



# SOUTH KINGSTOWN SCHOOL DEPARTMENT

307 CURTIS CORNER ROAD, WAKEFIELD, RI 02879-2106

Robert A. Hicks, Ed.D.  
Superintendent of Schools

(401) 360-1300

Fax: 360-1330

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BOARD OF REGENTS FOR  
ELEMENTARY AND SECONDARY EDUCATION  
robert.hicks@skschools.net

May 30, 2008

OFFICE OF THE  
COMMISSIONER

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

Dear Commissioner McWalters:

Please accept this request that you grant a waiver on a Department of Education regulation from the requirement that there be more than one librarian for a secondary school with more than 1,000 students enrolled. In essence, this request is made to balance our budget, but there are several reasons that make it viable and its timing appropriate. The need for this request arose in response to a required \$422,548 budget adjustment to meet higher than anticipated expenses in another mandated area (student transportation).

Since the state mandated that all schools meet a 5.5-hour instructional day, our district eliminated all study halls. As such, no large groups of 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 typically under the direction of a teacher and the librarian. As such, the need for two full-time librarians is not the same as when the BEP regulation was developed and approved.

Our high school population is declining and the school, with 1198 students on October 1, will be under 1,000 within three years. Consequently, the librarian contraction question is not a question of whether, but when. I also believe that our high school is currently "within shouting distance," that is, less than 200 students, of the 1,000 student cutoff lessening the impact of the request.

Additionally, I make this request at a time when there is a retirement among our district librarians, so no individual would lose employment as a result of the waiver. If we wait until the school is under 1,000 students, it will likely cost someone employment and result in reduced savings and concomitant cuts elsewhere to support unemployment payments to the displaced teacher.

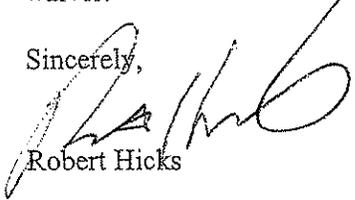
I also assure the Rhode Island Department of Education that if the waiver is granted to the BEP requirement that there be two librarians at a high school with more than one thousand students enrolled, we will maintain not less than 1.0 FTE librarians on staff at our high school; and, all students will continue to have access to the media center and its staff, computers, the study area, and the book and media collection; and, all students will continue to get appropriate academic support from the staff in the media center.

I can assure the Commissioner and the Rhode Island Department of Education of meeting these expectations due to the fact that:

1. Students who access the library do so in context with their class supervised by the classroom teacher and any teacher assistant assigned to that class;
2. The librarian/media specialist does not teach prescribed classes, and therefore the instructional day schedule can stagger the teacher preparation/unassigned time throughout the week to ensure that no class or specified time period is disadvantaged from access to the librarian;
3. The clerical staff assigned to the library can be scheduled so as to create additional, responsive support to teachers, students and classes accessing the library;
4. The computer lab is scheduled throughout the day with appropriate support and supervision as needed;
5. South Kingstown High School will monitor the needs of the students and staff to ensure that appropriate support is provided.

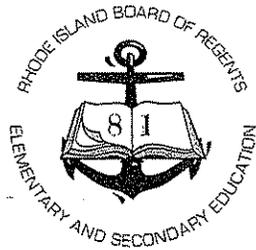
At its regular meeting of May 27, the South Kingstown School Committee voted 7-0-0 to approve the submission of this request. Such vote came after public discussion and debate, including presentations supporting and opposing the request. Thank you for your consideration of this waiver.

Sincerely,



Robert Hicks

Cc: 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

August 26, 2008

Dr. Robert A. Hicks, Superintendent  
South Kingstown School Department  
307 Curtis Corner Road,  
Wakefield, Rhode Island 02879-2106

Dear Superintendent Hicks:

In your recent letter you indicate that the South Kingstown school committee is now involved in a "Caruolo process" (R.I.G.L.16-2-21.4 (a) in an effort to balance its budget. As part of this process you have requested a limited variance of the portion of the Board of Regents School Library Standards requiring two school librarians in a secondary school enrolling more than 1000 students. You request a variance which would allow the employment of one school librarian instead of two at the South Kingstown High School.

Your letter of May 30<sup>th</sup>, 2008 sets forth in detail the manner in which you would maintain access to full library services if a variance were to be granted. In particular you indicate that, with a limited variance in effect, "all students will continue to have access to the media center and its staff at our high school; and, all students will continue to have access to media center and its staff, computers, the study area, and the book and media collection; and, all students will continue to get appropriate academic support from the staff in the media center." We incorporate by reference your letter of May 30, 2008 as a full explanation of the steps you will take to ensure that students have access to the library services they will need to complete general school work and to be fully supported in meeting graduation by proficiency standards.

