



# CITY OF CRANSTON SCHOOL COMMITTEE

845 Park Avenue  
Cranston, Rhode Island 02910-2790

## School Committee

Michael A. Traficante, Chairman  
Andrea M. Iannazzi, Clerk  
Stephanie A. Culhane  
Frank S. Lombardi  
Paula BM McFarland  
Janice Ruggieri  
Steven A. Stycos

January 28, 2009

## CERTIFIED MAIL

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

BOARD OF REGENTS FOR  
ELEMENTARY AND SECONDARY EDUCATION

FEB 04 2009

OFFICE OF THE  
COMMISSIONER

Re: Waiver Request

Dear Mr. McWalters:

The Cranston School Committee ("Committee") adopted an FY 2008-2009 Budget of \$125,584,186.00. The exact amount appropriated by the Cranston City Council ("Council"). This Committee has been advised by the School Department's Chief Financial Officer that the School Department cannot adequately operate the School District within the approved Council budget and be in compliance with existing law. As of the date of this letter, the projected fiscal year deficit is \$2,345,043.00.

In addition, we anticipate the State Aid to Education will be reduced by the State of Rhode Island prior to the completion of the current fiscal year. The gambling revenue has been eliminated, and the School District has not received the State reimbursement for the Career and Technical Center (this matter is presently in litigation at the Department of Education).

Also, the cost of outside placements for special education students has exceeded projections. Finally, in the event that the School Committee is not successful in their appeal to the Supreme Court of the Caruolo Action, payments pursuant to a five year deficit reduction plan for the amount loaned by the City to the School Committee for the 2007-2008 shortfall will be added to this year's projected deficit.

In light of all of the above, the current year budget shortfall is presently in the range of \$2,345,043.00 to \$4,603,250.00.

Consequently, the School Committee is hereby requesting alternatives and/or waivers from you that would reduce this pending deficit. These requests are being made pursuant to R.I.G.L. 16-2-21.4.

The Committee requests your consideration of the following alternatives and waivers:

**Program:** English Language Learners

**BEP reference/Statutory reference:** Regulations Governing the Education of English Language Learners, L-4-11 Personnel-administrators-section (a)

**Waiver request:** ELL administrator

**Alternate provisions for meeting students' needs:** Cranston Public Schools can effectively develop and manage an ELL program utilizing a full time teacher coordinator who holds a Second Language teaching certificate. This teacher will have experience teaching English Language Learners.

**Projected savings:** \$63,589.00.

**Program:** English Language Learners

**BEP reference/Statutory reference:** Regulations Governing the Education of English Language Learners, L-4-11 Personnel-administrators-section (b) - and L4-7 Time requirements.

**Waiver request:** Reduce the number of ELL teachers at the middle school level which effects the minimum of teaching periods for developing English language learners.

**Alternate provisions for meeting students' needs:** Student needs will be met by inclusion in classrooms with trained teachers who are not ELL endorsed but have professional development. This professional development will include but not be limited to content knowledge and concepts aligned to the RI GLEs and GSEs, instructional strategies aligned with the WIDA standards and support student learning in the ability to understand, speak, read and write academic English.

**Projected savings:** \$34,486.00

**Program:** English Language Learners

**BEP reference/Statutory reference:** Regulations Governing the Education of English Language Learners L-4-11 Personnel-administrators-section (c)

**Waiver request:** School and Community Liaison

**Alternate provisions for meeting students' needs:** This service can be provided through the Child Opportunity Zone (COZ) family facilitators. These facilitators currently work with all of Cranston Public School families in the buildings that serve English Language learners. They actively encourage and support family involvement as well as communicate and provide information to families.

**Projected savings: \$23,120.00**

**Program -** Transportation

**BEP reference/Statutory reference:** RIGL 16-21-1(b)

**Waiver request:** Bus monitors (grades K - 5)

**Alternate provisions for meeting students' needs:** In order to maintain safe riding conditions and a safe environmental the following activities/actions will be put in place:

1. Emergency Evaluation drills
2. Teaching children the correct safety procedures for boarding and exiting a bus as well as the danger zones around the vehicle.
3. Institute a voluntary parent program - at bus stops at pick up and drop off times.
4. Implement and design in-service for bus drivers on appropriate behavior management.
5. Investigate technology for monitoring buses

**Projected savings: \$119,149.00**

**Program:** Library Sciences

**BEP reference/Statutory reference:** BEP sec. 26(b)

**Waiver request: Media Specialist** - reduce to one at each high school (Cranston High School West has 1688 students and Cranston High School East has 1622 students).

