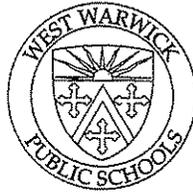


# West Warwick Public Schools

**Kenneth M. Sheehan**  
Superintendent of Schools  
401-821-1180  
FAX: 401-822-8463



**Administration Building**  
Miriam A. Duffy School  
10 Harris Avenue  
West Warwick, RI 02893

December 10, 2008

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

Dear Commissioner McWalters:

As you are aware, by letter dated October 20, 2008, I, in my capacity as Superintendent of the West Warwick Public Schools and agent of the West Warwick School Committee, submitted a list of proposed waivers for your approval. This petition was submitted pursuant to R.I.G.L. § 16-2-21.4 (the "Caruolo Act").

Although the Caruolo Act requires that the commissioner respond to the waiver petition within fifteen (15) calendar days from the date of the written petition from the school committee, we still have not heard from you in this regard. Due to the serious financial problems facing our schools, the West Warwick School Committee must respectfully advise you that unless a response to the waiver petition is received within five (5) calendar days of the date of this correspondence, your failure to respond will be deemed a formal response denying the petition.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kenneth M. Sheehan".

Kenneth M. Sheehan  
Superintendent of Schools

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BOARD OF REGENTS FOR  
ELEMENTARY AND SECONDARY EDUCATION

DEC 11 2008

OFFICE OF THE  
COMMISSIONER

The West Warwick Public Schools do not discriminate on the basis of age, sex, race, religion, national origin, color or handicap in accordance with applicable laws and regulations.

TTY 1 800 745 5555 VOICE 1 800 745 6575

# West Warwick Public Schools



**Kenneth M. Sheehan**  
Superintendent of Schools  
401-821-1180  
FAX: 401-822-8463

**Administration Building**  
Miriam A. Duffy School  
10 Harris Avenue  
West Warwick, RI 02893  
BOARD OF REGENTS FOR  
ELEMENTARY AND SECONDARY EDUCATION

October 20, 2008

OFFICE OF THE  
COMMISSIONER

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

Dear Commissioner McWalters:

As you may be aware as of 10/16/08, the West Warwick School Committee and Town Council averted a Caruolo Action, which was scheduled to begin on Monday, October 20, 2008, with a last minute mutual settlement of \$1,162,343.00. Both parties are also collectively engaged in problem solving measures to reduce a \$4,014,115 school department deficit for the 2008-09 fiscal year.

The FY 2008-09 budget of the West Warwick School Department was under appropriated by the West Warwick Town Council and subsequently by the West Warwick Town Meeting. The original request by the West Warwick School Committee was \$53,283,800. The West Warwick Town Council and West Warwick Town Meeting actually appropriated \$49,269,685 on May 20, 2008, which resulted in an original budget shortfall of \$4,014,115.

The West Warwick School Committee does not feel it can adequately operate the school department within the approved budget and remain in compliance with state laws, regulations and mandates. Consequently the School Committee, at its October 14, 2008 meeting, has authorized me to request waivers from the state as required under R.I.G.L. 16-2-21-4.

On behalf of the West Warwick School Committee, I am hereby requesting the following waivers:

1. Waiver of the requirement that the public school department provide textbooks and transportation to non-public school students.
2. Waiver of the requirement that provides any and all Special Education Services to students attending schools other than the West Warwick Public Schools.
3. Waiver of the regulation that requires West Warwick students to be allowed to attend the Warwick Career and Technical Center and the Coventry Regional Career and Technical Center.

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TTY 1 800 745 5555 VOICE 1 800 745 6575

Mr. Peter McWalters

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October 20, 2008

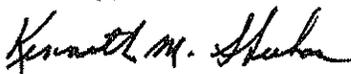
4. Waiver of Special Education regulations to increase class sizes to (3) additional students beyond the maximum number allowed by regulation.
5. Waivers which will allow the West Warwick School Department to charge student fees to participate in all extra-curricular activities, including athletics.
6. Waiver of the requirement of 15 Professional Development hours for all certified staff members.
7. Waiver of the requirement of 180 days of compulsory education be reduced to 170 days.

The West Warwick School Committee further requests in the essence of fairness, that the State of Rhode Island absorb the cost of our students attending Career and Vocational schools as it does for the Northern Collaborative Schools.