Based upon your letters of May 13, 2008 and May 30, 2008 we conclude that South Kingstown has demonstrated an alternative method of compliance with the Board of Regents School Library Standards Regulations. The request for a variance allowing a reduction of staffing from two school librarians to one school librarian at the South Kingstown High School is therefore granted in accordance with the documentation you have submitted to us through your letters of May 13, 2008 and May 30, 2008.

Sincerely,

Peter McWalters  
Commissioner

PM(fla):scp

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## SOUTH KINGSTOWN SCHOOL DEPARTMENT

307 CURTIS CORNER ROAD, WAKEFIELD, RI 02879-2106

Robert A. Hicks, Ed.D.  
Superintendent of Schools

August 13, 2008

Deputy Commissioner David Abbott  
Rhode Island Department of Education  
255 Westminster Street  
Providence, Rhode Island 02903-3400



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e-mail: rhicks@skschools.net

Dear Deputy Commissioner Abbott:

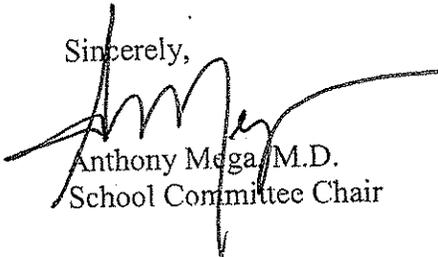
Superintendent Hicks shared with me and the entire School Committee your letter of August 5 clarifying RIDE's opinion on what it means to be in a "Caruolo process." Such was certainly helpful as the act itself does not include either the term or definition. Our definition, that such is triggered when a court action is filed under 16-2-21.4 (b) is evidently not the definition used by RIDE. Under your definition, South Kingstown is in a "Caruolo process" since it made the determination under 16-2-21.4 (a) that the waiver is necessary so that it may comply with the provisions of 16-2-21.

As included in our earlier correspondence, an increase in transportation expenses placed the district in a position where revenues and expenditures in its adopted budget were not in balance. The waiver was therefore requested in order to bring our adopted budget to a position "in which total expenses are less than or equal to appropriations and revenues" in accordance with 16-2-21.1(b).

Additionally, I add that our conclusion that we are, under RIDE's definition, in a "Caruolo process" in no way implies that absent this waiver the School Committee intends to pursue an action in Superior Court under 16-2-21.4 (b) against the Town of South Kingstown. Our Town Council and entire community have been highly supportive of our schools.

This removes what I trust is the last hurdle standing in the way of the Commissioner's approval of our request for the waiver of the BEP Librarian requirement as detailed in earlier correspondence. I thank you and the department for communicating with us so that the request could be submitted in the manner required in order to receive fair and equitable consideration.

Sincerely,



Anthony Mega, M.D.  
School Committee Chair



## SOUTH KINGSTOWN SCHOOL DEPARTMENT

307 CURTIS CORNER ROAD, WAKEFIELD, RI 02879-2106

Robert A. Hicks, Ed.D.  
Superintendent of Schools

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July 22, 2008

Commissioner Peter McWalters  
255 Westminster Street  
Providence, RI 02903-3400

BOARD OF REGENTS FOR  
ELEMENTARY AND SECONDARY EDUCATION

OFFICE OF THE  
COMMISSIONER

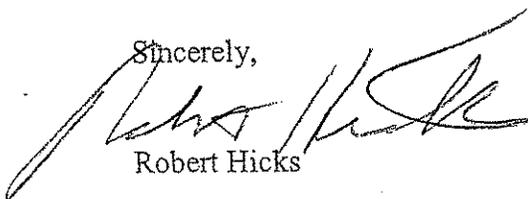
Dear Commissioner,

I received your letter of July 15, 2008, addressed to School Committee Chair Anthony Mega and sent by facsimile to both Chair Mega and myself. In response, I send this public records request in accordance with RIGL 38-2 for the following information. I thank you in advance for a hoped for prompt reply.

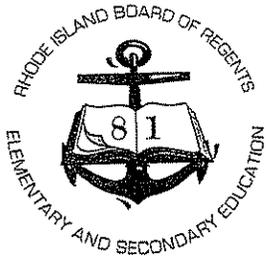
1. Any and all records either sent or received concerning a request for a regulatory variance or waiver regarding libraries or librarians by the Coventry Public Schools over the last 12 months.
2. Any and all records either sent or received concerning a request for a regulatory variance or waiver regarding libraries or librarians by any other public schools over the last 12 months.
3. Any and all records either sent or received concerning a request for a regulatory variance or waiver regarding public schools and their 'Caruolo' status over the past two years.

