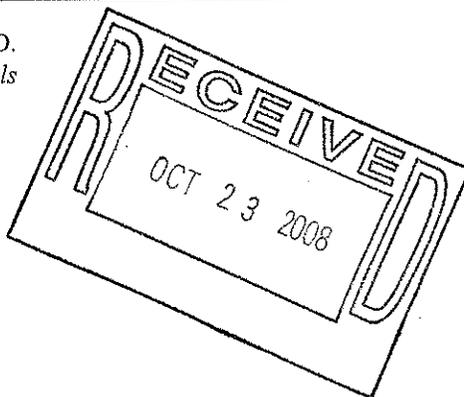


Westerly Public Schools
15 Highland Avenue
Westerly, RI 02891



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Fax (401) 348-2707
TT/VOICE (800) RI 55555
www.westerly.k12.ri.us

Thomas P. DiPaola, Ph.D.
Superintendent of Schools



October 21, 2008

David Abbot, Esquire
Rhode Island Department of Education
255 Westminister Street
Shepard Building
Providence, RI 02903

Dear Deputy Commissioner Abbot:

The Basic Education Plan (BEP) requires high schools with more than 1000 students to have 2 librarians. Westerly High School currently has 1063 students. The Westerly Public Schools seeks a waiver from this requirement for the following reasons:

- When the BEP was originally written, many students spent at least one period a day in study hall; as a result students would often go to the library to do research, independent reading and homework. Since there are no longer study halls, students seldom go to the library independently during the school day.
- Westerly exceeds the limit of 1000 students per librarian by less than 1% (.63).
- For this first trimester the 2nd librarian has actually assisted staff and students working with the social studies research paper at the high school. As a result, one could argue that the high school will have had the services of 1.3 librarians this year.
- The district, at this time, is not looking to eliminate or decrease our support for media specialists. For the second and third trimesters, the district would be well served by having one of the librarian/media specialists, currently assigned to the high school, work at the middle school where we already have a full time media specialist and then with elementary students who will be doing research for their version of the "senior project". All of our elementary schools have full time librarians. Our focus is on improving all our students' research skills.

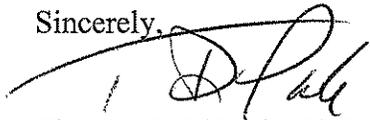
"A place where learning has no limits and academic excellence is measured one child at a time."

Please know that our most junior librarian assigned to this district work is also the President of the RI Librarians and Media Specialists Association. I am confident that our decision to move him to the middle school in December and the elementary schools in March will be challenged on the grounds of the BEP.

I also wonder what if the revised Basic Education Plan provides districts more discretion in the assignment of library/media specialists.

Thank you for your consideration of this request for a waiver of the requirement for 2 librarians in schools with over 1000 students.

Sincerely,

A handwritten signature in black ink, appearing to read "T. DiPaola", written over a horizontal line.

Thomas P. DiPaola, Ph.D.,
Superintendent of Schools

TPD/kc



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

Thomas P. DiPaola, Ph.D.,
Superintendent of Schools
Westerly Public Schools
15 Highland Avenue
Westerly, Rhode Island 02891

Dear Superintendent DiPaola,

Thank you for your letter of October 21, 2008 in which you request a waiver of the Basic Education Program requirement that that two school librarians must be employed in high schools enrolling more than 1000 students. (See: Standards for School Libraries in Rhode Island, adopted by the Board of Regents on May 9, 1963) Your letter notes that the Westerly High School currently enrolls 1063 students and employs two school librarians.

As you know, when a school district is facing a budget deficit: "The chairperson of the city, town, or regional school committee, in accordance with the provisions of R.I.G.L.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 regulations that allow the school committee to operate with a balanced budget." Since your letter does not indicate that the Westerly school district is confronting a budget deficit as defined in R.I.G.L. 16-2-21.4 and since your letter was not signed by the chair of the Westerly school committee, your waiver request cannot be processed. If you re-file your waiver request under R.I.G.L. 16-2-21.4 please indicate how Westerly will ensure that all students at the Westerly High School will have access to sufficient library services to complete the senior projects they need to complete graduation by proficiency requirements.

If Westerly is not in a budget deficit situation, it might still qualify for an alternative method of compliance with the Regulations of the Board of Regents if the Westerly school committee takes action in accordance with the attached protocol for requesting such a variance. This protocol requires a public hearing at the district level before the variance request can be acted upon.

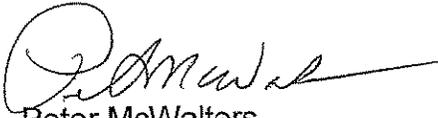
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The Board of Regents does not discriminate on the basis of age, color, sex, sexual orientation, race, religion, national origin, or disability.

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Please understand that my insistence on the submission of correct applications in waiver and variance requests is not to interpose unnecessary difficulties to the consideration of such requests. Instead it is my responsibility to ensure that such requests are granted, if at all, only in accordance with correct procedures, as well as in accordance with the law and demonstrably sound educational practice.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Peter McWalters", with a long horizontal flourish extending to the right.

Peter McWalters
Commissioner

VII. Approval of Protocol for Granting Variances to Regulations.

On May 27, 1993, the Rhode Island Board of Regents for Elementary and Secondary Education approved a variance protocol for regulations established by the Board. (See Appendix A for the Variance Protocol.)

