



BRISTOL WARREN REGIONAL SCHOOL DISTRICT

151 State Street, Bristol, Rhode Island 02809-2205 TEL: 401-253-4000 • FAX: 401-253-1740 • www2.bw.k12.ri.us

BOARD OF REGENTS FOR
ELEMENTARY AND SECONDARY EDUCATION

Edward P. Mara, Ed.D.
Superintendent of Schools

OFFICE OF THE
COMMISSIONER

June 2, 2008

Mr. Peter Mc Walters, Commissioner
Rhode Island Department of Education
255 Westminster Street
Providence, Rhode Island 02903-3400

Dear Commissioner McWalters:

Given the financial constraints caused by the limitations of the Senate 3050 legislation and the rising costs for certified pensions and health insurance, I find it necessary for the first time in my professional career to request that you grant a waiver on a Department of Education regulation that I believe would not adversely affect student learning or student achievement. Specifically, I am seeking a waiver from the requirement that there be more than one librarian for a secondary school with more than 500 students enrolled. Our schedule for next year will have 1.5 librarians assigned to Mt Hope High School, plus a full time library clerical assistant.

Since the State mandated that all schools meet a 5.5-hour instructional day, Bristol Warren has found it necessary to eliminate all study halls. As such, no students attend the library during the school day unless they are supervised by their classroom teacher. Since the library is no longer accessible as an open facility for student use during a study hall, and since librarians at the secondary level do not provide direct instruction to students as a course or program of studies, students who utilize the library during the school day are under the direction of a teacher and the librarian. As such, the need for two full-time librarians and a full-time clerical assistant is not cost-justified. The regulation requiring 5.5 hours of direct instruction when adjusted for lunch, passing time and homeroom leaves little time in Bristol Warren's 6.5-hour instructional day for students to seek library assistance independent of classroom supervised time.

I would ask that in light of the necessary re-design of our instructional day at the secondary level to include 5.5 hours of direct instruction and the elimination of study halls, that the Rhode Island Department of Education waive the requirement at the secondary level for more than one full-time librarian. The waiver would provide a savings during the 2008/2009 school year.

I await your prompt reply to this request as we are developing our budget projections for the 2008/2009 school year, and we are making our best effort to consider cost reductions that allow us to comply with the S3050 legislation with least impact on student learning.

Sincerely,

A handwritten signature in cursive script that reads "Edward P. Mara (Ed)".

Edward P. Mara, Ed.D.
Superintendent

EPM/c



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

Peter McWalters
Commissioner

June 17, 2008

Edward P. Mara, Ed.D.
Superintendent
Bristol Warren Regional School District
151 State Street,
Bristol Rhode Island 02809-2205

Dear Superintendent Mara: *Ed*

Thank you for your letter of June 2, 2008 in which you request that I "waive" certain provisions of the Board of Regents *School Library Standards*. I must inform you, however, that I, as a general rule, have no general authority to "waive" Board of Regents Regulations. For practical purposes there are only two exceptions to this rule. The first exception can be found in the Board of Regents Regulation which allows the Commissioner, after an extensive local hearing process, to permit a school district to use an alternate method to comply with regulatory standards when the provision of equivalent level of service can be documented. This exception is not applicable to your situation since the requisite hearing process has not been instituted.

Another exception can be found in R.I.G.L. 16-2-21.4 (the "Caruolo Act") which allows the Chair of a school committee, under certain narrow budgetary circumstances, to petition the commissioner for waivers and alternate compliance measures. In pertinent part the law states:

The chairperson of the city, town, or regional school committee, in accordance with the provisions of § 16-2-9, shall be required to petition the commissioner, in writing, to seek alternatives for the district to comply with state regulations and/or provide waivers to state regulations and, in particular, those which are more restrictive than federal regulations that allow the school committee to operate with a balanced budget. Waivers which affect the health and safety of students and staff or which violate the provisions of chapter 24 of this title shall not be granted. The commissioner must consider alternatives for districts to comply with regulations and/or provide waivers to regulations in order that the school committee may operate with a balanced budget within the previously authorized appropriation. In the petition to the commissioner, the school committee shall be

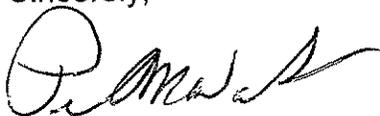
Telephone (401)222-4600 **Fax** (401)222-6178 **TTY** 800-745-5555 **Voice** 800-745-6575

The Board of Regents does not discriminate on the basis of age, color, sex, sexual orientation, race, religion, national origin, or disability.

required to identify the alternatives to meet regulations and/or identify the waivers it seeks in order to provide the commissioner with the revised budget which allows it to have a balanced budget within the previously authorized appropriation.

This provision is not applicable to your circumstances since there is no indication in your letter that the Bristol Warren Regional School district is involved in a "Caruolo" process. I recommend that you discuss this matter with the Chair of your school committee and your school attorney to consider whether your school district might properly implement either of the two waiver provisions discussed in this correspondence. If you have further questions please get in touch with my office.

Sincerely,



Peter McWalters
Commissioner

PM/FLA:ism