- We have reduced administrative, teacher, and all support staff as much as contractually possible.
- We have created in-house special education programs to bring back 75% of our Special Education out-of-district students.
- We have hired inexperienced, first year, building administrators and 75% of our new teacher hires are paid no higher than 2<sup>nd</sup> step.
- We renegotiated an extension of the West Warwick Teachers' Alliance (Union) contract for two years with a savings of \$1,317,000.
- We have consolidated bus routes and extended transportation as far as safety first would allow us.
- We have engaged in "Collaborative" agreements with local agencies which have resulted in savings of \$136,285.00.
- We have formed partnerships with local agencies to provide funding and sponsorship of after-school programs.

In conclusion, all of our expenses can be referenced to Law/Regulation/or Contract. We have run out of options, and we need the state to intervene prior to filing a Caruolo Action.

Sincerely,



Kenneth M. Sheehan  
Superintendent of Schools

mmc



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

Peter McWalters  
Commissioner

December 22, 2008

Kenneth M. Sheehan  
Superintendent of Schools  
West Warwick Public Schools  
Administration Building  
10 Harris Avenue  
West Warwick, Rhode Island 02893

Dear Superintendent Sheehan:

Thank you for your letter of October 20, 2008 in which you request that I authorize various waivers or alternative methods to comply with regulatory requirements. Although your letter does not meet the requirements of R.I.G.L. §16-2-21.4 in that it fails to show on its face that the district is acting under R.I.G.L. §16-2-21.4 and in that it has not been signed by the chair of the school committee as required by statute, I will respond to your requests because these requests, essentially, do not fall within my waiver and variance jurisdiction. As you know the Commissioner has no authority to waive:

- State statutes;
- Federal statutes;
- Federal regulations; or,
- Collective bargaining agreements.

The requests you have made involve waivers of state and federal laws which I have no authority to grant.

1. Waiver of requirement that the public school department provide textbooks and transportation to non-public school students. **Denied:** This service is required by statute. R.I.G.L. §16-23-2

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

2. Waiver of the requirement that provides any and all Special Education Services to students attending schools other than West Warwick Public Schools. **Denied:** Federal law requires that out of district placements must be made when a student's IEP requires such a placement. 20 U.S.C.1412(10)(vi)(B).
3. Waiver of the regulation that requires West Warwick students to be allowed to attend the Warwick Career and Technical Center and the Coventry Regional Career and Technical Center. **Denied:** Access to vocation education is required by statute. R.I.G.L. §16-45-1.1
4. Waiver of Special Education regulations to increase class sizes to (3) additional students beyond the maximum number allowed by regulation. **Response:** The Special Education Regulations of the Board of Regents no longer specify class size by number.
5. Waivers which will allow the West Warwick School Department to charge fees to participate in all extracurricular activities, including athletics. **Denied:** Since no statute allows West Warwick to charge fees for school services, students may not be charged fees to participate in school academic or extracurricular activities. School social events are not included in this prohibition. In 1917 the Board of Education wrote, "public schools ...should be free." The Board stated that the public schools had lost the authority to charge fees in 1868 when tuition bills were abolished and that the imposition of fees "amounts to a retroaction to conditions prevailing forty years ago, and introduces a new one of the greatest evils of the public school system."<sup>1</sup> By statute, however, a fee for material used in a vocational project that the student intends to keep may be charged, and a deposit may be charged for the safe keeping of school property, except for books and supplies that must be provided under the Free Textbook law.<sup>2</sup>
6. Waiver of the requirement of 15 Professional Development hours for all certified staff. **Denied:** Staff development is essential to the implementation of the General Assembly's school reform efforts. R.I.G.L. §16-7.1-10.
7. Waiver of the requirement of 180 days of compulsory education be reduced to 170 days. **Denied:** Such a reduction is not authorized by statute. R.I.G.L. §16-2-1.

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<sup>1</sup> Rhode Island School Reports, 1917, page 21. See: *Sullivan v. Cumberland*, Commissioner of Education, January 10, 2001. The same rule applies to Charter Schools: "No student tuition or mandatory fees may be charged by any charter public school." R.I.G.L §16-77-9

<sup>2</sup> R.I.G.L. §16-38-6.

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Superintendent Kenneth M. Sheehan  
December 22, 2008

8. The West Warwick School Committee further requests in the essence of fairness, that the State of Rhode Island absorb the cost of our students attending Career and Vocational Schools as it does for the Northern Collaborative Schools. **Response:** The Commissioner has no authority to appropriate funds. This is a function reserved to the General Assembly.

If you have any further waiver or variance requests to submit, please submit in accordance with the terms of the applicable statute, including the signature of the school committee chair. I appreciate the strenuous efforts you and the West Warwick school committee are making to provide all students with a quality education while staying within budget requirements.

Sincerely,



Peter McWalters  
Commissioner