East Providence Career and Technical Center.<sup>7</sup>

### **Positions of the Parties**

#### The Petitioner

Mrs. Doe submits that the Regulations of the Board of Regents in the area of career and technical education clearly entitle a student to enroll in the center nearest to the student’s residence when the center serving his city or town does not offer the program in which he seeks to enroll. The programs that have been described as “comparable” (either of the two new programs offered at Hope High School) are, she submits, quite different from the one he has been accepted to in East Providence. Even if her son were to attempt to cross enroll in both Hope Information Technology High School and Hope Leadership High School, and focus there on the Business Leadership Management Program while taking one of the courses in the Microsoft Systems Certification Program, the combination of courses does not provide his with a program that is substantially the same as the “Business & Entrepreneurial Technology” program at the East Providence Career and Technical Center.

Mrs. Doe points out that the East Providence business program is more “hands on” and covers a broad range of practical business and business technology skills that students will learn at the Center and practice in various internships in which they are placed as part of the program. The business technology skills of the East Providence program go beyond the limited computer technology focus of the Microsoft Systems Certification program at Hope IT. Mrs. Doe takes the position that the East Providence program is different from the verbal descriptions of both of the programs that she has received. She has not been able to review a written description of the programs argued to be “comparable” at Hope, because such written materials have not been available to parents and no information on these programs is available on the district website.

She submits that most of the coursework of Hope’s ROTC Leadership Management Program focuses on attaining leadership skills. The attainment of leadership skills has already been her son’s focus in his extensive work with the Civil Air Patrol. Student Doe

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<sup>6</sup> But not necessarily be able to fulfill requirements for the Microsoft Office Certification

<sup>7</sup> Neither the School Board, nor Student Doe’s mother presented specific or reliable evidence of the amount of tuition that would be owed by the School District.

is a long-term member of the 102<sup>nd</sup> Civil Air Patrol Squadron in North Smithfield. Implicit is the argument that another reason he did not select the ROTC Leadership Management program (when he learned at the end of the summer that it existed) was because it duplicated skills he already had attained in his ongoing work with the Civil Air Patrol.

For the foregoing reasons she requests that the Providence School Board be required to approve her son's enrollment in the Business & Entrepreneurial Technology Program at the East Providence Career and Technical Center.

### **Providence School Board**

Counsel for the School Board argues that there are career and technical programs available in Providence in which Student Doe can enroll and which are comparable to the programs in East Providence. Tr. p.16. Specifically, it is the position of the Providence School Board that the District offers a program (or combination of programs, i.e. Hope Microsoft Systems Certification Program and the ROTC Leadership Management Program) that is comparable to the East Providence program. As a result, the District should not be placed in a position of having to pay out of district tuition to East Providence<sup>8</sup>.

Counsel notes that Student Doe's mother voiced concerns about the status of accreditation of Providence schools and Hope High School in particular. The district submits that the status of accreditation should have no bearing on the determination of whether the district can provide Student Doe with a career and technical education in his chosen field. It can provide such a program, and his request to enroll at the East Providence Career and Technical Center should be denied and his appeal dismissed.

### **DECISION**

Mrs. Doe has satisfied the burden of proving that there is a program at the East Providence Career and Technical Center for which her son is qualified and which he seeks to attend (the "Business & Entrepreneurial Technology" program") and that there is no program substantially like it available among the career and technical program offerings in Providence. Even assuming that Student Doe could cross-enroll in both houses, IT and Leadership, at Hope High School, and that he could supplement the ROTC Leadership Management program with a computer technology course offered in the Microsoft Systems Certification program, the resulting program would be substantially different from that offered in East Providence. A comparison of the written descriptions of these programs causes us to conclude that the Providence program(s) at Hope, argued to be "comparable" are in fact substantially different from the Business &

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<sup>8</sup> See letter of September 22, 2008 in which the documentation describing the two programs described as "comparable" was submitted together with a summary of the position of the School Department.

Entrepreneurial Technology program in East Providence. There are major differences in instructional content and skill sets to be developed by the students.

The East Providence program provides instruction in practical hands-on business tasks, including the use of office technology (including computers), preparation of a variety of business documents, and in performing the routine entry-level tasks such as inventory control, payroll, banking, budgeting and supply ordering. Students intern in a work environment. Students in this program are prepared to enter a two or four-year business college, or entry-level corporate work.

The Business Leadership Program has a different focus in terms of its “targeted” business instruction to career and technical students. This program, at least from the written description submitted into evidence at this hearing, provides business instruction in subjects clearly more focused on business management. The listing of subjects covered in the college-level “Introduction to Business” course includes: “Managing the Business Environment”, How Economics Affect Business; “Competing Globally” etc. Students do apply their knowledge and skills in an applied context that includes working on team projects, case studies and problem analysis. The written materials submitted into the record do not describe the nature of internships available currently, but do note that the development of internships is part of the “growth plan” for this program.

While both the East Providence course and the ROTC Leadership Management course describe career preparation for entry-level work in the world of business, the preparation provided in the Hope program is clearly more theoretical and management-oriented. Even if the Business Leadership program were to be supplemented by course-work available in the Microsoft Systems Certification program, it would still be much different from the type of business technology program in which Student Doe seeks to enroll in East Providence.

We note that testimony presented by the School Department’s witness with respect to the comparability of the programs was from a consultant who currently oversees career and technical programs for the district. Although she testified that she “thought” that the two Hope programs were “comparable or “very similar” to the description offered in the East Providence course description (Tr. pp. 19,23) later in her testimony she indicated that she had not had a chance to read the written description of the East Providence program and she was not familiar with the “Business & Entrepreneurial Technology” program at the East Providence Center. Tr. pp. 33-36.

We find that under the Regents’ regulations Mrs. Doe has demonstrated that the East Providence Career and Technical Center has a “particular program” i.e. Business & Entrepreneurial Technology and that the Providence school district does not have this program nor has it otherwise been made available to Student Doe.<sup>9</sup> Thus, he is entitled under Section IV, C (7) (page 35) to attend the career and technical program to which he has been accepted in East Providence.

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<sup>9</sup> As noted previously in this decision, Providence currently is entitled to place a certain number of its students at the Davies Career and Technical High School.

The appeal is sustained, and the order to approve and fund Student Doe's enrollment in the East Providence Career and Technical Center is hereby entered as an Interim Order, so that, pending any appeal, he may receive the education to which he is entitled under the Regents Regulations.

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Kathleen S. Murray

APPROVED:

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Peter McWalters, Commissioner

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October 3, 2008  
Date