APPENDIX A

Protocol for Granting Variances to Regulations of the Board of Regents or Regulations of the Commissioner

Definition

A variance constitutes an alternative method of compliance with regulations rather than a relaxation of educational standards. (A variance to federal regulations cannot be considered under this protocol.) Variances may be allowed when an alternative method of compliance with the intent of the regulation assures equal educational opportunity, is consistent with best educational practices or would lead to the attainment of at least equal or better student outcomes than could occur with the literal application or enforcement of the regulations. A variance will not exceed three (3) years in duration. To extend a variance beyond the three (3) year time frame, the request must be resubmitted.

School Committee procedure for applying for a variance. Before beginning the variance request process the superintendent of schools will review the variance request to determine whether the request is one which falls within the authority of the Commissioner of Education to grant. School Committee Counsel may be helpful in this. (Counsel for the State Department of Education will also be available to discuss this issue.)

1. The superintendent shall 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 along 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 interests would be directly affected by

the granting of a variance.

2.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.

3.A grant or a denial of a variance by the Commissioner shall be issued accompanied by a statement of the reason for the action taken. A variance may be granted to a part or to the whole request.

4.A grant or a denial of a variance may be appealed to the Board of Regents under the provisions of Title 16 of the laws of Rhode Island relating Education. (16-39-1, 16-39-2)

Authority to grant variances

The Commissioner has authority to issue variances to regulations issued by the Board of Regents and the Commissioner. Such variances may be issued to any individual local education agency requesting it. The Commissioner may initiate an open meeting to decide whether a variance should be granted.

Notice of such meeting shall be published twenty (.20) work days in advance of the meeting and shall include the text of the variance sought along with an explanation of the variance. Notice of the meeting shall also be given to any recognized groups including parent and community groups, bargaining agents, and professional organizations whose interests would be directly affected by the granting of a variance.

Effect of a variance granted by the commissioner of Education

The Commissioner may elect to confine any variance granted to the school district requesting it or, in the alternative., the Commissioner may give statewide effect to the variance. Before the Commissioner gives statewide effect to a variance, a public hearing at the state level shall be held following the established procedures for proposed regulation changes and shall be submitted to the Board of Regents for approval.

Variances for private schools

The governing authority of a private school may be granted a

variance on the same basis as such variances are granted to public schools.

Applicability of this variance procedure

This procedure for considering a variance will be used except when otherwise provided for by regulation or law.

Limitations on the availability of variances

Variances apply only to the regulations of the Board of Regents or Commissioner of Education. This protocol shall not be applicable to individual variances of teacher certification requirements.

Limitations on the length of the effect of variances

Variances shall be reviewed by the Commissioner on an annual basis to determine whether or not continuation of a variance is appropriate.

TITLE 16

Education

CHAPTER 16-2

School Committees and Superintendents

SECTION 16-2-21.4

§ 16-2-21.4 School budgets – Compliance with certain requirements. – (a) Notwithstanding any provision of the general or public laws to the contrary, whenever a city, town, or regional school committee determines that its budget is insufficient to comply with the provisions of § 16-2-21, 16-7-23, or 16-7-24, the city, town, or regional school committee shall adhere to the appropriated budget or the provisions of § 16-2-23 in the absence of an appropriated budget. 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. The commissioner shall respond within fifteen (15) calendar days from the date of the written petition from the school committee. If the commissioner does not approve of the alternatives to meet regulations or the waivers from regulations which are sought by the school committee, or if the commissioner does not approve of the modified expenditure plan submitted by the school committee, then: (1) within ten (10) days of receiving the commissioner's response, the school committee may submit a written request to the city or town council for the council of the municipality to decide whether to increase the appropriation for schools to meet expenditures. The decision to increase any appropriations shall be conducted pursuant to the local charter or the public law controlling the approval of appropriations within the municipality; or (2) in a regional school district, the chairperson of the school committee may, within ten (10) days of receiving the commissioner's response, submit a written request to the chief elected official of each of the municipalities to request that the city or town council in each of their respective towns meet to decide whether or not to increase the appropriation for schools to meet expenditures. The decision to increase any appropriations shall be conducted pursuant to the local charter or the public law controlling the approval of appropriations within the municipality.

(b) In the event of a negative vote by the appropriating authority, the school committee shall have the right to seek additional appropriations by bringing an action in the superior court for the county of Providence and shall be required to demonstrate that the school committee lacks the ability to adequately run the schools for that school year with a balanced budget within the previously authorized appropriation or in accordance with §§ 16-2-21, 16-2-23, 16-7-23, and 16-7-24. In no event shall any court order obtained by the school committee have force and effect for any period longer than the fiscal year for which the litigation is brought. Any action filed pursuant to this section shall be set down for a hearing at the earliest possible time and shall be given precedence over all matters except older matters

of the same character. The court shall render its decision within thirty (30) days of the close of the hearings. Upon the bringing of an action in the superior court by the school committee to increase appropriations, the chief executive officer of the municipality, or in the case of a regional school district the chief elected officials from each of the member municipalities, shall cause to have a financial and program audit of the school department conducted by the auditor general, the bureau of audits, or a certified public accounting firm qualified in program audits. The results of the audit shall be made public upon completion and paid for by the school committee to the state or private certified public accounting firm.