

Burrillville School Department

OFFICE OF SUPERINTENDENT
2300 BRONCO HIGHWAY
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BOARD OF REGENTS FOR
ELEMENTARY AND SECONDARY EDUCATION

August 29, 2007

Mr. Peter McWalters, Commissioner
Rhode Island Department of Education
255 Westminster Street
Providence, RI 02903

OFFICE OF THE
COMMISSIONER

Dear Commissioner McWalters:

Please accept this letter as a formal request to waive the special education class size regulation in *Section 300.552(B)(1) of the RI Board of Regents for Elementary and Secondary Regulations Governing the Education of Students with Disabilities*.

Burrillville is a district committed to educating students with special educational needs in general education classrooms to the greatest extent possible. It is a rare occurrence that a self-contained classroom in Burrillville will approach the maximum class size limit of ten students with an instructional assistant. However, in this time of significant budgetary constraints, we must make decisions that are fiscally responsible, while ensuring that our students receive all of the requisite services and supports delineated in their Individual Education Plans.

I can assure you that after a thorough review of our special education programs, the Burrillville School District is fully prepared to implement the new state regulations related to class size immediately. I respectfully request your approval to waive the current class size for special education self-contained classes in Burrillville and allow for an increase in the class size limit to twelve (12) students at the elementary level and fifteen (15) students at the secondary level.

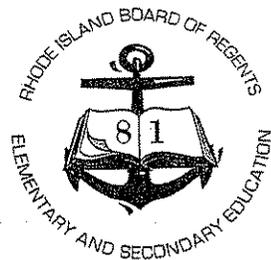
Thank you for your prompt attention to this important matter, and I look forward to your response.

Sincerely,



Steven Welford
Superintendent of Schools

pc: S. Moore, Dir. of Pupil Personnel



Peter McWalters
Commissioner

State of Rhode Island and Providence Plantations
DEPARTMENT OF EDUCATION
Shepard Building
255 Westminster Street
Providence, Rhode Island 02903-3400

October 18, 2007

Steven Welford
Burrillville Superintendent of Schools
2300 Bronco Highway
Harrisville, RI 02830

Dear Mr. Welford:

Thank you for contacting the Rhode Island Department of Education regarding a variance to Special Education Regulation 300.552(B)(1). There are two processes available for your district to consider.

The variance process is a thorough and detailed procedure designed to create an alternative method of compliance with the regulations. A variance request should include a comprehensive description of the reasons for the request, the methods the district will use to carry out the alternate compliance, and the educational benefits and costs to the students if the variance is granted. Any alternative compliance must also assure equal educational opportunity, consist of best educational practice, and demonstrate greater or equal student achievement.

Proper procedure in requesting a variance consists of the following:

1. Prior to requesting a variance the superintendent of schools will review the variance to determine if the Commissioner of Education has the authority to grant the request.
2. The Superintendent shall then call for a school committee meeting on the variance request. Notice of the meeting shall be published twenty (20) work days in advance of the meeting and shall include the text of the variance sought with an explanation of the variance. Notice of the meeting shall also be given to the Commissioner of Education and to any recognized groups including parent and community groups, bargaining agents, and professional organizations whose interest would be directly affected by the granting of the variance.
3. The Committee's recommendation shall be forwarded to the Commissioner with a copy of the minutes of the meeting and with any written comments received concerning the proposed variance. The Commissioner in his/her discretion, may direct the taking of further testimony.

4. Any decisions made by the Commissioner can be appealed to the Board of Regents.

Requests must include thorough procedural and substantive compliance in order for the variance to be considered by the Commissioner.

The public hearing process regarding RI Special Education Regulations will begin soon. It may well be that this process is a more immediate practical way to handle suggestions to regulatory change. These hearings will serve as an opportunity to raise any ideas or concerns regarding procedural or substantive change directly with the Board of Regents in an expeditious and economical process, rather than in an appeal process after a variance is granted or denied.

It is our goal to produce the best set of regulations possible. In addition to the swift process, your district's ideas and concerns may be shared by other districts, parents, educators, and interested groups. By using the public hearings, you can help create a set of regulations that will be beneficial to the entire state.

We look forward to your participation.

Sincerely,



David V. Abbott,
Deputy Commissioner/General Counsel