

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

.....

**Foster Glocester Regional School District**

v.

**Town of Foster**

.....

**DECISION**

The *Foster-Glocester Regional School District* filed an appeal with the Commissioner of Education to determine whether the Town of Foster has authority under R.I.G.L.16-7-23 to reduce the Town of Foster’s appropriation to the *Foster-Glocester Regional School District*. The *Foster-Glocester Regional School District*, acting through its *Regional Financial Meeting*, is the “community” which has the authority to implement the reduction in appropriations allowed by R.I.G.L. 16-7-23. The Town of Foster has no such authority. The Town of Foster must therefore pay the sum sought by the Foster-Glocester Regional School District.

DATE: April 19, 2011

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

In this case, the *Foster-Glocester Regional School District* has filed an appeal with the Commissioner of Education to determine whether the Town of Foster has authority under R.I.G.L.16-7-23 to reduce the Town of Foster's appropriation to the *Foster-Glocester Regional School District*. Jurisdiction is present under R.I.G.L.16-39-1 and R.I.G.L.16-39-2. This case requires us to determine whether the Town of Foster or the *Foster-Glocester Regional School District*, acting through its Regional Financial Meeting, is the "community" authorized to make the reduction in appropriation permitted by R.I.G.L.16-7-23. We note that we are not determining here the "maintenance of effort" (MOE) level required to be maintained in support of the *Foster-Glocester Regional School District* – issues related to MOE support levels are reserved to the Superior Court. R.I.G.L. 16-7-23 Instead we are simply determining which "community" is authorized to make the appropriation reduction authorized by R.I.G.L.16-7-23.

## **Positions of the Parties**

### **The Regional School District**

The *Foster-Glocester Regional School District* contends that the *Foster-Glocester Regional School District* is the "community" authorized through its school district financial meeting to implement the appropriation reduction authorized by R.I.G.L 16-7-23.

### **The Town of Foster**

The Town of Foster contends that the Town of Foster is the "community" authorized through its Town Council to implement the appropriation reduction authorized by R.I.G.L 16-7-23.

## **Issue Presented**

Does the Town of Foster have authority to implement the appropriation reduction authorized by R.I.G.L. 16-7-23?

## **Conclusions of Law**

1. The *Foster-Glocester Regional School District* is a public body created by Chapter 109 of the Rhode Island Public Laws of 1958. The Act which created the Foster-Glocester Regional School District is a special act of the General Assembly which takes precedence over any inconsistent general state law. R.I.G.L.16-2-26. *See: Foster-Glocester Regional School Building Committee v. Sette*, 996 A.2d 1120, 1126 (R.I. 2010)
2. In pertinent part, R.I.G.L. 16-7-23 reads as follows:

### **R.I.G.L. 16-7-23 Community requirements – Adequate minimum budget provision.**

– (a) The school committee's budget provisions of each community for current expenditures in each budget year shall provide for an amount from all sources sufficient to support the basic program and all other approved programs shared by the state. Each community shall contribute local funds to its school committee in an amount not less than its local contribution for schools in the previous fiscal year except to the extent permitted by § 16-7-23.1. Provided, that for the fiscal years 2010 and 2011 *each community* shall

contribute to its school committee in an amount not less than ninety-five percent (95.0%) of its local contribution for schools for the fiscal year 2009.....

3. For purposes of R.I.G.L.16-7-23 the term “*community*” is defined as follows:

**R.I.G.L. 16-7-16 Definitions.** – The following words and phrases used in §§ 16-7-15 to 16-7-34 have the following meanings:

- (5) “*Community*” means any city, town, or regional school district established pursuant to law .... (Emphasis added)
4. The Special Act of the General Assembly which created the *Foster-Glocester Regional School District* in 1955 requires the *Foster-Glocester Regional School Committee* to prepare a proposed budget "... which it believes will efficiently operate the *Regional School District* for the ensuing year..."<sup>1</sup> This proposed budget is then submitted to the *Foster-Glocester Regional School District Financial Meeting*.
5. The Special Act gives the *Foster-Glocester Regional School District Financial Meeting* the authority to "determine the annual regional school district budget as to over-all amount."<sup>2</sup> The *Regional School District Financial Meeting* is in the nature of a town meeting at which the electors of Foster and Glocester are eligible to cast their votes.<sup>3</sup>
6. The Special Act states: "The cost of the operation of the Regional School District Shall be bourne (sic) by the collective taxpayers of the towns of Foster and Glocester in the same proportion that the average membership of students from each town bears to the average membership of the school...."<sup>4</sup>
7. "The town treasurer of each of the regional school district shall pay to the regional school district treasurer on the first day of each month, commencing July 1 of each year, the sum demanded by said regional school district treasurer, which sum shall be in accordance with section 9(b)." (Emphasis added) Section 9(b) defines operating costs and rules for apportionment.<sup>5</sup>
8. "Within ten days subsequent to the adoption of the budget at the regional school district financial meeting, the regional school district treasurer shall certify to the budgetary officers and financial town meeting of the respective towns the amount to be raised by taxes in each town as herein provided for the support of the regional school district which amount shall become a part of the budget for each respective town, and shall be appropriated in full by the financial town meeting."<sup>6</sup> (Emphasis added)

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<sup>1</sup> Section VII, Procedure for Adoption of the Annual Budget.

<sup>2</sup> Section V, The Regional School District Financial Meeting.

<sup>3</sup> *Foster-Glocester Regional School District v. Town of Glocester*, Commissioner of Education (0020-07), August 24, 2007.

<sup>4</sup> Chapter 109 (Section b) of the Public Laws of 1958, as amended by Chapter 187 of the Public Laws of 1969 and Chapter 5 of the Public Laws of 1993

<sup>5</sup> Chapter 109 (Section e) of the Public Laws of 1958, as amended by Chapter 187 of the Public Laws of 1969 and Chapter 5 of the Public Laws of 1993

<sup>6</sup> Chapter 109 (Section g) of the Public Laws of 1958, as amended by Chapter 187 of the Public Laws of 1969 and Chapter 5 of the Public Laws of 1993

## Discussion

The legislation creating the *Foster-Glocester Regional School District* delegated to the *Foster-Glocester Regional District Financial Meeting* full authority to set the District's budget. The Special Act creating the *Regional School District* also assigned to the Town of Foster and to the Town of Glocester the ministerial duty to “pay to the regional school district treasurer on the first day of each month, commencing July 1 of each year, the sum demanded by said regional school district treasurer....”<sup>7</sup> (Emphasis added)

The *Regional School District Financial Meeting* is in the nature of a town meeting at which the electors of Foster and Glocester are eligible to cast their votes.<sup>8</sup> It is these electors, acting in common, that establish the Regional School District's budget.

Because the *Foster-Glocester Regional School District Financial Meeting* has exclusive authority to establish the budget of the *Regional School District*, we conclude that the *Foster-Glocester Regional School District*, acting through its *Regional Financial Meeting*, is the “community” which has the authority to implement the reduction in appropriations allowed by R.I.G.L. 16-7-23. The Town of Foster has no such authority.

## Conclusion

The *Foster-Glocester Regional School District*, acting through its *Regional Financial Meeting*, is the “community” authorized to implement the reduction in appropriations allowed by R.I.G.L. 16-7-23. The Town of Foster has no such authority. The Town of Foster must therefore pay the sum sought by the Foster-Glocester Regional School District.

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Forrest L. Avila, Hearing Officer

APPROVED:

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Deborah A. Gist, Commissioner

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April 19, 2011  
Date

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<sup>7</sup> Conclusion of Law Number 7.

<sup>8</sup> Conclusion of Law Number 5.