

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF  
EDUCATION

Student B. Doe

v.

Warwick School Committee

### **DECISION**

Held: Although Student Doe's mother has proven that the Warwick Area Career and Technical Center ("WACTC") does not have a "Pre-Engineering Robotics Program" and that the Cranston Area Career and Technical Center (CACTC) has such a program (in which her son seeks enrollment), the Warwick School Department has demonstrated that this student can access a substantially equivalent program in Warwick by taking course offerings at the WACTC and at Tollgate High School. Thus, the Petitioner has not demonstrated that Warwick is required under Regents' Regulations to pay tuition and transportation expenses for his attendance at the CACTC program.

DATE: August 18, 2011

## **Travel of the Case:**

On July 26, 2011 Student Doe's mother filed an appeal on his behalf with Commissioner Deborah A. Gist. Her son's application to attend a "Pre-Engineering Robotics Technology Program" at the Cranston Area Career and Technical Center had been denied by his home district, Warwick, because administrative staff there contended that comparable courses would be available to him in his home district. The undersigned was designated to hear this dispute and the matter was heard as soon as counsel for the district was available. The parties submitted testimony and documentary evidence on August 11, 2011.

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 matter has been expedited and made on the basis of the hearing officer's notes (rather than a transcript) for two reasons: (1) because enrollment issues are pressing as the school year approaches and (2) the Regents' Regulations require that when a student is denied placement in an area center, the Commissioner's decision in such a dispute must be rendered within fifteen (15) days of the receipt of the appeal.<sup>1</sup> The student in this case is also interested in playing varsity football and obviously needs to know with which team he should be practicing.

## **Issue:**

Is Student Doe entitled to enroll in the Pre-Engineering Robotics Program at the Cranston Area Career and Technical Center even though he resides in Warwick and his home district would be required to pay tuition and transportation expenses?

## **Findings of Relevant Facts:**<sup>2</sup>

- Student Doe is a resident of the city of Warwick whose family recently purchased a home within the attendance area of Tollgate High School. He is fifteen (15) years old and an excellent student about to enter tenth (10<sup>th</sup>) grade. Student Doe plans to participate in varsity athletics. His college goals include attendance at one of the military academies with a major in engineering.
- Student Doe researched the Pre-Engineering Robotics Program at the Cranston Area Career and Technical Center, submitted an application and visited there with his mother at some point in early July. He was notified of his acceptance to the program, subject to the approval of the Superintendent of his home district.

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<sup>1</sup> Regents Regulations at pp. 46-47.

<sup>2</sup> Findings of fact are based on the hearing officer's notes of testimony and the documentation submitted into evidence by the parties at the hearing on August 11, 2011.

- After a brief discussion with the director of the Warwick Area Career and Technical Center about residency and registration in the district, Student Doe's mother registered him at Tollgate; however, Warwick's guidance staff was not available to speak with her at that time and no information was provided to her or her son about Warwick's program of studies.
- At some point in late July, Warwick's Assistant Superintendent, William Sangster, denied Student Doe's request for approval of his enrollment at the Cranston Area Career and Technical Center because he determined that comparable courses were available in Warwick. His decision was affirmed by Superintendent Peter Horoschak.
- Warwick does not offer students a Pre-Engineering Robotics Technology Program at its Career and Technical Center, but the district can provide Student Doe with coursework substantially equivalent to the program at the Cranston Area Career and Technical Center through a combination of courses available at the Warwick Area Career and Technical Center and at Tollgate High School.
- The Warwick School Department will incur tuition and transportation expenses if Student Doe is enrolled in the program to which he has been accepted at the Cranston Area Career and Technical Center.

### **Positions of the Parties:**

#### **The Petitioner:**

Ms. Doe submits that the Regulations of the Board of Regents in the area of career and technical education entitle a student to enroll in the center nearest to the student's residence when the center servicing his city or town does not offer the program in which he seeks to enroll. If one looks at the curriculum of the Pre-Engineering Robotics Program in Cranston (a copy of which was submitted into the record), the Petitioner views it as an "in depth" program in which the focus is on physics and chemistry and the approach to the subject is more one of "functionality" and "inside out" study. Warwick proposes to create a program that it views as substantially equivalent, providing Student Doe with courses included in two separate "programs" at its own Career and Technical Center and supplemented by courses available at Tollgate High School. They argue that Student Doe would thereby cover the same course content that is offered in Cranston's program.

Ms. Doe does not view the "Electricity" and "Drafting Technology (Computer Aided Design)" at Warwick's CTC as comparable to Cranston's Pre-Engineering Robotics Program. These two programs are not compatible with the engineering path her son wishes to follow. At the time of the hearing, she was not familiar with the "Technology Education" courses at Tollgate that the district proposes using to supplement its career and technical programming because she had not seen the "Program of Studies" document until the time of hearing. Although the Petitioner is willing to look at the comparability of the program Warwick is willing to "create" for her son, she would like to make a choice between these options. The Petitioner has been told that revised career and technical education regulations

will soon provide students with options to enroll in the program of their choice, regardless of where the program is located. Her son should be able to choose the Pre-Engineering Robotics Program in Cranston and not forced to accept an alternative “created” for him only because his district would otherwise incur tuition and transportation costs.