Additionally, and separate from the public records request, please provide clarification as to whether or when a school district is in a 'Caruolo' process. In answering your June 17 letter, the determination that the school district is not in a 'Caruolo' process was based on the fact that no action as defined under 16-2-21.4 (b) has been brought in Superior Court. Our reading of 16-2-21.4 leads us to believe that no 'Caruolo' action, as we understand one to be, can be taken until after such waivers or variances have been requested and acted upon by you. If your definition of being in a 'Caruolo' process is different, please advise me of such.

Sincerely,



Robert Hicks



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

Peter McWalters  
Commissioner

August 5, 2008

Robert A. Hicks, Ed.D.  
Superintendent of Schools  
South Kingstown School Department  
307 Curtis Corner Road,  
Wakefield, Rhode Island 02879-2106

Dear Superintendent Hicks:

Thank you for your letter of July 22, 2008 in which you ask when it may properly be said that a school district is in a "Caruolo process." Please be advised that it is the opinion of the Rhode Island Department of Education (RIDE) that the procedures outlined in the Caruolo Act are not triggered by the filing of an action in the Superior Court (R.I.G.L.16-2-21.4 (b)) but rather by an explicit determination of a school committee, "that its budget is insufficient to comply with the provisions of 16-2-21, 16-7-23, or 16-7-24...." (R.I.G.L.16-2-21.4 (a))

Since the Commissioner has authority to issue the type of variance you are seeking only under the Caruolo Act, your prior correspondence explicitly stating that you were not in the Caruolo process made it impossible for RIDE to take further action on your variance request since your letter vitiated the authority by which the Commissioner could take any action in the matter. Technically correct documentation in variance requests is a necessity because any variance issued by the Commissioner is apt to become the subject of litigation. In litigation prior, attention to detail will often be of decisive consequence.

If your school committee has made the requisite determinations required to document that it is in a Caruolo process, please clearly state this in any renewed request for a variance to the Board of Regents Library Standards Regulations.

Sincerely,

David Abbott  
Deputy Commissioner/General Counsel

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BOARD OF REGENTS FOR  
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OFFICE OF THE  
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June 18, 2008

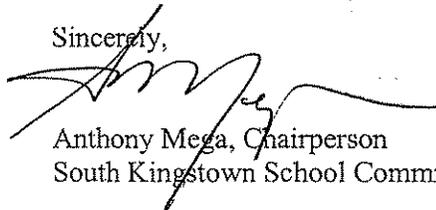
Mr. Peter McWalters, Commissioner  
Rhode Island, Department of Education  
255 Westminster Street  
Providence, Rhode Island 02903-3400

Dear Commissioner McWalters:

Please accept this petition that you grant a waiver on a Department of Education regulation from the requirement that there be more than one librarian for a secondary school with more than 1,000 students enrolled. At its regular meeting of May 27, the South Kingstown School Committee voted 7-0-0 to approve this petition. Such vote came after public discussion and debate, including presentations supporting and opposing the request.

This request was detailed in the earlier correspondence from the Superintendent of Schools and this letter, in compliance with 16-2-9 may be considered as the required petition from the chairperson of the South Kingstown School Committee. The explanations and assurances provided in superintendent's letter may also be considered as subsumed in this petition. Additionally, South Kingstown is not in "Caruolo" process and seeks through this petition to fulfill its obligation to operate with a balanced budget. Thank you for your consideration of this waiver.

Sincerely,



Anthony Mega, Chairperson  
South Kingstown 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

July 15, 2008

Mr. Anthony Mega, Chairperson  
South Kingston School Committee  
307 Curtis Corner Road,  
Wakefield, RI 02879-2106

Dear Chairperson Mega,

Your letter of June 18, 2008 indicates that, "South Kingston is not in a 'Caruolo' process" pursuant to R.I.G.L. §16-2-21.4. In a Caruolo process the school committee must determine, "that its budget is insufficient to comply with the provisions of R.I.G.L. 16-2-21, R.I.G.L. 7-23, or R.I.G.L. 16-7-24....." R.I.G.L.16-2-21.4

Only if a district is in a Caruolo process does the Commissioner have the authority to consider the issuance of certain variances to allow the district to operate within the budget that has been appropriated to it. Since your letter specifically states that you are **not** in a Caruolo process, that declaration has the effect of denying me the opportunity to act on your variance request. If, in fact, you are making your variance request as part of a "Caruolo" process (i.e. acting under R.I.G.L.16-2-21.4 after having made the required determinations under R.I.G.L.16-2-21.4), please so inform me.

