

PAWTUCKET SCHOOL DEPARTMENT

OFFICE OF THE SUPERINTENDENT OF SCHOOLS
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November 10, 2008

Dr. Hans W. Dellith, Ed. D.
Superintendent of Schools

Kimberly Mercer, M. Ed.
Deputy Superintendent
of Curriculum, Instruction
and Assessment

Thomas J. Conlon, M.B.A.
Business Administrator

Julie Motta, M. Ed.
Director of ESL

Susanne Williams, M. Ed.
Director of
Special Education

Denise Ahern, M. Ed.
Assistant Director of
Special Education

Eileen Crudele, M. Ed.
Assistant Director of
Special Education

Henry Tedeschi III, M. Ed.
Assistant Director of
Special Education

Michael St. Jean, M. Ed.
Director of
Computer Services

Joseph Scallin, B. S.
Director of Physical Plant

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

Dear Mr. McWalters:

On October 15, 2008, I had written to you requesting a waiver of the requirement to have one librarian per 1,000 students in any one school. You have responded and requested additional information in your letter of November 3, 2008.

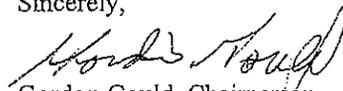
Pawtucket requests that you waive the requirement that "there shall be two full-time librarians and a full-time clerical assistant in schools with over 1,000 children. There shall be additional clerical assistance for enrollment beyond 1,500 children". Pawtucket intends to retain one full-time librarian and one full-time clerk at the high school level.

Pawtucket high school's schedules, in compliance with the new requirements, consists of a five (5) period instructional day. Study periods are no longer available to be scheduled into a student's day. Consequently, access to the library is limited to full class participation with the classroom teacher supervising all activities in addition to after school. The librarian does not teach prescribed classes and the schedule of the librarian and clerk can easily be adjusted to keep the library accessible during the entire school day.

Classroom teachers have the primary responsibility to assist students completing their graduation by proficiency requirements. They are assisted by administrators, advisors, and guidance counselors. In addition, the computer labs are scheduled with certificated staff during the day. Furthermore, computers on carts can travel anywhere and computers are in every classroom. The library can be accessed from anywhere. We believe that student access and level of services offered will not be negatively impacted.

I respectfully request that you grant this request for waiver.

Sincerely,


Gordon Gould, Chairperson
Pawtucket School Committee



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

Peter McWalters
Commissioner

November 25, 2008

Mr. Gordon Gould, Chairperson
Pawtucket School Committee
266 Main Street,
Pawtucket, Rhode Island
02860

Dear Chairperson Gould,

Thank you for your letter of November 10, 2008 in which you have responded to my request for further information concerning student access to school libraries in Pawtucket. In particular I asked to be advised about the availability of adequate school library services in Pawtucket if I were to grant the variance sought in your prior letter of October 15, 2008. Your present letter indicates that if Pawtucket is allowed to reduce staffing levels to one school librarian, and to one full-time clerk at each school with 1,000 students in attendance, students will still have adequate access to school library resources. Furthermore, students will still be able to complete graduation by proficiency requirements.

Based upon the representations made in your letter of November 14, 2008, I will grant a variance to the Library Standards Regulation of the Board of Regents requiring two full time librarians and one full time clerical assistant plus additional clerical assistance for enrollment beyond 1500 students. Under the variance hereby granted, Pawtucket will be allowed to reduce staffing levels to one school librarian and one full-time clerk at each school with 1,000 students in attendance.

Sincerely yours,

Peter McWalters
Commissioner of Education

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Pawtucket School Department

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BOARD OF REGENTS FOR
ELEMENTARY AND SECONDARY EDUCATION

OCT 20

OFFICE OF THE
COMMISSIONER

October 15, 2008

Hans W. Dellith, Ed.D.
Superintendent of Schools

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Deputy Superintendent of
Curriculum Instruction and
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Mr. Peter McWalters, Commissioner
Rhode Island Department of
Elementary and Secondary Education
Shepard Building
255 Westminster Street
Providence, RI 02903-3400

Dear Commissioner McWalters:

At its April, 2008 meeting, the Pawtucket School Committee adopted a FY 2008-2009 budget of \$103,752,144. In June, 2008, the Pawtucket City Council approved a School Department appropriation of \$26,974,531 which is the same appropriation as that given for both the 2006-07 and 2007-08 school years. As you are aware State Educational Aid was also level-funded for the same two years with the exceptions in 2007-08 of Group Home Aid, and potentially, in 2008-09, of the Permanent School Fund.

The School Department is able to reduce its budget by \$3,918,896, chiefly as a result of staff breakage (turnover), reduction in staff and as of yet undesignated line item reductions. These actions have left the Pawtucket School Department with a potential deficit for the 2008-09 school year of approximately \$4,091,369. You should be aware that due to operational deficits for the past few years our cumulative deficit would grow to \$6,439,565 if budgetary relief is not provided.

In short, the School Committee has been advised by the Superintendent and Business Administrator that the School Department cannot adequately operate the School District with the approved budget and be in compliance with existing law. Consequently, the Pawtucket School Committee resolved, on October 14, 2008, to direct me to seek exemptions and/or waivers from you. These requests are being made pursuant to R.I.G.L. §16-2-21.4.

