

**006-12**

**STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS**

**COMMISSIONER OF  
EDUCATION**

**RHODE ISLAND DEPARTMENT OF ELEMENTARY  
AND SECONDARY EDUCATION**

**vs.**

**WOONSOCKET SCHOOL COMMITTEE**

**ORDER**

This matter came on for a “show cause” hearing to determine the necessity of an order under R.I.G.L. 16-5-30 from the Commissioner to the General Treasurer to withhold payment of a portion of state education aid that has been or may be apportioned to the city of Woonsocket and pay such funds to the Rhode Island Department of Elementary and Secondary Education so that IEP services to certain disabled Woonsocket students will not be discontinued.

Notice was given to the Woonsocket School Committee, the city of Woonsocket and to the three special education service providers who had alerted the School Department and RIDE that cessation of services was imminent because of unpaid balances for services provided to these students.

At the expedited hearing held on March 27, 2012, it was determined that the issue of services provided by all three service providers would be consolidated for purposes of hearing and decision.

**The following facts are not in dispute:**

- NRI Community Services, Inc., the Sargent Center and Action Based Enterprises/Hillside Alternative Program are private schools that operate R.I.D.E.-approved special education programs and deliver programs of instruction and other services to disabled Woonsocket students pursuant to their Individualized Education Programs.
- Payments for services rendered by these private schools to Woonsocket students are in arrears. The Woonsocket School Department currently owes NRI Community Services, Inc. approximately \$250,000.00 (monthly tuitions are approximately \$60,000.00 for twenty-four (24) students); Woonsocket owes Sargent Rehabilitation Center approximately \$83,234.00 (monthly tuitions are approximately \$11,890.00 for two (2) students); Woonsocket owes Action Based Enterprises/Hillside Alternative Program approximately \$523,088.00 (monthly tuitions are approximately \$113,000.00 for twenty-seven (27) students).
- Each of these private schools will forthwith cease to provide services to Woonsocket students if monthly tuitions are not forthcoming and a plan to pay arrearages is not implemented as soon as possible.
- The Woonsocket School Department is unable make monthly tuition payments or bring its accounts with these private schools current at this time and does not have an alternative plan to provide or maintain special education services to these Woonsocket students.

**Based on these facts, the following conclusions of law may be made:**

- The State Education Agency has an obligation to ensure that services are provided to a Local Education Agency's (LEA's) students with disabilities if it determines that the LEA is unable to establish and maintain programs of a free appropriate public education that meet the requirements of federal and state law.
- The Woonsocket School Department is currently unable to maintain the programs described herein that are necessary to provide these students with a free appropriate public education.
- In order for RIDE to fulfill its responsibility to ensure that the Woonsocket School Department provides students with disabilities a free and appropriate public education under 20 USC §1413 (g) and 34 CFR §300.227, it is necessary for state education aid to be withheld under R.I.G.L. 16-5-30 and paid to RIDE so that monthly tuitions to these private schools can be paid directly. This will ensure that these students will be maintained in their current programs.
- A request by the Commissioner to the Director of Revenue to accelerate payment to RIDE of a portion of education aid for the month of April will help to address the financial burdens that Woonsocket's fiscal problems have placed on these private schools.

**NOW, THEREFORE, it is hereby: ORDERED**

That the General Treasurer of the State of Rhode Island shall withhold approximately one hundred and eighty-five thousand (\$185,000.00) dollars from the City of Woonsocket's state education aid payments for each of the remaining months in which such aid is payable in fiscal year 2012 (April, May and June). Upon the submission of appropriate documentation by RIDE, the General Treasurer shall pay said amount to RIDE for the purpose of enabling RIDE to pay validated monthly

invoices for services provided to Woonsocket students by NRI Community Services, Inc., the Sargent Center and Action Based Enterprises/Hillside Alternative Program during the months of April, May and June. Said invoices shall be provided by these private schools to RIDE's Office of Finance and shall reflect the current monthly charges for services provided to Woonsocket students.

Entered on this 4<sup>th</sup> day of April 2012.

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Kathleen S. Murray  
Hearing Officer

Approved: \_\_\_\_\_  
Deborah A. Gist  
Commissioner