



NEWPORT PUBLIC SCHOOLS

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Via E-Mail and Certified Mail: 7008 1140 0001 4745 1449

July 29, 2009

Deborah A. Gist, Commissioner
Rhode Island Department of
Elementary and Secondary Education
Shepard Building
255 Westminster Street
Providence, RI 02903-3400

Dear Commissioner Gist:

This letter is to request a Variance from the Regulations of the Board of Regents Governing the Management and Operation of Area Vocational-Technical Centers in Rhode Island dated July 19, 1990, which require that area vocational-technical center directors be appointed.

The Public Hearing was legally advertised with the required advance notification to interested parties. The Hearing was held on Monday, July 27, 2009, at 4 p.m., at Thompson Middle School. Public Input was received.

I reviewed the rationale as listed in the Notice of the Public Hearing for the Variance Request. The Committee specifically heard that the Newport Area Career and Technical Center is expected to have a full-time-equivalency student population of 58.4 students—69 percent of those attending will be from Rogers High School, with the remaining 31 percent from sending districts. The Newport Area Career and Technical Center has six Programs involving six Teachers and five Technical Assistants for a total staff of eleven.

Rogers High School has experienced a substantial enrollment decline over the last five years and, given this enrollment decline, in conjunction with the enrollment decline of the Newport Area Career and Technical Center, the Rogers High School Administration will be able to more than adequately supervise the provision of these six Career and Technical Programs. The savings of \$125,000, by eliminating the position, will result in a lower tuition bill charged to the sending districts. This savings would be in the neighborhood of \$2,000 per full-time-equivalent student. We believe this would be another incentive for sending districts to have their students access the Career and Technical Programs that are offered here in Newport.

Last, but not least, I mentioned the fact that you will be recommending changes in Career and Technical Education to the Board of Regents this fall and that those changes may include different options for the provision of Career and Technical Education. After the Regulations are promulgated by the Board of Regents, then the Newport School Department will have a better understanding of the vision that the state has for the provision of Career and Technical Education in the 21st Century and will be wholeheartedly endorsing your efforts.

The School Committee, having heard this information and public comment, voted unanimously to forward this Variance Request to you.

We appreciate your response to our Request. Please do not hesitate to contact me immediately if you have any further questions regarding this matter.

Sincerely,



John H. Ambrogi, Ed.D.
Superintendent of Schools

JHA:wjg

Enclosures

Cc: Johan E. Uvin, Director, Adult and Career & Technical Education, RIDE
Newport School Committee
Teachers' Association of Newport
Council 94—Local 841
Superintendent of Schools, Tiverton Public Schools
Superintendent of Schools, Portsmouth Public Schools
Superintendent of Schools, Middletown Public Schools
Superintendent of Schools, Little Compton Public Schools



State of Rhode Island and Providence Plantations
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
255 Westminster Street
Providence, Rhode Island 02903-3400

Deborah A. Gist
Commissioner

October 22, 2009

Dr. John H. Ambrogi
Superintendent of Schools
Newport Public Schools
15 Wickham Road
Newport, Rhode Island 02840-4232

Dear Dr. Ambrogi:

My office has received your letter of July 29, 2009 in which you indicate that the Newport School Committee, in accordance with the Protocol for Granting Variances to Regulations of the Board of Regents, has completed the process necessary to submit a request for a variance to the Regulations of the Board of Regents Governing the Management and Operation of Area Vocational-Technical Centers in Rhode Island. We are also in receipt of your letter of October 2, 2009 in which you respond to the questions posed on September 10, 2009 as to how the responsibilities and duties that are essential to the successful delivery of local and regional career and technical education will be addressed in the absence of an individual dedicated to these tasks.

The regulation for which a variance is being sought requires Newport, as the administering school district for the Newport Area Career and Technical Center (NACTC) to employ a Director to be responsible for the operation and direction of the Center. Your letter of October 2, 2009 indicates that, if the variance is granted, the duties and responsibilities of the Director will be shared by three current administrators- the Superintendent, the Executive Director of Teaching, Learning, and Professional Development and the Principal of Rogers High School. Your correspondence further indicates that, because of a decrease in student population at both the NACTC and Rogers High School, and the fact that only six career and technical programs are currently operational, that there is "ample administrative manpower" to effectively manage and lead the career and technical programs. It is my understanding that your capacity will be adequate not only from a curriculum and an instructional perspective, but also from the perspective of the Perkins application and monitoring. Your correspondence in this matter is hereby incorporated by reference and will constitute a part of the factual basis on which your variance request is based.

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www.ride.ri.gov

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From your correspondence, we find that the required public hearing required by the Board of Regents' Protocol was held and that adequate notice of the hearing was provided. There was minimal adverse comment to your variance request at the public hearing and it was approved by a unanimous vote of the School Committee on July 27, 2009.

Based on the correspondence you have submitted, I find that you have demonstrated the likelihood that the purpose underlying the regulation will be met through alternate means, i.e. the assumption of the responsibilities and duties of the Director of the NACTC by the three administrators of the district that you have identified. I also find that the alternative method of compliance you have proposed, in the specific circumstances you have described, is likely to provide equal educational opportunity to students, be consistent with best educational practices and lead to the attainment of at least equal or better student outcomes.

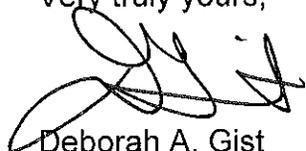
Your July 29, 2009 request for a variance is hereby granted, subject to the following conditions which are designed to ensure that granting the variance will be consistent with criteria set by the Board of Regents in its May 27, 1993 Protocol:

- (1) Each of the responsibilities listed in the September 10, 2009 letter from Deputy Commissioner Abbott, which are traditionally performed by the Director of the NACTC, will constitute district-level responsibilities to be performed as outlined in your letter of October 2, 2009. A status report as to how the team of the three identified administrators is functioning to provide coverage for the Director's responsibilities must be submitted to me no later than February 1, 2010.
- (2) The reallocation of the above-described responsibilities shall not diminish, in any way, the entitlement of all students to career and technical education that meets state and federal requirements. All career and technical programs operated by NACTC must also be operated so that they meet, and enable students to attain, all industry, licensing and certification standards.
- (3) The district agrees to increased RIDE oversight and monitoring of career and technical programs to ensure student performance and program improvement as well as to ensure that the above-described responsibilities and those outlined in correspondence dated September 19, 2009 (Abbott) and October 2, 2009 (Ambrogi) are being effectively performed by the team of three district administrators and that all conditions of the granting of this variance are being met. This oversight will also determine whether complaints of program deficiencies or regulatory violations are adequately addressed and resolved.
- (4) The district must maintain and operate no fewer than the current number of CTE programs, which must be state-approved CTE programs of study on a go-forward basis.

Given that the Regulations Governing the Management and Operation of Area Vocational-Technical Centers are currently in the process of being revised by the Board of Regents, this variance will terminate at the time the revised Regulations are promulgated and made effective by the Board. In the event the Board defers its action on the promulgation of any revised Regulations, I will then review this variance to determine whether its continuation is appropriate annually, pursuant to the Regents Protocol.

If you should have any questions, please contact me or Deputy Commissioner David V. Abbott.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Deborah A. Gist', written over a horizontal line.

Deborah A. Gist
Commissioner of Education