After further review of our 2008-2009 budget by the Superintendent, Business Administrator and third-party School Financial Experts, we have been unable to identify Budget line items or parts of line items that would substantially reduce our Budget without breaking Federal or RI state law and/or regulation and/or existing labor contracts. Review of your responses to previous waiver requests from Pawtucket and other school districts indicates that such waiver requests have been denied if inconsistent with existing law and/or regulation.

As a result of years of reducing our Budget to the minimum educational requirements, any other substantive reductions that we would make or request as waivers, in our opinion, would require us to disregard our legal and ethical obligations as a School Committee under §R.I.G.L. 16-2-9. With that understanding the Pawtucket School Committee, under the requirements of R.I.G.L. §16-2-21.4, must request your consideration of the following waivers that we must make to meet this Law's requirement, but that we individually and as a Committee consider objectionable in content and form:

1. Permission to eliminate all non-Special Education transportation for the second semester of the school year. Potential savings - \$468,000

2. Request that some Second Semester Special Education and Charter School Tuitions up to approximately \$3,500,000 be paid out of RI Department of Education 2008-09 funding and that the cost for such become part of the Department's 2008-09 supplemental funding requests to the Governor and Legislature. Potential savings - \$3,500,000

3. Request a waiver of the requirement to have one librarian per 1,000 students in any one school. Adhering to this mandate would cost the District approximately \$200,000. We do not anticipate any reduction in services if this waiver is granted.

As an Alternative to the above waivers, also allowed under R.I.G.L. §16-2-21.4, we would request the following action:

4. That a sum of \$4,091,369 be added to the RIDE supplemental funding request to the Governor and Legislature for use by the Pawtucket School Department to alleviate its 2008-09 Budget Deficit.

In addition, we would ask that you notify us if you or members of your staff have any specific suggestions for cost saving ideas that can be implemented immediately.

Please address any questions you may have regarding the above directly to Dr. Hans W. Dellith, Superintendent, and he will forward them to the School Committee, as required. We look forward to your response.

Sincerely,



Gordon Gould
Chairperson, Pawtucket School Committee

cc: Mayor James E. Doyle
Pawtucket City Council
Pawtucket School Committee
Dr. Hans W. Dellith



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

Peter McWalters
Commissioner

November 3, 2008

Mr. Gordon Gould, Chairperson
Pawtucket School Committee
P.O. Box 388
286 Main Street
Pawtucket, Rhode Island 02862-0388

Dear Chairperson Gould:

Thank you for your letter of October 15, 2008 in which you, in accordance with R.I.G.L.16-2-21.4 (a), seek certain waivers or the allowance of certain alternative methods of compliance with regulations so as to help the Pawtucket school committee to balance its budget. At the outset I must inform you that the Commissioner's Office has no power or authority to waive compliance with (1) **state statutes**, (2) **Federal statutes** or **Federal regulations**, (3) **collective bargaining agreements**, or (4) **court decisions**. Furthermore, the Commissioner's authority to grant waivers or to allow alternative methods of compliance with state educational regulations is narrowed by the terms of R.I.G.L.16-2-21.4 which prohibits waivers or alternative methods of compliance, "which affect the **health and safety of students and staff** or which violate the provisions of chapter 24 [Duty of school committee to provide **special education**].... With these constraints in mind I will examine the requests you have made.

First Request: Permission to eliminate all non-Special Education transportation for the second semester of the school year.

Response to First Request: Your first request must be denied since transportation services are required by a **statute** of our General Assembly. See: R.I.G.L. 16-21-1 and the **court decision** of the Rhode Island Supreme Court in *Brown v. Elston*, 445 A.2d 279 (R.I. 1982) The Commissioner has no authority to waive statutes of the General Assembly or to overturn decisions of the Rhode Island Supreme Court.

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Second Request: Request that some Second Semester Special Education and Charter School Tuitions up to approximately \$3,500,000 be paid out of RI Department of Education funding and that the cost for such become part of the Department's 2008-09 supplemental funding requests to the Governor and Legislature.

Response to Second Request: This request must be denied. The Board of Regents has no authority to spend appropriated funds except in accordance with the **statutory** appropriations of the General Assembly. R.I.G.L.16-60-4 (5)(ii) Given that the General Assembly has not appropriated to the Pawtucket school committee the funds sought in this request, the Board of Regents has no authority to grant these funds to the Pawtucket school committee. Furthermore, charter school tuitions are required by statute (R.I.G.L.16-77.1-1) while special education tuitions are required by state and federal law, which the Commissioner is not free to waive. In any event, requests for supplemental state funding for the Pawtucket school committee should be directed to the General Assembly, which has the constitutional authority to appropriate funds, rather than to the Board of Regents, which has no such authority.

Response to Third Request: Request a waiver of the requirement to have one librarian per 1,000 students.

Response to Third Request: It may be possible to grant this waiver request if the school committee can document that sufficient library staff will be available to provide needed services including helping students complete graduation by proficiency requirements. Please forward appropriate additional information concerning this request.

Fourth Request: That a sum of \$4,091,369 be added to the RIDE supplemental funding request to the Governor and Legislature for use by the Pawtucket School Department to alleviate its 2008-09 Budget Deficit.

Response to Fourth Request: This request must be denied. See the response to your Second Request.

Thank you for your efforts to provide Pawtucket students with a quality education while remaining within the budget that has been appropriated to the Pawtucket school committee. Please forward to me the additional documentation I have requested concerning library staffing in Pawtucket.

Sincerely,



Peter McWalters
Commissioner