**Alternate provisions for meeting students' needs:** With the increase in technology (e.g. bar codes on books) the remaining one media specialist will be able to carry out the goals and outcomes in accordance with the building curriculum and State guidelines including but not limited to:

- a. Working with teachers in planning assignments, selecting of appropriate books and instructional materials
- b. Communicating with teachers about new learning materials
- c. Delivering media curriculum outcome to students in partnership with other teaching staff
- d. Counseling and giving reading guidance to students
- e. Assisting students to develop habits leading to access and use of the library on an independent basis

The library will be opened 20 minutes prior to the start of school and 20 minutes after school and throughout the school day.

**Projected savings: \$101,629.00**

**Program:** Library Science

**BEP reference/Statutory reference:** BEP sec. 26(b)

**Waiver request:** Eliminate all library secretaries (3) at the middle school level.

**Alternate provisions for meeting students' needs:**

All essential duties and responsibilities performed by the library secretary can be reallocated to other teacher assistants, or secretaries, or teachers including but not limited to: unpacking and checking in materials, maintaining financial records or library expenditures, performing minor book repairs, typing, distributing, filing, corresponded, mailing, copying needs related to technology. Telephone calls, taking messages and routing calls can be performed through the main office. There is no direct impact on student learning.

**Projected savings:** \$69,359.00

**Program -** High School Reform

**BEP reference/Statutory reference:** Board of Regents Regulations

**Waiver request -** Proficiency Based Graduation Requirements (PBGR)

Coordinator -

The delineation of responsibility for overseeing any and all requirements regarding the graduation of students by proficiency related to any and all items required by regulation and District policy in the absence of the PBGR coordinator will be accomplished in the following manner:

1. Executive Coordinator - Assistant Superintendent of Schools
2. Building based coordinator for Cranston High School East - Principal, assisted by two assistant principals and the academic department chairs and volunteer teachers from all departments
3. Building based coordinator for Cranston High School West - Principal, assisted by two assistant principals and the academic department chairs and volunteer teachers from all departments
4. Building based coordinator for the New England Laborers Cranston Public Schools Career Academy (NEL/CPS Charter School) the Executive Director assisted by two volunteer faculty members and the academic department chairs of Cranston East and West.
5. Building based coordinator for the Sanders Academy Program for Cranston Public Schools - The Director assisted by two voluntary faculty members and the academic department chairs of Cranston East and West.
6. Building based coordinator for the Alternative Education Program for Cranston Public Schools Career Academy (NEL/CPS Charter School) The Director assisted by two volunteer faculty members and the academic department chairs of Cranston East and West.

**Projected Savings: \$60,815.00**

**Program:** Special Education Students

**BEP Reference/Statutory reference:** Regulation Governing the Education of Students with Disabilities, 300.157 Personnel Requirements.

**Waiver request:** Class size for self contained special education classes.

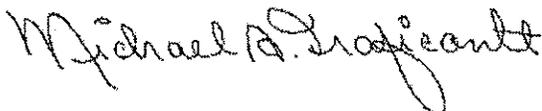
**Meeting the basic needs of students:** Class size for self contained classes has been defined by the **previous** Special Education regulations as a 1 to 10 ratio (1 teacher to 10 students). The district is currently under Progressive Support and Intervention (PS&I) which has **required the district maintain the class size ratios delineated in the previous Special Education Regulations.** The request is to increase class size for students with mild/moderate learning disabilities in an intensive resource class setting from 10 to 12 students. The classes would receive the additional support of a teaching assistant.

**Projected Savings: \$413,826.00**

This is an interim request for waivers. We are awaiting the results of a performance audit which was ordered by Judge Savage which may provide information that will result in further requests for waivers/alternatives.

Finally, we would ask that you notify us if you or your staff have any suggestions for other waivers, alternatives or any other cost-saving ideas that can be implemented immediately.

Sincerely,



Michael A. Trafficante  
Chairman of the School Committee

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

Peter McWalters  
Commissioner

March 23, 2009

Michael A. Traficante  
Chairman of the School Committee  
Cranston School Committee  
845 Park Avenue  
Cranston, Rhode Island 02910-2790

Dear Chairman Traficante:

Thank you for your letter of January 28, 2009 in which you -- in accordance with R.I.G.L.16-2-21.4 (a) -- seek certain regulatory waivers or the allowance of certain alternative methods of compliance with regulations, to help the Cranston school committee balance its budget. My response to your requests is as follows:

**1. Waiver Request: ELL Administrator**

**RIDE Response:** I regret to inform you that this waiver request must be denied since Cranston is a "high incidence district" as that term is defined in Rhode Island's English Language Learner Regulations at L-4-2(3). In fact the number of English Language Learners in Cranston exceeds by almost four times the number of students that would be found in a low incidence district. Because of the depth and breadth of the responsibilities of an administrator in a high incidence district, a full time employee with administrator skills and certification is necessary to meet the needs of the ELL students in Cranston. In addition Cranston is on watch for failure to consistently meet Annual Measurable Achievement Objectives (AMAOs).