**Warwick School Committee:**

The Assistant Superintendent in Warwick and the Director of the Warwick Area Career and Technical Center testified that Student Doe’s college and career goals will require that he take a rigorous academic program in this, his sophomore year of high school and his first year in the district. Ultimately, in their experience, he will need to take honors and advanced-placement courses so that he can achieve academically at the level required to be competitive for the colleges to which he intends to apply. They point out that because Student Doe is new to the district, he has not yet met with Tollgate’s guidance counselors and an Individual Learning Plan (ILP<sup>3</sup>) for him has not yet been developed. They emphasize that an ILP will be important so that his coursework and academic and career goals can be coordinated. When his ILP is developed, it may require that Student Doe focus more on the core academic courses and less on the elective career and technical programming he is currently considering<sup>4</sup>.

With respect to Warwick’s obligation to commit to payment of tuition and transportation for Student Doe to attend the Cranston Area Career and Technical Center, the district argues that it is not required to do so under Board of Regents’ Regulations. According to the testimony of William McCaffrey, the Director of Warwick’s Career and Technical Center, Warwick can “match” the content of the Pre-Engineering Robotics Program available at the CACTC.<sup>5</sup> This can be accomplished by supplementing the Electricity and Drafting Technology (Computer Aided Design) programs at the WACTC with offerings in the “Technology Education” program at Tollgate High School. Since Warwick can provide Student Doe with a substantially equal program, the district submits, the “particular program” (Pre-Engineering Robotics) he seeks is “available” to him, even though it may not be provided entirely at the “student’s area center”<sup>6</sup> and he will have to

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<sup>3</sup> The “Secondary” Regulations of the Board of Regents define an Individual Learning Plan (ILP) as “A planning and monitoring tool that customizes and directs students’ goals and development in three domains: academic, career, and personal/social.”

<sup>4</sup> Ms. Doe indicated that her son would be available to meet with staff of the Guidance Office (or an administrator, if guidance staff were not yet available) at Tollgate High School so that the development of an ILP could be initiated.

<sup>5</sup> In so testifying, Mr. McCaffrey emphasized that he compared the courses Warwick offers to the actual “Program of Study” for the Pre-Engineering Robotics Program that had been adopted by the Cranston School Committee (Warwick Ex.B), rather than the listing of course content for Pre-Engineering Robotics Technology Program contained in a pamphlet provided to Student Doe by the CACTC (Petitioner’s Ex.1).

<sup>6</sup>Section IV (C)(7) of the Regulations of the Board of Regents Governing the Management & Operation of Area Vocational-Technical Centers in Rhode Island states:

If a particular program has no openings or is not available at a student’s area center, he/she shall have the right to attend the programs in the center nearest to the student’s

take courses at both WACTC and Tollgate High School. By supplementing two programs of study at the WACTC with courses available at Tollgate High School, Student Doe can receive the same course content, number of instructional hours and number of credits as he would if enrolled in Pre-Engineering Robotics at the CACTC. The courses in both districts constitute “elective” high school credits leading to a high school diploma. At the conclusion of the CACTC program, Student Doe would receive a certificate of completion. If he completes comparable programs at the WACTC, he would receive two certificates of completion - one in Electronics and the other in “Drafting Technology (Computer Aided Design).”

Based upon all of these considerations, the School Committee argues that the particular program in which Student Doe seeks to enroll can be “created” for him within the Warwick school district (assuming he decides to pursue career and technical education in pre-engineering after an ILP is developed for him). The program Warwick proposes to create is substantially the same as that in which he seeks to enroll at the CACTC and, even though it is not totally available at its “area center,” it can be easily accessed by Student Doe since the WACTC and Tollgate High School are adjoining school buildings. For these reasons, the appeal from the district’s denial of his application to attend the CACTC should be denied by the Commissioner.

## **DECISION**

The testimony presented by the Warwick School Committee that it can replicate the CACTC Pre-Engineering Robotics Program within the Warwick school district stands uncontradicted in this record. It must be noted, however, that a comparison of instructional topics listed for the CACTC program (Warwick Ex. B) with the instructional topics of the courses Warwick argues constitute a “match” to that program (Warwick Ex. A) does not indicate complete overlap in course content. Without additional testimony from a person familiar with the topics of instruction, however, the evidence submitted does not enable a person unfamiliar with these instructional topics to draw a conclusion that the testimony offered by the district on this point is incorrect. Stated differently, the preponderance of evidence in this record is that the “particular program” (Pre-Engineering Robotics) will be available to Student Doe in his home district. This assumes, as the district represented at the time of the hearing, that the courses will actually be available to Student Doe and that he will immediately be admitted to the courses identified as “matching” during his sophomore year of high school if he meets the course pre-requisites.

The Regents’ Regulations speak to the requirement that the “particular program” be “available at (the) student’s area center” (Section IV (C) (7) of the Regents’ Regulations).

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legal residence offering the program which has an opening and for which he/she is qualified. Tuition and transportation expenses must be provided by the community where the student legally resides.

In this case, the two programs at the WACTC must be supplemented by courses at Tollgate High School in order for all of the courses in the “matching” program to be “available.” Since the 1990 promulgation of the Board of Regents’ Regulations Governing the Management & Operation of Area Vocational-Technical Centers, there has been a paradigm shift in which career and technical education is offered not just in area centers, but in diverse settings, including comprehensive high schools. In light of this, it would be unreasonable to interpret Section IV (C) (7) as requiring a district to provide the matching program exclusively at its own area center. The evidence in this case is that Student Doe can easily access the two WACTC programs as well as the courses at Tollgate High School because the facilities are adjoining. Given the accessibility of all of the courses comprising the matching program that Warwick is obligated to provide to Student Doe in lieu of funding his attendance at the CACTC, we find that he is not entitled to enroll in the CACTC Pre-Engineering Robotics Program. The appeal is therefore denied.

For the Commissioner,

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Kathleen S. Murray

August 18, 2011

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Date

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Deborah A. Gist