Since variances granted in a Caruolo process are apt to become the cause for litigation, it is incumbent upon us all to be sure that all the legal bases have been touched before a variance is granted.

Sincerely,

Peter McWalters  
Commissioner

PM/FLA/scp

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Superintendent of Schools

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BOARD OF REGENTS FOR  
ELEMENTARY AND SECONDARY EDUCATION  
rhicks@skschools.net

May 30, 2008

OFFICE OF THE  
COMMISSIONER

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

Dear Commissioner McWalters:

Please accept this request that you grant a waiver on a Department of Education regulation from the requirement that there be more than one librarian for a secondary school with more than 1,000 students enrolled. In essence, this request is made to balance our budget, but there are several reasons that make it viable and its timing appropriate. The need for this request arose in response to a required \$422,548 budget adjustment to meet higher than anticipated expenses in another mandated area (student transportation).

Since the state mandated that all schools meet a 5.5-hour instructional day, our district eliminated all study halls. As such, no large groups of 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 typically under the direction of a teacher and the librarian. As such, the need for two full-time librarians is not the same as when the BEP regulation was developed and approved.

Our high school population is declining and the school, with 1198 students on October 1, will be under 1,000 within three years. Consequently, the librarian contraction question is not a question of whether, but when. I also believe that our high school is currently "within shouting distance," that is, less than 200 students, of the 1,000 student cutoff lessening the impact of the request.

Additionally, I make this request at a time when there is a retirement among our district librarians, so no individual would lose employment as a result of the waiver. If we wait until the school is under 1,000 students, it will likely cost someone employment and result in reduced savings and concomitant cuts elsewhere to support unemployment payments to the displaced teacher.

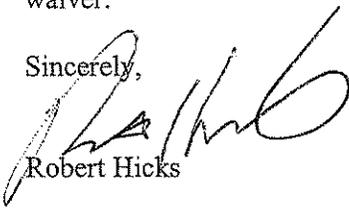
I also assure the Rhode Island Department of Education that if the waiver is granted to the BEP requirement that there be two librarians at a high school with more than one thousand students enrolled, we will maintain not less than 1.0 FTE librarians on staff at our high school; and, all students will continue to have access to the media center and its staff, computers, the study area, and the book and media collection; and, all students will continue to get appropriate academic support from the staff in the media center.

I can assure the Commissioner and the Rhode Island Department of Education of meeting these expectations due to the fact that:

1. Students who access the library do so in context with their class supervised by the classroom teacher and any teacher assistant assigned to that class;
2. The librarian/media specialist does not teach prescribed classes, and therefore the instructional day schedule can stagger the teacher preparation/unassigned time throughout the week to ensure that no class or specified time period is disadvantaged from access to the librarian;
3. The clerical staff assigned to the library can be scheduled so as to create additional, responsive support to teachers, students and classes accessing the library;
4. The computer lab is scheduled throughout the day with appropriate support and supervision as needed;
5. South Kingstown High School will monitor the needs of the students and staff to ensure that appropriate support is provided.

At its regular meeting of May 27, the South Kingstown School Committee voted 7-0-0 to approve the submission of this request. Such vote came after public discussion and debate, including presentations supporting and opposing the request. Thank you for your consideration of this waiver.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Hicks", written over a printed name.

Robert Hicks

Cc: 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

June 17, 2008

Mr. Robert Hicks, Superintendent  
South Kingstown School Department  
307 Curtis Corner Road,  
Wakefield, Rhode Island 02879-2106

Dear Mr. Hicks: *BA*

Thank you for your letter of May 30, 2008 in which you request that I waive certain provisions of the Board of Regents *School Library Standards*. In the course of reviewing your correspondence my staff has noted that there is no indication that this waiver request is being made as a part of a "Caruolo" process under R.I.G.L. 16-2-21.4 or that this request, as required by law, has been signed by the Chair of the South Kingstown school committee. 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 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.

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Page 2

If, in fact, you are implementing a Caruolo process, please document this fact in further correspondence and have this correspondence signed by the Chair of South Kingstown school committee. I will then be able to give this request prompt consideration.

Sincerely,



Peter McWalters  
Commissioner

PM/FLA:ism

Cc: Barbara Ashby  
Carol Lavin  
Elizabeth Soltysiak  
Janice Lamagna  
Kate Kelley  
Donna Guglielmo  
Joyce Bazinet  
Lidia Magliari  
Beth Casagrande  
Lisa Josephson

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