**2. Waiver Request: Reduce the number of ELL Teachers**

**RIDE Response:** I regret to inform you that this waiver request must be denied. The provision of effective instruction is required not only by state regulation, but also by federal law. 20 U.S.C. 6826; *Castañeda v. Pickard*, 688 F.2d 989 (5<sup>th</sup> Cir.1981). Rhode Island requirements for certification and

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endorsement are carefully crafted to ensure that ELL students receive high quality effective instruction. In addition, properly trained and certified staff must have adequate time to teach and assess all ELL students.

Please note that the regulations governing the education of English Language Learners (L-4-8) require the district to assess the needs of English language learners, assign personnel in accordance with those needs, and evaluate the delivery of services.

In addition, Cranston is on watch for failure to consistently meet Annual Measurable Achievement Objectives (AMAOs). Given the lack of assurances that Cranston is capable of meeting the foregoing requirements, this request for waivers must be denied.

### **3. Waiver Request: School and Community Liaison**

**RIDE Response:** This waiver request will be granted if Cranston can illustrate that the services and outreach required by the English Language Learner regulations at L-4-11(c) will be met through the Child Opportunity Zone (COZ) family facilitators. Cranston must ensure RIDE that COZ staff will have proper training and support prior to implementing the change. Specifically, COZ staff must document as fulfilling the following requirements:

- a. Facilitate communication with, and provide information to, the parents or families of a school district's ELL student population,
- b. Encourage involvement between the school and parents and among agencies, churches, and community groups,
- c. Have knowledge of the culture(s) of the school district's ELL student population or have received cultural-competency training to enable them to carry out the duties of a school & community liaison,
- d. Provide culturally and linguistically appropriate parent-education programs or parent outreach and training activities that are designed to assist all parents of ELL students to become active participants in the education of their children,
- e. Familiarize all English Language Learners and their families with their new community and assist families to participate in family engagement activities, and
- f. Help ensure that English Language Learners receive those programs and services that are required by regulation.

**4. Waiver Request: School Bus Monitor**

**RIDE Response:** Rhode Island's bus monitor law provides in pertinent part as follows:

**R.I.G.L. 16-21-1 Transportation of public and private school pupils. – \*\*\***

(b) For transportation provided to children enrolled in grades kindergarten through five (5), school bus monitors, other than the school bus driver, shall be required on all school bound and home bound routes. Variations to the requirement for a school bus monitor may be granted by the commissioner of elementary and secondary education if he or she finds that an alternative plan provides substantially equivalent safety for children. For the purposes of this section a "school bus monitor" means any person sixteen (16) years of age or older.

This request to grant a variance to the bus monitor law must be denied at this time because your suggested alternate procedures lack sufficient detail to warrant the granting of a variance. If you wish to pursue bus monitor variances please submit a plan detailed enough to demonstrate that your, "alternative plan provides substantially equivalent safety for children." (R.I.G.L. 16-21-1). Any proposed alternate plan must also include the requisite approval from the police chief of Cranston. (R.I.G.L. 31-20-10.3)

**5. Waiver Request: Media Specialist reduced to one at each high school**

**RIDE Response:** Based upon the representations contained in your request, this variance is granted.

**6. Waiver Request: Eliminate middle school library secretary positions**

**RIDE Response:** Based upon the representations contained in your request, this variance is granted.

**7. Waiver Request: Eliminate Proficiency Based Graduation Coordinator Position**

**RIDE Response:** The position of PBGR Coordinator is not specifically mandated by statute or regulation. It is the responsibility of the LEA to ensure full compliance with High School Regulations according to staffing patterns and responsibilities to be determined at the district level. However, Cranston is one of only three LEAs that has not obtained preliminary approval for its PBGR system. I would therefore caution the district from making any further cuts that might negatively therefore caution the district from making any further cuts that might negatively impact its high school reform efforts. Given that Cranston is one

of the few Rhode Island school districts with more than one high school, it would seem that such coordination would be a high priority, not the subject of a request for relaxed enforcement.

**8. Waiver Request: Special Education Students**

**RIDE Response:** Rhode Island Special Education Regulation §300.157 does not require Cranston to maintain a 10 to 1 ratio. Although the district is currently under Progressive Support and Intervention (PS&I), the district is still free to submit a staffing plan (based on the district's educational policy) that will meet the needs of students with disabilities. The Commissioner has not exercised his authority under §300.157(e) to establish a class size ratio and the district has not addressed the issue in its corrective action plan under R.I.G.L. 16-7.1-5.

There is no need to waive this regulation, because the district has the authority (and duty) to assign staff in accordance with a staffing plan that will meet the needs of the students with disabilities.

If I can be of any further assistance to you in this matter, please do not hesitate to contact me.

Sincerely,



Peter McWalters  
Commissioner of Education